

Republic of the Philippines  
COURT OF APPEALS  
Manila

**FORMER SECOND DIVISION**

REPUBLIC OF THE PHILIPPINES,  
Petitioner,

- versus -

CA. G.R.SP No. 70014

REGIONAL TRIAL COURT, BRANCH III,  
PASAY City, Now PRESIDED BY HONORABLE  
ERNESTO A. REYES, ANACLETO MADRIGAL ACOP,  
ANACLETO MADRIGAL ACOP,  
JULIAN M. TALLANO,  
REGISTER OF DEEDS OF RIZAL PROVINCE,  
REGISTER OF DEEDS OF BULACAN,  
IN GUIGUINTO, BULACAN,  
Respondents,

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**PRIORLY LEAVE FOR MARKINGS OF  
JUDICIAL DOCUMENTS AS RESPONDENTS  
EXHIBITS AND WITH CONTEMPORANEOUS  
FORMAL OFFER OF EVIDENCE**

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COME NOW the private respondent PRINCE JULIAN M. TALLANO, by undersigned Counsels, through LEAD COUNSEL, Attorney ELLIS F. JACOBA, consequential on the hearing had on April 7, 2006, with testimony of Mr. Ricardo M. Adolfo, OIC, Clerk of Court, Regional Trial Court, Branch III, Pasay City, in LCR/CIVIL CASE NO. 3957-P, that the court records therein of twenty-one (21)

Volumes, which were presented and identified in open Court hereof, by the latter confirming, the authenticity and due execution thereof of all the judicial undertakings in the said 21 Volumes, afterwhich, respective COMMENT is by private respondent's LEAD COUNSEL and also by the Office of the Solicitor General through esteem Thomas M. Laragon, Solicitor on the textual contents of each and every volume.

Afterwhich, esteem Division Clerk of Court, Atty. Manuel U. Cervantes, require the simultaneous SUBMISSION OF formal offer of evidence' by the contending parties, within a period of thirty (30) days, therefor.

Ruefully, however, the markings of documentary evidences as exhibits is not undertaken in said proceedings, hence, the PLEA for "PRIORLY LEAVE FOR MARKINGS OF DOCUMENTS AS RESPONDENTS EXHIBITS AND WITH CONTEMPORANEOUS FORMAL OFFER OF EVIDENCE," and to esteem Honorable FORMER SECOND DIVISION of this Honorable Court, most respectfully, SUBMIT this OFFER OF EVIDENCE by way of DOCUMENTARY EXHIBITS, listed in SUBMITTED RESPONDENTS PRE-TRIAL BRIEF, with esteem Court on February 23, 2004, vis-à-vis:

**EXHIBIT:**

**DESCRIPTION:**

"1"

The certified true copy of the Court record on file, of the DECISION WITH COMPROMISE AGREEMENT dated February 4, 1972, a judicial resolved rendered by Hon. ENRIQUE A. AGANA, Presiding Judge of the Court of First Instance of Rizal, 7<sup>th</sup> Judicial District, Branch XXVIII (now Regional Trial Court, Branch III) Pasay City, the decretal portion of which refer to the approval of the submitted MOTION FOR THE RESOLUTION OF SEPARATE DECISION WITH COMPROMISE AGREEMENT by the Republic of the Philippines thru its Solicitor General, which was GRANTED, that the owner and duplicate copies of the lost original of OCT No. T-01-4 has been considered reconstituted with the same force and effect for and in favor of the Heir of Prince Lacan Acuna Tagean Tallano and/or his successor in interest, subject to the following terms and conditions as herein stipulated by both proponents, here namely:

- there were twenty-one (21) pages of such terms and stipulations.

## **PURPOSE:**

To show and prove the following:

- it settled the issue of ownership over the lands under OCT together with the reconstitution of the “lost owner and the duplicate copies of its original”

NOTABLY, before the same SALA is the original case LCR/CIVIL CASE NO. 997-P, which was the subject of a MOTION by the Republic of the Philippines, to avoid conflict of hearing dates involving the same subject-matter, thus, the consolidation of the original case LCR/CIVIL CASE NO. 997-P into LCR/CIVIL CASE No. 3957-P, pp. 3, 12, 13 thereof);

- the President Diosdado Macapagal waived its rights over the lands still found public lands or on lands with fraudulent land titles, to be in favor of the heir of Prince Julian Mcleod Tallano, Don Esteban Benitez Tallano or their successor in interest;

- that Julian Morden Tallano is the successor-in-interest of Don Esteban Benitez Tallano, and the former inherited lawfully the TITLE OF PRINCE under the Code of Koran from his great great grand father, late Prince Julian Mcleod Tallano (Tagean), (p. 19, 21, 23, hereof);

- the Macapagal Administration, represented by Secretary of Justice Salvador Marino, with conformity of Don Esteban Benitez Tallano and Prince Julian Morden Tallano, in JOINT STIPULATION issuance of DECISION WITH COMPROMISE AGREEMENT, exempting said DECISION from the required five (5) year prescriptive period on execution and on TAX EXEMPTION prior to issuance of the reconstitution of OCT No. T-01-4 (p. 24, hereof);

- that all TITLES issued by the government, from OCT 02 to OCT 100,000 (except OCT No. T-01-4, TCT Nos. T-408 & T-498) ARE NULL and VOID;

- that OCT No. T-01-4 was earlier issued by the British Royal Government in January 17, 1764 in the name of Prince Lacan Acuna Tagean (Tallano) as procured by the Office of the Solicitor General (Exh. “E-1” (back of Title) which at the time is with the Office of Register of Deeds at Morong (now province of

Rizal), (p. 52, thus, the Court a quo re-affirmed the legitimate claims of the TALLANO, pp. 52-53, thereof);

- Also, re-affirmed TCT No. T-408, the certified true copy procured by the Office of the Solicitor General in the name of DON GREGORIO MADRIGAL ACOP, issued by the Register of Deeds of Pasig (Exhs. “””” & “A-1” – back of the TITLE, integral part of Republic of the Philippines Position Paper; (p. 53);

- also, re-affirmed TCT No. T-498 in the name of DON ESTEBAN BENITEZ TALLANO, a certified true copy secured by the Office of the Register of Deeds of Malolos (Exhs. “E” and “E-1” (back of TITLE) part of the POSITION PAPER by the Republic of the Philippines; (p. 53 thereof);

- also, re-affirming the corresponding TAX DECLARATION of the properties in the names of DON GREGORIO MADRIGAL ACOP and DON ESTEBAN BENITEZ TALLANO (Exhs. “B” and “C”), integral parts of the government’s POSITION PAPER; (p. 53, thereof);

- also, re-affirmed the certified approved PLAN 11-69, Decree No. 01-4 Protocol, in the name of Prince Julian Mcleod Tallano coverting the lands under OCT No. T-01-4 (Exh. “D”), pp. 54 thereof);

- also, re-affirmed the certified APPROVED PLAN PSU-2031, Decree Bo. 297 of properties under TCT No. T-408 of DON GREGORIO MADRIGAL ACOP, Exh. “E” integral part of POSITION PAPER of the Rep. of the Philippines, pp. 54, thereof;

- also, re-affirmed the certified approved, PLAN PSU-2031, Decree No. 297 of the properties under TCT No. T-498, as Exh. “F” in the name of DON ESTEBAN BENITEZ TALLANO, integral part of the POSITION PAPER of the Republic of the Philippines, pp. 54, thereof;

- also, re-affirmed the CASH VOUCHERS (Exhs. “A-2” to “A-19”), evidence or yearly rentals of the Republic of the Philippines to the landowners, DON ESTEBAN BENITEZ TALLANO and DON GREGORIO MADRIGAL ACOP, which documents (CASH VOUCHERS) were issued by the Office of the President of the Philippines in the Year 1966, requested by the

Office of the Solicitor General, an integral part of the government's POSITION PAPER, (pp. 54 thereof);

- also, re-affirmed the SWORN AFFIDAVIT (par. "C") of Land Registration Deputy Administrator GREGORIO BILOG, Jr., declaring/attesting that "OCT No. 01-4 registered in the name of Prince Lacan Tagean Tallano was forged to make it appear to be that of Hermogenes Rodrigues (Exh. "H") an integral part of the government's POSITION PAPER, pp. 55 thereof;

- that par. "D" in the POSITION PAPER of the Republic of the Philippines – declared that TCT's hereunder "are fraudulent no probative value." to wit: "OCT's 4136, 369, 408, 498, 779, 333, 291, 160, 242, 632, 339, 2410, 393, 543, 549, 847, 730, 735, 614, 529, 291, 994, and TCT's Nos. 2288, 30226, 8037, 56339, 281827, 281828, 30226 to t-100,000 and OCT's No. 1 up to OCT No. 4085, 4086 - - were declared NULL and VOID by LCR Administrator Antonio Noblejas, pp. 55 thereof;

- Certification by NBI Director JOLLY BUGARIN with his SWORN AFFIDAVIT (Exh. "D-34") that all TITLES under "Exhs. D-1 to D-33" were fraudulent, derived from spurious origin;

- Also, re-affirmation by way of SWORN AFFIDAVIT of LCR Administrator ANTONIO NOBLEJAS, (par. "E") that both TCT No. T-408 and TCT No. T-498 are eligible and probative values in favor of landowners, DON ESTEBAN BENITEZ TALLANO and DON GREGORIO MADRIGAL ACOP (Exh. "J") an integral part of the POSITION PAPER of the Republic of the Philippines, pp. 56, thereof;

- also, re-affirming that the properties under TCT's No. T-408 and T-498 for and in the names of DON ESTEBAN BENITEZ TALLANO and DON GREGORIO MADRIGAL ACOP which includes HACIENDA FILIPINA under Original Certificate of Title No. 01-4 (Exh. "G") are EXEMPTED from the requirements in ROYAL decree of June 25, 1880, Articles 4 & 5, because the lands thereof "ARE PRIVATE PROPERTIES" owned by the TAGEAN/TALLANO Clan, this an integral part of the POSITION PAPER of the Republic of the Philippines;

- also, re-affirming that the appertaining LAWS, i.e., (a) Royal Decree of 1571 and July 17, 1881 and October 26, 1881,

and also, the MAURA LAW (Royal Decree of February 17, 1894) - - - recognizes the eligible ownership of the land owner Prince Lacan Taguean Tallano, thence to Prince Julian Mcleod Tallano I, covered by OCT No. 01-4, said landholdings has undergone judicial process under Rep. Act 2259 (Exhs. "L" and par. "H") in the POSITION PAPER of the Republic of the Philippines;

- also, re-affirming the wisdom of Supreme Court Chief Justice Jose P. Laurel - - that all "Presidential Proclamations, Executive Orders, Letters of Instructions, Decrees - - - are **without force and effect over real properties covered by Torrens TITLES for and in the name of private persons in the absence of just compensation;**

- also, re-affirming the excerpts from the testimony of National Bureau of Investigation (NBI for brevity) JOLLY BUGARIN, given before the Senate Blue Ribbon Committee headed by Ex-Senate President GIL PUYAT, wherein he exposed and/or divulged several "modus operandi" in the "LCR-Bureau of Lands" in conspiracy of the influential groups in the government in the **massive issuance of fake land titles**" affecting the TITLES OF THE TALLANO, OCT No. 01-4, CTC Nos T-408 & T-498, through "real estate developers" by way of no less than five (5) different SCHEMES, shown in pages 58 to 60 in said DECISION WITH COMPROMISE AGREEMENT.

**EXHIBIT:**

**DESCRIPTION:**

"2"

Another certified true copy of judicial resultant undertaking by Court a quo by way of the ENTRY OF JUDGEMENT dated February 4, 1972, which became FINAL and EXECUTORY on April 4, 1972, entered in Book issued by Atty. JOSE E. ORTIZ, Jr., Clerk of Court, of the Court of First Instance, Branch XXVII, (now Regional Trial Court, Branch III), Pasay City, in LCR/CIVIL CASE No. 3957-P, supra, consisting of six (6) pages - - - regarding the rendered DECISION WITH COMPROMISE AGREEMENT dated February 4, 1972 (Exh. "A," hereof) which reiterated the decretal portion thereof, - - -

**PURPOSE:**

To show and prove the same purpose as in the marking and admission of the OFFER of documentary DECISION WITH COMPROMISE AGREEMENT (Exh. "A" hereof).

**EXHIBIT:**

**DESCRIPTION:**

"3"

A certified true copy of another resultant judicial undertaking in same LCR/CIVIL CASE No. 3957-P, before the Court of First Instance, Branch XXVIII (now Regional Trial Court, Branch III), Pasay City, supra, nomenclature: WRIT OF EXECUTION, DEMOLITION AND POSSESSION ORDER dated September 10, 1974 consisting of twelve (12) pages.

**PURPOSE:**

To show and prove, that the dispositive portion of the DECISION WITH COMPROMISE AGREEMENT dated February 4, 1972 (Exhibit "1" hereof) after its FINALITY and EXECUTORY nature and character, as of April 4, 1972, thus the issuance of the ENTRY OF JUDGMENT (Exhibit "2" hereof), into the Book of Judgment on June 14, 1972, in absent of any "reconsideration or appeal" therefrom, appropriately and/or procedurally, the Court a quo, caused the issuance of a WRIT OF EXECUTION, DEMOLITION AND POSSESSION ORDER of September 10, 1974 - - - for the implementation of the decretal portion of said DECISION WITH COMPROMISE AGREEMENT.

**EXHIBIT:**

**DESCRIPTION:**

"4"

Another certified true copy of a resultant judicial resolved entitled, CLARIFICATORY DECISION dated January 19, 1976, the dispositive portion:

Ordering the Register of Deeds of Malolos, to reconstitute TCT No. T-498 and the 2<sup>nd</sup> original copy in the name of DON ESTEBAN BENITEZ TALLANO on the basis of its owners duplicate copy;

- Ordering the Register of Deeds of Pasig by virtue of the judgment, to reconstitute TCT No. T-408 the 2<sup>nd</sup> original duplicate copy, together with the second owner's duplicate copy to be issued in favor of the land owner DON GREGORIO MADRIGAL ACOP, on the basis of the certified true copy issued by the Register of Deeds of Pasig, secured no less by Land Registration Deputy Commissioner GREGORIO BILOG before the turn-over of the **“owners duplicate copy”** - - to President Ferdinand E. Marcos, thus, with the original of said TITLE with the Registry of Deeds of Pasig - - - **both original and duplicate owners copies had been declared LOST or MISSING;”**

- ORDERING, the arrest of numerous persons who are occupying and persist in doing so, over the landholdings of land owners under TCT's Nos. T-408 and T-498, whose names are enumerated in pages 57-58 thereof;

- ORDERING, the Administrator JULIAN M. TALLANO to organized and established FOUNDATION in the name of DON ESTEBAN BENITEZ TALLANO and DON GREGORIO MADRIGAL ACOP - - to preserve the ESTATE; to invest in profitable business venture; execute DEED OF CONVEYANCE in favor of media people and entities, press and religious institutions by virtue of the CLARIFICATORY ORDER of November 4, 1975.

### **PURPOSE :**

For the same purpose, for which documentary exhibits **“1, 2, & 3,”** *supra*, had been offered for admissions, which are directives to be performed by the Register of Deeds of Rizal and Pasig City and also to performed by the Registry of Deeds of Bulacan, for the reconstitution of TCT” T-498 and T-408 to **“reconstitute”** said TCT's Nos. T-498 and T-409 in the corresponding names of its registered owner DON ESTEBAN BENITEZ TALLANO and DON GREGORIO MADRIGAL ACOP, also, another directive to established FOUNDATIONS in the names of aforementioned registered owners and for the Branch Clerk of Court to issue an Alias Writ of Executions and to effect the ARREST of persons shown in pages 58 to 60 and also, for judicial Administrator to execute deed of conveyances in favor of media people.

**EXHIBIT:**

**DESCRIPTION:**

“5”

Another certified true copy of the ORDER issued on January 19, 1979, likewise a resultant judicial RESOLVED in same consolidated LCR/CIVIL CASE No. 3957-P, before the same Court a quo, then, Court of First Instance, Branch XXVIII (now Regional Trial Court, Branch III), Pasay City, the dispositive portion, in refrain:

“WHEREFORE, in view of the failure of the Republic of the Philippines to conform substantially to the prescribed Rules on MOTION FOR RECONSIDERATION / re hearing of the case, the MOTION FOR RE-HEARING / RECONSIDERATION of the case has been DISMISS WITH COST AGAINST THE REPUBLIC OF THE PHILIPPINES AND ALL PARTIES CONCERNED IN SO FAR AS THE CASE BECAME FINAL, EXECUTORY AND IT HAD BEEN TERMINATED SO LONG AGO.

Furthermore, this Hon. Court maintained its Clarificatory Decision on January 19, 1976 and remain sustainable with all the rights and interest in favor of intervenors, MR. JULIAN M. TALLANO and DON ANACLETO MADRIGAL ACOP.”

**PURPOSE:**

To show and prove the same purpose for which EXHIBITS “1, 2, 3, & 4” inclusive were OFFERED for ADMISSIBILITY.

Particularly and in addition thereto, the said ORDER re-affirmed the efficacy of resultant judicial RESOLVED, referring to said EXHIBITS “1, 2, 3, & 4” supra.

**EXHIBIT:**

**DESCRIPTION:**

“6”

A certified true copy of SHERIFF’S RETURN dated May 4, 1989 issued by the Court of First Instance of Rizal, Branch XXVIII (now Regional Trial Court, Branch III) Pasay City in LCR/CIVIL CASE NO. 39-57-p, supra, which affirmed the right of MR. JULIAN M. TALLANO as the lawful owner over the landholdings, subject matter of a Deed of Absolute Sale by Don Anacleto Madrigal Acop, on December 20, 1971 and on January 5,

1972, with an aggregate area of 33,300 hectares, covered by Transfer Certificate of Titles No. T-408 and also virtue of a Deed of Absolute Sale on January 5, 1972 by Don Esteban Benitez Tallano covered by Transfer Certificate Title No. 498.

So that there was execution and implementation by way of ALIAS WRIT OF EXECUTION WITH DEMOLITION and turn over of possessions to Mr. JULIAN M. TALLANO and security guards were installed at the sites for 24 hours daily, and the ALIAS WRIT OF EXECUTION AND DEMOLITION was submitted to the Court a quo, duly served and implemented, - - - with the name and signature of Atty. JOSE E. ORTIZ, Clerk of Court.

**PURPOSE:**

For the same purpose for which Exhibits “1, 2, 3, 4, 5” inclusive, were OFFERED for ADMISSION.

**EXHIBIT:**

**DESCRIPTION:**

“7”

Another certified true copy of the ORDER dated July 11, 2001, the judicial undertaking by the Court a quo, in same LCR/CIVIL CASE NO. 395-P. Regional Trial Court Branch III, Pasay City, on the “reconstitution of burned court records of said case” on January 18, 1992, in the old Pasay City Hall where at the Court a quo (then Court of First Instance, Branch XXVII, Pasay City) is located, the decretal portion, echo:

*“WHEREFORE, premises considered, the following documents duly appended to the petition are hereby reconstituted as 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, those 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, 1972, consisting of 30 pages (Exh. "H" and its submarkings);*

3. *Clarificatory Decision dated January 19, 1996, consisting of 60 pages (Exh. "I," sic 58 pages);*

4. *Third Alias Writ of Execution, Possession, Demolition, dated May 23, 1989, consisting of 55 pages (Exh. "I" and its submarkings);*

5. *Writ of Execution, Demolition and Possession dated September 10, 1974 consisting of 14 pages (Exh. "J" and its submarkings);*

6. *Certification of Sheriffs 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 Exhibit "E,"*

10. *Entry of Judgment dated June 14, 1972, marked as Exh. "G" and its submarkings of 7 pages.*

**EXHIBIT:**

**DESCRIPTION:**

"8"

Another Certified true copy of the ORDER dated October 8, 2001, a resultant judicial undertaking by the Court a quo, Regional Trial Court, Branch III, in Pasay City, in LCR/CIVIL CASE No. 3957-P, on the "motion for reconsideration" filed by the

Office of the Solicitor General on July 31, 2001, for the reconsideration of the Order of July 11, 2001.

And, the dispositive portion of the ORDER, reads:

*In view of the foregoing, the instant Motion for reconsideration of the July 11, 2001, Order is hereby DENIED*

**PURPOSE:**

To prove, that the reconstituted court records can no longer be the subject for reconsideration, since the DECISION WITH COMPROMISE AGREEMENT of February 4, 1972 the Solicitor General was a party to that agreement, therefore, as ruled by the Supreme Court:

*“Where the Decision of the trial Courts is not appealed and allowed to become final, the same becomes the law of the case, and cannot anymore be set aside by the judge.” (Masa vs., Boes, 28 SCRA 263)*

**EXHIBIT:**

**DESCRIPTION:**

“9”

This is another certified true copy of a CERTIFICATE OF FINALITY, dated November 12, 2001, issued in LCR/CIVIL CASE No. 3957-P. by Mr. Ricardo Adolfo, OIC, Branch Clerk of Court, Regional Trial Court, Branch III, in Pasay City, the **key** portion, states:

*“This is to certify that the Order of July 11, 2001 issued by this Court relative to the above-captioned case became final and executory as of November 7, 2001 after the lapsed of the fifteen days reglamentary period reckoned from the date the Office of the Solicitor General received a copy of the Order denying it Motion for Reconsideration on October 22, 2001.*

*To date, the said Order has not been modified or revoked and its efficacy remains valid and effective.”*

**PURPOSE:**

To show and prove that the Office of the Solicitor General did not lift a finger either to challenge or appeal the Order of July 11, 2001 which has reconstituted no less than ten (10) of the enumerated resultant judicial undertakings by the Court a quo in said Order.

**EXHIBIT:**

**DESCRIPTION:**

“10”

The certified true copy of the English translation initiated by the Office of the Solicitor General under LCR/Civil Case No. 3957-P, of Original Certificate of Title No. T-01-4, dated January 17, 1964, as part of the Court records, issued by Mr. Ricardo R. Adolfo, OIC, Branch Clerk of Court as part of the case, in Regional Trial Court, Branch III, in Pasay City consisting of nineteen (19) pages - - - in the name of Prince Lacan Acuna Tallano (Tagean) married to Rowena Ma. Elizabeth Overbeck Macleod of Austria.

The said OCT No. T-01-4 embraces the lands known as HACIENDA FILIPINA, embracing four (4) Major Islands of Luzon, Island of Palawan Peninsula, Island of Visayas, and Island of Mindanao, reconstituted together with TCT’s Nos. T-408 and T-498 in the DECISION WITH COMPROMISE AGREEMENT, of February 4, 1972.

**PURPOSE:**

To show and prove that Original Certificate of Title No. T-01-4, is in the name of Prince Lacan Acuna Tallano (Tagean), is the same TITLE duly reconstituted embodied as it was in the DECISION WITH COMPROMISE AGREEMENT dated February 4, 1974, in LCR/CIVIL CASE NO. 3957-P, Court of First Instance, Branch XXVIII (now Regional Trial Court, Branch III) in Pasay City (Exh. “T” – hereof).

And this same DECISION WITH COMPROMISE AGREEMENT - - - was the foremost judicial RESOLVED, which was **“reconstituted”** in the ORDER dated July 11, 2001, issued by the Regional Trial Court, Branch III, Pasay City - - - became FINAL and EXECUTORY, evidence by the CERTIFICATE OF FINALITY dated November 12, 2001 (Exh. “10” hereof).

**EXHIBIT:**

**DESCRIPTION:**

“11”

The Certified true copy of Transfer of Certificate of Title No. T-408, duly issued as reconstituted by Atty. Roberto B. Salcedo / Rolando G. Golla, Deputy Register of Deeds, Province of Rizal, in the name of DON GREGORIO MADRIGAL ACOP married to Dona Maria Camela Sarmiento, covering landholdings under Parcel 1 – Lot – 1 (Plan II-69) Parcel II, Lot 2 (Plan – 69); Parcel III – Lot 3 (Plan II-69); Parcel IV – Lot 4 (Plan II-69) - - - which TCT is a direct transfer from Original Certificate of Title No. T-01-4, with Decree No. 297, LCR Record No. 475.

**PURPOSE:**

To show and prove that this **“reconstituted”** Transfer Certificate of Title No. T-408 was issued by the Register of Deeds of Rizal, in Pasig City, pursuant to and in compliance to the DECISION, CLARIFICATORY DECISION, rendered by the Court of the First Instance of Rizal, Branch 28, Pasay City, Regional Trial Court, Branch III, Pasay City, in LCR/CIVIL CASE NO. 3957-P. Reconstituted Transfer Certificate of Title No. 408 was issued on certified copy thereof. Per ORDER of the same Court dated July 11, 2001, October 8, 2001 and December 12, 2001, the Court enjoined the Office of the Registry of Deeds, Pasig City, to comply immediately with the decretal pronouncement of the final Order of July 11, 2001, February 4, 1972, March 21, 1974, September 10, 1974, January 19, 1975, May 23, 1989, albeit earlier reconstituted with TCT No. T-498 in the DECISION WITH COMPROMISE AGREEMENT of February 2, 1972.

Further, the RECONSTITUTION of transfer Certificate Title No. T-408 is further effected pursuant to the Order of the Court, Branch III, Pasay City in LCR/CIVIL CASE No. 3957-P dated December 19, 2001 DENYING the MOTION FOR RECONSIDERATION filed by the RD (Entry No. 673).

**EXHIBIT:**

**DESCRIPTION:**

“12”

This is a certified copy of Transfer Certificate of Title No. T-498 from the OFFICE OF THE REGISTER OF DEEDS FOR THE PROVINCE OF MORONG (RIZAL), in the name of DON ESTEBAN BENITEZ TALLANO married to Maria Lourdes Grace Acuna Olandes – which title is a direct transfer from Original Certificate of Title No. T-01-4 registered on 1764 under Decree No. 297 GLRO Record No. 475, and this TITLE was issued by the said Registry of Deeds on November 4, 1932.

The said TITLES is with CERTIFICATION dated September 7, 1964 by JOSE D. SANTOS, Register of Deeds, Pasig, to the effect that same TITLES is issued by virtue of the Order of the Court of the First Instance Branch 28, Pasay City thru the urgent MOTION of Hon. Solicitor General FELIX MAKASIAR in the evidence of the Republic of the Philippines, under LCR/CIVIL CASE NO. 3957-P, Court of First Instance Branch XXVIII, Pasay City - - - directly copied from the owner's duplicate copy of TCT No. T-498 with the Registry of Deeds.

Said Transfer of Certificate of Title No. T-498 embraces all landholdings in PARCEL I, II, III, IV, V, VI in Plan 11-69, the specific technical description is in the body of the TITLE. This TCT No. T-498 with TCT No. T-408 with its mother title No. T-01-4 were earlier reconstituted in the decision WITH COMPROMISE AGREEMENT dated February 2, 1972.

**PURPOSE:**

To show and prove that this Transfer Certificate of Title No. T-498 together with earlier Transfer Certificate of Title No. T-408 with direct Transfer from its mother Title Original Certificate of Title no. T-01-4 in the name of Prince Lacan Acuna Tallano (Tagean) which three (3) TITLEHOOD were “all reconstituted” in the DECISION WITH COMPROMISE AGREEMENT of February 2, 1972.

**EXHIBIT:**

**DESCRIPTION:**

“13”

A certified true copy of the CERTIFICATION dated December 10, 1980 by VICTORIANO S. TORRES, Actg. Register of Deeds, Office of the Registry of Deeds of Rizal at Pasig, the **key** portion, reads:

*This is to certify that the following land title specified below are presently on filed in this office in accordance with LRA 496 and subsisting laws, to wit:*

*(a) TCT No. T-408 registered in the name of DON GREGORIO MADRIGAL ACOP, under Book No. 34, Page No. 22 and was registered on June 07 - -, 1932 at 11:30 a.m. in the Province of Morong (now Province of Rizal), reflected thereon are PSU 2031, GLRO / CAD.REC. No. 475, Decree No. 297, containing an area of 125, 326.37 hectares more or less.*

*(b) TCT No. 498 registered in the name of DON ESTEBAN BENITEZ TALLANO, under Book No. 44, Page No. 37 and was registered on November 4, 1932 at 11:30 a.m., in the Province of Morong (now Rizal), reflected thereon are PSU 2031, GLRO/CAD.REC. No. 475, Decree No. 297, containing an area of 298,367 hectares, was turned over to Bulacan's jurisdiction.*

*It is further certify that both TCT No. 408 and TCT No. 498 are derived from OCT T-01-4 which has been partially cancelled and was issued on January 7, 1764 under Royal Decree of 1762 by British Governor of the Philippines Dawssone Drake. The said Spanish Title was registered under LRA 496 and Cadastral Act 2259 on March 14, 1914, which appeared as under Plan II-69, PSU 2031, Cad.Rec. No. 475, which was a subject of falsification of public documents involving certain Fortunato Santiago, LCR Deputy Commissioner Gregorio Bilog, the Heirs of Maricaban Estate, and Dep. LCR Comm. G. Bilog had been cleared in a Criminal Case No. 27743 CFI Br. 21, Pasig, Rizal.*

*This certification has been issued by the strength of Subpoena Duces Tecum on the motion of the Office of the Hon. Solicitor General under LCR/Civil Case No. 3957-P, Branch 28, Pasay City, as to the authenticity of said OCT No. 01-4, TCT No. T-408 and TCT No. T-498 which are found existing within the ambit of the law with probative value.”*

**PURPOSE:**

For the same purpose for which Exhibits “1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13” inclusive, were OFFERED for ADMISSIBILITY.

**EXHIBIT:**

**DESCRIPTION:**

“14”

A certified true copy of another CERTIFICATION dated January 3, 1964 by Hon. ANTONIO M. NOBLEJAS, Commissioner, Land Registration Commission, the **key** portion, states:

*“This is to certify after the said original certificates of title No. T-01-4 was been issued in the name of Lacan Luisong Tagean in 1764, under the Law of West Indies, during British Occupation, said land titles has been recalled by the complaint of Don Hermogenes Rodriguez but it was registered anew in the name of Prince Julian Macleod Tallano, the Tagean descendant and only son of Rajah Solaiman and Princess Tarhata Kahar, by virtue of Spanish Royal Order of 1864, Royal Order 01-4 Protocol on the year 1864. After which, there is no other land title that was issued covering the whole archipelago except that OCT No. T-01-4 which was registered anew under Maura Law and the Land Registration Act of 496 and the same was gone from the Cadastral Act proceedings as required under the Republic Act 2259, That the greater Manila Area including Cavite Province, San Pedro Laguna, Sta. Rosa and Binan, Laguna up to San Jose, Talisay have no other land Title except that of its expediency under TCT No. T-408 while*

*that Quezon City, Caloocan, Valenzuela, Maycuayan, San Jose Del Monte, Sta. Maria, Norzagaray, Anggat, Marilao and San Mateo, Montalban, Tanay, Taytay, Anggono, Baras, Cainta, Antipolo, Jalajala, Pililia, Teresa, and Cardona and Morong the same have no other land Title except that of TCT No. 498 which are both Derivative of its OCT No. T-01-4, which are subject matter under LCR/Civil Case No. 3957-P of the CFI, Branch 28, in Pasay City.*

*Furthermore, any land title that were issued in OCT in the same are and other provinces are confirmed fraudulent including that Transfer Certificate of Titles which were not derivative from said OCT NO. T-01-4 which is a perfect and good title and duly registered under Sec. 124 of Land Registration Act No. 496, a torrens system in character, with approved survey plan of PSU 2031 and re-evaluated under Cad. Decree No. 297.*

*The following land titles in Owner Certificate of Title are found not duly recorded and registered in the Registry of Land Titles and Deeds of this Commission and even in other Office of the Register of Deeds in the Provinces.*

*OCT No. 543, OCT 994, OCT 333, OCT 393, OCT 374, OCT 735, OCT 730, OCT 498, OCT 408, OCT 409, 407, 406, 405, 404, OCT 779, OCT 160, OCT 161, 162 to OCT 175, OCT 601 to OCT 609, OCT 4136, OCT 369, OCT 2573, OCT 339, OCT 4080 to 4090, OCT 600 to 620, OCT 209 to COT 300, OCT No. 995 to OCT No. 1002, OCT 334 to OCT 400, OCT 778, OCT No. 777 up to OCT 809, OCT 901 to 993, OCT 621 to OCT No. 7000, OCT 291, and OCT 995 to OCT No. 1001.*

*This certification has been issued upon written request to Hon. Solicitor General, Felix*

*Makasiar, to controvert the defendants ESTEBAN BENITEZ TALLANO and GREGORIO MADRIGAL ACOP" accusation against the government that it conspired for the falsification of said OCT No. T-01-4 and TCT No. 408 and TCT No. 498, which said changes are baseless considering that this commission and the Register of Deeds in other Provinces had never issued other land title."*

**PURPOSE:**

For the same purpose for which Exhibits "1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13, & 14" inclusive were OFFERED for ADMISSIBILITY.

**EXHIBIT:**

**DESCRIPTION:**

"15"

A certified true copy of the ORDER dated December 12, 2001, issued by the Court a quo on the "manifestation and reply" by the Office of the Register of Deeds of Rizal in latter's continuing resistance to comply with the decretal pronouncements of the final and executory Order of July 11, 2001, thus, the Court a quo's final word:

"In view of the foregoing, compliance with the decretal pronouncement of the final Order of July 11, 2001 is hereby enjoined."

**PURPOSE:**

To show and prove that the Order of July 11, 2001 which has attained FINALITY is conclusive as to those matters competently litigated therein, thus, become immutable and no Court can relitigate anew, neither can thereafter evidence alter the findings on the matters and issues which had been resolved with finality, because such matters are conclusive and binding upon the parties.

Further, this EXHIBIT is submitted for admission for the same purpose for which Exhibits "8, 9, 10, & 12" inclusive, were OFFERED IN EVIDENCE.

**EXHIBIT:**

**DESCRIPTION:**

“16”

A certified true copy of another ORDER dated December 19, 2001 issued by the Court a quo re: the “motion for recommendation” by the same Office of the Register of Deeds of Rizal, in reiteration of its earlier “manifestation” and praying for the reconsideration of the agreement of the Order of December 12, 2001, hence, the said ORDER, the dispositive portion echo:

*WHEREFORE, the same is hereby denied, and compliance to the decretal pronouncement of the FINAL ORDER of July 11, 2001, is hereby directed for compliance, failing in which will compel this Court to impose appropriate sanctions as be available.*

**PURPOSE:**

For the same purpose for which Exhibits “8, 9, 10, 12, & 16” inclusive, were OFFERED for ADMISSION.

**EXHIBIT:**

**DESCRIPTION:**

“17”

A certified true copy of the LETTERS OF ADMINISTRATION dated July 7, 1976, issued and signed by Atty. Jose E. Ortiz, Clerk of Court, pursuant to the Office of Court a quo dated June 4, 1975 in same LRC/CIVIL CASE No. 3957-P, Court of First Instance of Rizal, Branch XXVIII, Pasay City, whereby Mr. JULIAN M. TALLANO is appointed ADMINISTRATOR of the ESTATE for principals DON GREGORIO MADRIGAL ACOP and for DON ESTEBAN BENITEZ TALLANO.

**PURPOSE:**

To show and prove, that with findings by the Court a quo that JULIAN M. TALLANO has all the needed qualifications to protect the rights, interest, participations, possession and ownership of principals-registered owners Don Gregorio Madrigal Acop and for Don Esteban Benitez Tallano, over their respective landholdings, etc; under Transfer Certificate of Title No. T-408

and Transfer Certificate of Title T-498, said JULIAN M. TALLANO was judicially appointed ADMINISTRATION in said LRC/CIVIL CASE No. 3957-P, supra.

**EXHIBIT:**

**DESCRIPTION:**

“18”

The certified true copy of the ORDER OF THIRD ALIAS WRIT OF EXECUTION, POSSESSION AND DEMOLITION WITH ADMISSAL TO MOTION FOR RELIEF OF THE NATIONAL GOVERNMENT dated May 28, 1989 of 60 pages, which refer to the aftermath of the DENIAL of the MOTION FOR RECONSIDERATION filed by the Office of the Solicitor General, thus, the RELIEF FROM JUDGMENT likewise filed by the latter, hence, this ORDER, again, in DENIAL of said RELIEF, on cogent reasons, the Court a quo, reaffirmed, the correctness, in FINAL and EXECUTORY nature and character of its earlier, vis-à-vis:

(a) the Decision with  
Compromise Agreement dated  
February 4, 1972;

(b) the Clarificatory Order  
dated March 21, 1974;

(c) the Clarificatory Decision  
dated January 19, 1976; thus the  
Republic of the Philippines is barred  
by the ESTOPPEL, with the  
principle of RESJUDICATA at the  
doorstep of the Republic.

**PURPOSE:**

To show and prove, that, eversince inception and the pendency of LRC/CIVIL CASE No. 997-P, the Republic of the Philippines, has actively participation in the proceedings thereof, so that, upon its MOTION for CONSOLIDATION of the case, thus, the case a quo was with consolidation LRC/CIVIL CASE No. 3957-P (pp. 3-12-13), in DECISION WITH COMPROMISE AGREEMENT, supra.

Needless, to say, indeed, sad to say, the Republic of the Philippines, in latter's failure to challenge, contest and impugn the immediate executory character of the DECISION WITH COMPROMISE AGREEMENT of February 4, 1974 - - - on attendance of constitutive essences of "**extrinsic fraud**" to vitiate such "**compromise agreement,**" **supra.**

Doubtless, it is not only late in the day, for the Republic, but, the latter can not "cry over spilled milk" to quote an idiom.

Indeed, the court a quo is with wisdom when it ruled the applicability of the doctrine of "resjudicata" against the Republic.

### **"CONSUMATUM EST" "AD INFINITUM"**

#### **EXHIBIT:**

#### **DESCRIPTION:**

"19"

Another certified true copy of the DEPOSITION OF RETIRED JUDGE SOFRONIO C. SAYO, dated June 6, 2001, before OIC/Branch Clerk of Court, RICARDO R. ADOLFO of the Regional Trial Court, Branch CXI, Pasay City, in LRC/CIVIL CASE No. 3957-P. It will be NOTED, the earlier MOTION TO TAKE DEPOSITION ON ORAL EXAMINATION filed on May 24, 2001 by Intervenors, the respective copies, i.e. (a) for the Office of the Solicitor General; (b) for the Office of the Land Registration Authority; (c) for the Office of the Land Management Bureau, were all duly received by said Office on even date of May 24, 2001, and that the matter was set for hearing on May 29, 2001.

Rue fully, however, no representative from the Offices concerned, supra, appear, hence, the EX-PARTE proceedings therefor, for the ORAL TESTIMONY of former Judge of the Regional Trial Court, Branch III, Pasay City, which refer to the documents subject of Intervenor's PLEA for RECONSTITUTION, and hereunder are **key** portion of the ORAL TESTIMONY of esteem Honorable SOFRONIO C. SAYO, then Executive Presiding Judge, of the Court a quo, in LRC/CIVIL CASE No. 3957-P, supra, vis-à-vis:

Atty Abella : May we call on retired Judge Sofronio C. Cayo.

OIC Adolfo :

Q : Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

A : Yes, I do.

OIC Adolfo :

Q : Please state your name, age and other personal circumstances.

A : SOFRONIO C. SAYO, 75 years old, married, retired Presiding Judge of Branch III and residing at No. 21 Pres. Quirino St., Life Homes Subd., Rosario, Pasig City.

OIC Adolfo : Your witness, counsel.

Atty. Abella : Your Honor, retired Judge SOFRONIO C. SAYO is being presented for the following purposes: (1) to prove that on May 23, 1989, while Presiding Judge of Branch III, Regional Trial Court of Pasay City, Judge Sofronio C. Sayo issued an Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government in the instant case; (2) to prove that on September 9, 2000, retired Judge SOFRONIO C. SAYO, issued a Certificate affirming the genuineness and authenticity of his signature appearing in the Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government; and (3) to prove that the documents which are cited as the basis for the documents

which are cited as the basis for the issuance of the Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government, among others, being the Judgement With Compromise Agreement dated February 4, 1972; the Clarificatory Decision dated January 19, 1976; the Writ of Execution, Demolition, and Possession Order dated September 10, 1974; and the Certificate of Sheriff Return dated November 7, 1974 were part of the record of Civil Case No. 3957-P at the time of issuance of the Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government on May 23, 1989.

OIC Adolfo : Proceed.

Atty. Abella : Judge Sayo, do you recall having issued a Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government, a certified true copy of which was issued by then Clerk of Court Jose E. Ortiz which he issued on June 27, 1991? Please go over the records of the Third Alias Writ of Execution which you issued sometime on May 23, 1989?

A : (After going over the document handed by counsel)

Considering that the xerox copies of the aforesaid Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government is duly certified to as true copy by then Clerk of Court Atty. Jose E. Ortiz on June 27, 1991, I admit

that I have signed the original signed documents.

Atty. Abella : May I request that the Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government dated May 23, 1989 be marked as Exhibit "A" and the signature of Judge Sayo be marked as Exhibit "A-1," respectively.

OIC Adolfo : Mark them accordingly.

Atty. Abella :

Q : Judge, can you recall having issued a Certification affirming the genuineness and authenticity of the signature appearing on the said Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government?

A : Yes, I have issued a Certification.

Q : Now, I am showing to you an original copy of the Certification. Are you referring to this Certification dated September 9, 2000, subscribed before Atty. Hector B. Centeno, Notary Public for and in Quezon City, and which was docketed in his Notarial Registry as Doc. No. 13, Page 3, Book No. 40-B, series of the year 2000?

A : (After going over the document handed by counsel)

Yes, this is it the Certification I signed.

Q : And you affirm that the signature is yours?

A : Yes, the signature is my genuine signature.

Atty. Abella : May we request that this Certificate can be marked as Exhibit "B" and the signature on top of the type written name Sofronio C. Sayo, Ex-Judge, MCJR-RTC, Branch III, Pasay City, be marked as Exhibit "B-1."

OIC Adolfo : Mark them accordingly.

Atty. Abella :

Q : Now, in the issuance of the Third Alias Writ of Execution, Judge, do you affirm that the documents mentioned in this Third Alias Writ of Execution were existent at the time of the issuance of the Order?

A : Yes, that is existent.

Atty. Abella : That would be all.

Judge Sayo : Is that all?

Atty. Abella : Thank you very much, Judge.

That will be all for the witness, Your Honor. May I make it of record that I am submitting and handing over the certified true copy of the Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the marked as Exhibit "A" and the original copy of the Certification dated September 9, 2000 marked as Exhibit "B" for the custody and safekeeping by the Honorable Court.

May I also make of record that Intervenor's waive the signing by the

witness of his deposition on oral examination as prescribed by Section 19, Rule 23 of the Rules of Court. Moreover, may I move that due to the failure of the representatives of the Office of the Solicitor General, the Land Registration Authority, the Bureau of Lands, the Register of Deeds of Pasig City and the Register of Deeds of Bulacan, to appear in this proceeding, despite due notice, that they be declared to have likewise waived the signing by the witness of his deposition on oral examination as mention heretofore.

OIC Adolfo : Granted and the witness is excused.

---

Deposition taking adjourned  
At 11:50 o'clock A.M.

---

#### **CERTIFICATION**

I hereby certify that the foregoing transcript is true and correct to the best of my knowledge and hearing ability.

June 6, 2001.

JINNY C. MACARAEG  
Court Stenographer

## **PURPOSE:**

To show and prove that due process of laws was compiled by the Intervenor's in the case a quo that before the taking of the DEPOSITION of Executive Judge of the Regional Trial Court, Branch III, Pasay City in LRC/CIVIL CASE No. 3957-P, the corresponding copies for the different governmental agencies of the Republic of the Philippines were so informed on the matters and in fact, proof of service shows receipt of the Intervenor's Motion, by the said Officer, thus, on abject failure for said government Office to appear in the hearing of May 29, 2001, in June 6, 2001, the ex-parte deposition was conducted, by RICARDO R. ADOLFO, OIC/Branch Clerk of Court, which was made with the Intervenor, Julian M. Tallano, the latter's lawyer, Atty. Teresito D. Noblejas, Judge SOFRONIO C. SAYO, and the proceedings was taken down by Mr. Jimmy C. Macaraeg, the Court Stenographer of the Court a quo, as reflected above.

Thus, the thrust was for the reaffirmation of the earlier resultant judicial RESOLCED of the terminated LRC/CIVIL CASE No. 3957-P.

So that, cause by the fire on January 18, 1992 which razed the old Pasay City Hall, whereat the Court a quo is located, on "reconstitution purposes, the following court records were confirmed and affirmed to have been issued by Hon. Judge SOFRONIO C. SAYO in said LRC/CIVIL CASE No. 3957-P, to wit:

1. the Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government - - - to prove that on September 9, 2000, retired Judge SOFRONIO C. SAYO issued a CERTIFICATION affirming the genuiness of the said Order, et alia, supra;
2. the Judgment With Compromise Agreement dated February 4, 1972, cited by said retired Judge in said Order et alia, supra;
3. the Clarificatory Decision of January 19, 1976, likewise cited as basis for the issuance of said Order, et alia, supra;

4. the Writ of Executions, Demolition, and Possession Order dated September 10, 1974, also, as basis for the issuance of the said Order et alia, supra, rendered by the same retired Judge SAYO;

5. the Certificate of Sheriffs Return dated November 10, 1994, which was likewise cited as basis in the issuance of said Order dated May 23, 1989;

proving among others that the foregoing resultant judicial undertakings as RESOLVED were all integral parts of the Court records of LRC/CIVIL CASE No. 3957-P at that time of the issuance of the said ORDER OF THIRD ALIAS WRIT OF EXECUTION, POSSESSION AND DEMOLITION WITH DISMISSAL TO MOTION FOR RELIEF OF THE NATIONAL GOVERNMENT on May 23, 1989.

Further, retired Executive Judge SOFRONIO C. SAYO that he has earlier issued a CERTIFICATION dated September 9, 2000 which was signed, subscribed under OATH before Atty. Hector B. Centeno, Notary Public for and in Quezon City, identified as Doc. No. 13; Page No. 3; Book No. 40-B, Series of the year 2000.

And, this Exhibit is being OFFERED for the same purposes for which Exhs. "1, 2, 3, 4, 5, 6, 7, 8, 9, 15, & 16," inclusive, were earlier offered for ADMISSIBILITY.

**EXHIBIT:**

**DESCRIPTION:**

"20"

A certified true copy of the CERTIFICATION dated September 9, 2000, executed by retired judge SOFRONIO C. SAYO, Regional Trial Court Judge, Branch III, Pasay City, by way of affirmance that on May 23, 1989, he has issued the ORDER OF THIRD ALIAS WRIT OF EXECUTION, POSSESSION, AND DEMOLITION WITH DISMISSAL TO MOTION FOR RELIEF OF THE NATIONAL GOVERNMENT in LRC/CIVIL CASE No. 3957-P, thus, positively CONFIRMED the genuineness and authenticity of this signature above his typewritten name below the dispositive portion hereon.

**PURPOSE:**

For the same purpose from which Exhibit "19," is offered for ADMISSIBILITY, and in relation to Exhibits "1, 2, 3, 4, 5, 6, 7, 8, 9, 15, & 16," inclusive as latter Exhibits were offered for ADMISSIBILITY.

**EXHIBIT:**

**DESCRIPTION:**

"21"

A certified true copy of the ORDER dated July 7, 1975, for the "reconstitution" of the DECISION dated November 4, 1975, the latter judicial RESOLVED; has CONFIRMED that JULIAN M. TALLANO is the lawful owner of the landholdings covered by Transfer Certificate of Title No. T-408 (Pls. see: pp 42-43) DECISION of November 4, 1975 and the decretal portion states, vis-à-vis:

WHEREFORE, in view of the above, the decision appended in the petition is hereby considered as a reconstituted copy of the decision rendered in Civil Case No. 3957-P and shall be accorded the same force, effect and consequence as the lost/destroyed original."

**PURPOSE:**

For the same purpose from which Exhibit "1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 19, & 20," inclusive were offered for ADMISSIBILITY.

**EXHIBIT:**

**DESCRIPTION:**

"22"

The findings and recommendation by the NATIONAL BUREAU OF INVESTIGATION (NBI for brevity) regarding the IDENTITY of JULIAN MORDEN TALLANO, as a consequence of in-depth investigation conducted by said Office it was conclusively established that "PRINCE JULIAN MORDEN TALLANO" and subject JULIAN MORDEN TALLANO the intervenor in the case a quo that is, REPUBLIC OF THE PHILIPPINES vs. REGIONAL TRIAL COURT, PASAY CITY, BRANCH III, - - - "**are one and the same person**" - - - shown in

the National Bureau of Investigation, Disposition Form dated May 24, 2005 – Security Classification of the three (3) pages, issued and signed by Ms. MA. CRISTINA M. SANCHEZ, Chief, Gen. Prosecution Sec., NOTED by: Mr. ROBERTO S. DE ALBAN, Chief, LED,”

The machine copy of the published ORDER dated March 23, 1989 issued by HON. SOFRONIO C. SAYO, of the Regional Trial Court, Branch III, Pasay City, in LRC/CIVIL CASE No. 3957-P, for the issuance of THIRD ALIAS WRIT OF EXECUTION consequential of the DECISION WITH COMPROMISE AGREEMENT and by between the Republic of the Philippines and JULIAN M. TALLANO the later being the intervenor, directed to be publish by way of a NOTICE OF HEARING, with proof of service, hence, said ORDER was published with the PHILIPPINE RECORDER, a National Weekly Newspaper of general circulation, in its issues on “April 10, 17, 24, 1989.” for which as AFFIDAVIT OF PUBLICATION dated April 25, 1989, executed by Mr. EMILIANO R. SAPIANDANTE, the publisher of the said newspaper.

Similarly true, SUMMONS for the issuance of SPECIAL WRIT OF EXECUTION, POSSESSION AND DEMOLITION, thru judicial administrator Prince JULIAN MORDEN TALLANO was likewise issued by ATTY. JOSE E. ORTIZ, Clerk of Court of the Regional Trial Court, Branch III, Pasay City in same LRC/CIVIL CASE No. 3957-P, on April 3, 1989 reson for which SUMMONS as NOTICE to all other persons, entities, Offices and all other governmental agencies concerned, and as “notice” to the whole world, were duly notified by way of publication with a newspaper of general circulation, the PHILIPPINE RECORDER, the “National Weekly Newspaper,” in its issue of April 10-16, 1989; April 17-23, 1989, & April 24-30, 1989.

### **PURPOSE:**

To show and prove, that herein respondent JULIAN M. TALLANO, in faithful compliance with due process of law and fair play and importantly subscribing to the wisdom in the aforesaid Order dated March 22, 1989 and the SUMMONS dated April 3, 1989, caused the publication of said ORDER & SUMMONS with said PHILIPPINE RECORDER the whole month April 1989, as notice to all concern and the whole world.

**EXHIBIT:**

**DESCRIPTION:**

“23”

The machine of the published originals i.e., (a) the NOTICE FOR THE HEARING TO THE PUBLIC AND FOR RECONSTITUTION, of judicial records gaittled by fire on January 18, 1992, in LRC/CIVIL CASE No. 3957-P, Regional Trial Court, Branch III, Pasay City, the whole old Pasay City Hall, together with all court records of the said Court thereat were all burned; (b) the PETITION FOR RECONSTITUTION WITH MOTION FOR THE ISSUANCE OF AN ALIAS WRIT OF EXECUTION, POSSESSION AND DEMOLITION; and (c) MOTION TO TAKE DEPOSITION ON ORAL EXAMINATION, published with PHILIPPINE RECORDER, a National Weekly Newspaper of general circulation in its issues on the following dates of i.e., (a) April 16, 23, 30, 2001; and (b) May 7, 14, 28, 2001, with AFFIDAVIT OF PUBLICATION on May 28, 2001, executed by JOSE B. CABILING, the Editor-in-chief of the PHILIPPINE RECORDER.

**PURPOSE:**

To show and prove, that the publications made with the PHILIPPINE RECORDER, was I pursuant to the provisions of Republic Act 26 and Circular No. 17 of February 19, 1947 Land Registration Commission Administrative Order No. 195 and in accordance with the provisions of Sule 14, Section 19, Rules of Court, in relation to the provisions of Section 1 of Act 3110, albeit the court records to be reconstituted refer to the terminated case in LRC/CIVIL CASE No. 3957-P, Regional Trial Court, Branch III, Pasay City - - - which terminated case, was then before the court of First Instance of Rizal, Branch XXVIII, whereas, the reconstitution referred above as published with the PHILIPPINE RECORDER - - - was due to the burn court records on January 18, 1992 when the whole old Pasay City Hall was razed by fired and unfortunately the Court a quo is house with the then old Pasay City Hall.

Thus, the Court a quo pursuant to the provision of the Rule 124, Section 5 (h), now Rule 135, Section 5 (h) of the Revised Rules of Court - - - has the inherent power to reconstitute its records of “furnished cases.”

With the foregoing may the same be considered, i.e., (a) on markings of the judicial documents, in LRC/CIVIL CASE No. 3957-P, supra, esconed into the Court Records thereof, contained in Volume “1” to “23” inclusive, wherein respondents evidence were lifted therefrom, as Exhibits “1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, & 23,” inclusive, secured earlier by way of certified true copies by General BRAULIO B. MONGE, SR., Police Chief Superintendent, PNP (Retired) and as ATTORNEY-IN-FACT for Prince JULIAN MORDEN TALLANO, on February 10, 2004, of which documents, certified true copies were submitted to the Office of the Division Clerk of Court, Atty. Manuel U. Cervantes, during the filing of RESPONDENTS PRE-TRIAL BRIEF with copies furnished to the Office of the Solicitor General and the Regional Trial Court on February 23, 2004, as marked Exhibits, and as integral part in our FORMAL OFFER OF EVIDENCE, which we humbly PLEA, that all these judicial documents, with appropriate markings, Exhibits “1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, & 23” inclusive, OFFERED AS EVIDENCE FOR THE PRINCE JULIAN MORDEN TALLANO, be ADMITTED, despite COMMENT / OPPOSITION thereto by the Office of the Solicitor General on the matter, and in SUPPORT of respondents vigorous OPPOSITION to the PETITION FOR ANNULMENT of the earlier decisions, orders, writs issued by the Court a quo which refer to the “reconstitution” thereof of judicial undertakings in the terminal proceedings, LRC/CIVIL CASE NO. 3957-P before the Court of First Instance of Rizal, Branch XXVIII, in Pasay City, consequential to the burned judicial Records in said case, due to fire, which razed down the old Pasay City Hall, on January 18, 1992.

That the reconstituted court records is on the basis of the inherent power of the Court a quo (now Regional Trial Court, Branch III, Pasay City), under Rule 135, Section 5 (h) of the Revised Rules of Court.

And, with the ADMISSION of Exhibits “1” to “17” inclusive, respondent JULIAN MORDEN TALLANO rests its case, with further prayer for such other relief and remedy, as in EQUITY and JUSTICE proceed.

RESPECTFULLY SUBMITTED.

Cabanatuan City for Manila , May 8, 2006.

JACOBA-VELASCO-JACOBA LAW OFFICE  
ELLIS JACOBA, OLIVIA VELASCO-JACOBA,  
MANUEL NATIVIDAD, JR., VICENTE TAGOC, JR.,  
VIRGILIO PAPA  
PACIFICO C. YADAO  
Counsel for JULIAN MORDEN TALLANO

By:

(Sgd) ELLIS F. JACOBA  
Lead Counsel  
Cabanatuan City

(Sgd) PACIFICO C. YADAO  
Collaborating Counsel  
10 Caragay Street, SFDM, Quezon City  
PTR-A7231293; Quezon City; Jan. 12, 2006  
IBP-645990; Quezon City; Jan. 26, 2006  
Roll of Attorney # 6552; January 18, 1954

## **EXPLANATION ON MODE OF SERVICE**

Due to time and distance constraint, coupled by lack of messengerial personnel of the LAW OFFICE, for prompt delivery of the copies, for the Office of the Solicitor General, and Regional Trial Court, Branch III, Pasay City, we resorted of PHILPOST SERVICE by registered mail.

(Sgd) PACIFICO C. YADAO

REPUBLIC OF THE PHILIPPINES )  
Quezon City, Metro Manila )  
x-----x

**Affidavit of Proof of Service**

That I, ANTONIO BLANCO, Officer Clerk of Atty. Pacifico C. Yadao, with office address at No. 10 Caragay Street, SFDM, Quezon City, Metro Manila, Philippines, after having been duly sworn to under OATH, do hereby depose and say:

That on May 10, 2006 served the following papers thru PHILPOST service by registered mail in accordance with Section 3, 5 and 7 in relation to Section 10 of Rule 14 of 1997 Rules of Civil Procedure and due to distance and lack of messengerial personnel of the office.

Nature of Pleading / Paper

**PRIORLY LEAVE FOR MARKINGS OF JUDICIAL DOCUMENTS AS RESPONDENTS EXHIBITS AND WITH CONTEMPRANEOUS FORMAL OFFER OF EVIDENCE**

In CA-G.R. SP Mp. 700014 entitled REPUBLIC OF THE PHILIPPINES vs. REGIONAL TRIAL COURT, BRANCH III, PASAY CITY now PRESIDED BY HONORABLE ERNESTO A. REYES, JULIAN M. TALLANO ET. AL., by depositing the copies in sealed brown envelope, plainly address to party, his/her attorney at his/her office/residence with postal mail by Registry Receipt No. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_; herewith attached, and with instruction to the postmaster to return the mail to the sender after ten (10) days if undelivered.

That the address (s) are as follows:

The Honorable Presiding Judge  
Regional Trial Court, Branch III  
City of Pasay

The Solicitor General  
Office of the Solicitor General  
134 Amorsolo St., Legaspi Village  
Makati City

(Sgd) ANTONIO C. BLANCO, JR.  
CTC No. 21671701; Quezon City  
April 10, 2006

SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of May 2006, in Quezon City, Metro Manila, Philippines.

Doc. No. 140 ;  
Page No. 29 ;  
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