

ORDER - JULY 11, 2001 (E. REYES)

(2, 20/01)
Republic of the Philippines
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
Branch CXI (111), Pasay City

WILSON P. ORFINADA,
Plaintiff,

- versus -

LRC/CIVIL CASE NO. 3957-P

MACARIO J. RODRIGUEZ, ET AL.,
Defendants

- and -

ANACLETO MADRIGAL ACOP &
JULIAN M. TALLANO,
Intervenors.

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ORDER

In a verified petition filed before this Court on April 19, 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, 1982. These are: (1) Decision with Compromise Agreement dated February 4, 1972; (2) Decision of March 21, 1974; (3) Clarificatory Decision of January 19, 1975; (4) The Third Alias Writ of Execution, Possession and Demolition dated May 23, 1989; (5) such other genuine and authentic documents as may be proven during the hearing pursuant to the pertinent provisions of Act No. 3110.

COURT RECORD IS XEROX ALSO
PARTS OF THE PLEADING

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

CERTIFIED TRUE COPY

DATE: 10/12/04

CERTIFIED TRUE COPY
DATE: 10/12/04
PASAY CITY, PHILIPPINES

RTC III, PASAY

JOAN E. GRUTA
OFFICER-IN-CHARGE

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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 purportedly 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 of Deposition on Oral Examination of Retired Judge Sofronio G. Sayo, former Presiding Judge of this Court and the immediate predecessor of this ponente. Conjointly, the Office of the Solicitor General was forthwith furnished a copy of the motion which likewise served as notice thereof. The hearing of the said motion was set to May 29, 2001. Regretably, 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.

COURT RECORD IS XEROX ALSO PARTS OF THE PLEADING

CERTIFIED TRUE COPY
DATE: 9/19/2002
JOSE M. SORIANO
CLERK OF COURT

CERTIFIED TRUE COPY
DATE: 10/17/02
JOAN E. GRUTA
OFFICER-IN-CHARGE

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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. Ortiz, Jr. as well as a Special Power of Attorney he recently executed and these are:

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-400
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

CERTIFIED TRUE COPY
 DATE: 7/11/08
 [Signature]
 CLERK OF COURT

CERTIFIED TRUE COPY
 DATE: 10/17/08
 RTC III, PASAY
 [Signature]
 JOAN E. GRUTA
 OFFICER-IN-CHARGE

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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 are hereby deemed also in Order.

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, these documents are:

1. Decision With Compromise Agreement dated February 4, 1972; consisting of 139 pages (Exh. "I" 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 50 pages);
4. Third Alias Writ of Execution, Possession and Demolition dated May 23, 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;

RECEIVED
 9/19/2001
 COURT

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COURT RECORD IS XEROX ALSO
 PARTS OF THE PLEADING