

**ORDER**

October 19, 1989



ANTONIO CRUZ, RAFAEL SARAO, )  
 JOSE OLIVER AND THE HEIRS )  
 DOMINADOR DE OCANPO BUHAIN, ET.AL. )  
 MANUEL QUIOGUE, ESTANISLAO, )  
 EDUARDO AND BERNABE CARDOSO AND )  
 THE HEIRS, ANTONIO AQUIAL, )  
 FELIX AND CLAUDIO OSORIO AND HEIRS )  
 REGINO DELA CRUZ/ GIL SANTIAGO )  
 MARCIANO TUAZON AND J. TUAZON AND )  
 COMPANY, JULIAN AND JUAN FRANCISCO )  
 SARAO MOTORS/ FRANCISCO MOTORS CORP. )  
 PHILIPPINE SHARE COMPANY )  
 PILAR DEVELOPMENT CORPORATION )  
 CORNELIO BERING/ YANCO BERING ET AL )  
 DR. FRANCISCO Y. PANOL/ AND ALL PERSONS )  
 UNDER THEM/VICENTE BAYAN AND THE HEIRS )  
 ANGEL AND CRISOSTOMO BAUTISTA AND HEIRS )  
 FAIRLAND CEV. CORPORATION AND HO. CITY )  
 MAYOR JUN SIMON AND CITY GOVT. OF Q.C. )  
 TEODORO LIM, FELIX BAEZ AND HEIRS )  
 VALINTINO GAJUDO/ CANDIDO CLEOFAS )  
 FORT WILLIAM MCKINLEY AND THE )  
 MANILA RAILROADS COMPANY )  
 UNIVERSITY OF THE PHILIPPINES )  
 THRU HONORABLE SOLICITOR GENERAL/ )  
 THE DENR AND THE COMMISSIONER OF LAND )  
 REGISTRATION COMMISSION/ THE REGISTER )  
 OF DEEDS OF ANGELES CITY/ HON. REGISTER OF )  
 DEEDS OF BAGUIO CITY/ CITY GOVT. OF MLA )  
 THE CITY GOVT. OF BAGUIO/ THE CITY GOVT. )  
 OF PASAY AND MAYOR PABLO CUNETA/ )  
 THE PROV. GOVT. OF CAVITE/ THE MUN. GOVT. )  
 OF DASMARINAS/ THE MUN GOVT. OF IMUS, CAVITE )  
 THE MUN. GOVERNMENT OF ROSARIO, CAVITE )  
 THE MUN GOVT. OF BACOR/ THE CITY GOVT. )  
 AND THE HON. REGISTER OF DEEDS OF )  
 TAGAYTAY OF CAVITE PROVINCE )  
 THE HON MAYOR AND CITY GOVT. OF PALAYAN )  
 THE PROV. GOVT. OF PALAWAN )  
 THE HON. ADMINISTRATOR OF MMDA )  
 THE HONORABLE DIRECTOR OF BUREAU )  
 OF LANDS. THE DEPT OF PUBLIC WORK AND )  
 HIGHWAY/ THE REPUBLIC OF THE PHILIPPINES )  
**AND TO ALL WHOM IT MAY CONCERN** )  
**Defendants** )  
 DON ANNACLETO MADRIGAL ACOP )  
 PRINCE JULIAN MORDEN TALLANO )  
**DEFENDANTS/INTERVENORS** )  
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## ORDER

The Republic of the Philippines, movant in this interlocutory action, thru the Office of the Solicitor General, on February 7, 1989, filed a Motion For New Trial to set aside the Intervenor's Motion for the issuance of Third Alias Writ of Execution and or for the Annulment of Judgment/Decision With Comprise Agreement of February 4, 1972, availing the wisdom in the manner and under the Circumstances provided in Section 145, 16 and 147 of the Code of Civil Procedures row

Rule 37 and of Rule 38 of the Rules of Court and against the Intervenor, Prince Julian Morden Tallano-Principal Party In Interest under LRC/CIVIL Case No. 3957-P, with injunctive mode restraining the intended issuance of Third Alias Writ of Execution, Possession and Demolition for and in favor of the legitimate land owner, the TALLANO CLANS embracing vast track of TALA ESTATE and its Titles covered by OCT No. T-01-4, TCT No. T 408 and TCT No. T 498.

Further averred by the Movant, Republic of the Philippines, an Aggrieved party in a Registration proceedings may avail himself such legal remedy, a Motion For New Trial, which is an equivalent to MOTION For Reconsideration, is sustainable invoking the virtue of Section 14, of Act 496, as amended by Section 1 of Act No. 1484, expressly provides that in Registration proceedings the trial court may grant a new trial in any case that has not passed to the appellate Court, in the manner and under circumstances cited above.

However, the respondent/Intervenor in the case at bar, in the person of Prince Julian Morden Tallano, a Court Appointed Judicial Administrator of the aforementioned TALA ESTATE, and an appointed EXECUTOR by and through the Assistance of the Legal Counsel on record, Atty. Liberato Bauto, likewise had submitted an OMNIBUS MOTION WITH LEAVE OF COURT TO ADMIT his opposition to the motion of the Office of Solicitor General, and with Prayers to issue a WRIT OF PRELIMINARY PROHIBITORY MANDATORY INJUNCTION against the Republic of the Philippines and all defeated party or parties which said motion has been provided within the ambit of Sec. 1, Rule 58 of the Rules of Court, as cited in a *Bengzon vs. Court of Appeals*, G.R.L-82568, May 31, 1988, 161, SCRA 745, which states that a writ of preliminary injunction, as an ancillary or preventive remedy may only be resorted to by a litigant to protect or preserve his right or interest and for no other purpose during the pendency of the principal action, that there must be a valid and clear showing by the complaint based on the following:

- 1) There must be right in esse or the existence of the rights to be protected
- 2) The act against which the injunction to be directed is a violation of such right  
(*Sales vs. Security and Exchange Commission*, G.R. 54330, Jan. 13, 1989,  
*National Power Corporation vs. Vera*, G.R. No. 83558, February 27, 1989.

For the petitioner to be entitled to the injunctive writ, they must show that there exists a right to be protected and that the facts against which the injunction is directed are violative of such right (*National Corporation vs. Vera*, 170, SC RA 721 (February 27, 1989); *Araneta vs. Gatmaitan*, 101 Phil. 328 (1957)). And in the motion of the Court Appointed Judicial Administrator, Prince Julian Morden Tallano, the following as it have been prayed of r are to be resolved pursuant to the dictum of the law and jurisprudence; here to wit:

- 1) DENYING THE MOTION FOR NEW TRIAL OR FOR THE ANNULMENT OF JUDGMENT REFERRED TO DECISION WITH COMPROMISE AGREEMENT TO SET ASIDE SAID MOTION ON THE GROUND OF LACK JURISDICTION AND SAID MOTION BE DECLARED NULL AND VOID AND BE DENIED ON THE GROUND OF LACHES. ESTOPPELS AND THE SAID MOTION HAD BEEN FILED OUT OF TIME, WHILE, THE OSG had ably participated the proceedings so to question Jurisdiction has barred by the rules.
- 2) COMMANDING THE HON. LAND REGISTRATION ADMINISTRATION, ITS SUBORDINATE REGISTER OF DEEDS OF THE PROVINCES, CITIES OR MUNICIPALITIES, to issue a corresponding segregated land title derivative form either OCT No. T01-4, TCT No. T 408 and TCT No. T 498 for and in the name of the heirs of the so called registered owners, represented by their Court Appointed Judicial Administrator, whose real Properties evidenced by land titles aforementioned.

3) Likewise commanding the Office of the Bureau of Internal Revenue and the Department of Finance and its Instrumental Office Agencies ; the Office of Provincial, City and Municipal Treasurers and Assessors, to implement and adopt the TAX EXEMPTION in term of realty Tax in favor of the TALA ESTATE owner, embodied in Presidential Proclamation/Decree No. 2016, in as much as portion of the TALA ESTATE has been utilized and still utilizing into Urban and Agricultural Land Reform Program and Development for the interest of the government and concerns government agencies and its instrumentalities.

4) And that government agencies, specifically Register of Deeds, that have jurisdiction to cancel all sales patent purported to be legitimate sales patent covering portion of the TALA ESTATE issued by the Republic of the Philippines through former Presidents, from the very birth of this Republic up to this time, where both the depose and now the incumbent President of the Republic of the Philippines remained indiscriminately issuing sales patent and or Free Patent, particularly, President Ferdinand E. Marcos, which necessitate the declaration of the Court for nullity and for quieting of all land titles,; OCT/TCT that over lapsed the title of the Tala Estate and the clans' ownership embodied in the DECISION WITH COMPROMISE AGREEMENT of February 4, 1972. This includes the issuance of reconstructed copy of ruined Cadastral Plan/PSU 2031, and Survey Plan II-01, of which said plan was amended into Plan II-69, shall be well repected together with undertaking to release the copies of reconstituted OCT No. T 01-4, TCT No. T 408 and TCT No. 498 embracing lands in Metro Manila, portion of Region 3, Region IV, IV-A particularly covering the CRISOSTOMO ESTATE in Cabanatuan City with that of OCT No. T 01-4, embracing several lands which are untitled yet, or lands unlawfully titled in the hand of imtuders/unlawful claimants/holder of said land found in the different part of the Archipelago, including Sabah and Kalayaan Islands, the same should be recognized and the concerns Register of Deeds has been mandated to declare null and void and the same be nullfied and or cancelled said land titles respecting said order as the law of the case. And likewise the Decree, other than of Land Registration Decree No. 297, be declared null and void Ab Initio, be cancelled as well, which over lapsed and adverse to land covered by said Decree No. 297 in the name of Prince Lacan Acuña UL Rijal Bolkiah (Tagean) Tallano, which was duly registered in accordance with the Land Registration Act No. 496. That in consequence of those illegal activities, impose punishment with its equivalent of perpetual imprisonment with damages upon Contemp of Court to enforce against any body including the officers/employees of the concerns Hon. Register of Deeds/Assessors and any concerns government agencies including PHHC (Peoples' Homnesite Housing Corporation its new name is NHA, the Bureau of Lands, the LRA and other government units and instrumentalities, the local government units, together with their subordinates and conspirators, private firm or person, which are in the components of Governor-Vice Governor, Board members, City Municipal Mayors and their Municipal/City Councilors including the Chief of PNP and their subordinates in the City, Municipalities, Provinces and the Barangay Captains and their Kagawad, who would be defying the Order of the Court, by continuously exploiting in term of self inhibition in the exercise of their duties, responsibilities and functions which are ministerial in character, as prayed they must be penalized accordingly.

That they are bound to obey the mandate of Court Order, Decision, and Writ, for equity and justice for compliance in accordance with the rules of laws and jurisprudence, under the judicial wisdom of JUSTITIA EST CONSTANS ET PERPETUA VOLUNTAS JUS SUUM CUIQUE TRIBUENDI-which means in common parlance-Justice is constant and perpetual determination to render to every one what is due him.



5) Ordering and enjoining all concern Defendants/defeated parties and all persons under them and including their peers to obey this WRIT OF MANDAMUS, otherwise fullest force of the law incorporated as enter twined with the Order to Arrest, the same should be enforced against them, including the officials and their subordinates of the office agency and instrumentality of the Republic of the Philippines, including the office of the Public Estate Authority, the NHA and its staffs, who rampantly bulldozed thousands of mango trees in Cavite upon construction of their structures like Kadiwa Center located at Bagong Bayan, Area A to Area E in Dasmariñas, Cavite, and Department of Tourism, the Philippine Export processing Zone in teh Municipality of Rosario in the Province of Cavite, and many more. That local government units like the Province of Batangas and Municipality of Muntinlupa, specifically in Barangay Alabang and other defendants who are likewise adopting the blue print of land grabbing spree of the deposed President, Ferdinand E. Marcos. particularly, in that Barangay (Pinag bayanan) Catmon, San Juan Batangas, which has been controls by Benito Marasigan and his Family, while in the area of Alabang Lot 189, up to Lot 293 Lot 379, 392 the lots occupied by the public market and lot that was utilized by bus and jeep as terminals in Alabang, Muntinlupa embracing Lot 1, Plan II-69, containing an area of 2,447,642 square meters, more or less which is an integral part of TALA ESTATE, evidenced by TCT No. T 408, in the name of DON GREGORIO MADRIGAL ACOP, which was manipulated by Ayala Land, the Fil-Invest and Andrew Gutianon and Company, Gokong Wei and Company, the Pilar Development Corporation, they same they were enjoined as well, otherwise, fullest force of the law should be enforced. This as well includes the Laguna and the Municipality of Dasmariñas in the Province of Cavite, where there were several realty firms that illegally exploited tha Tala Estate Land, like the Extraordinary Development Corporation, the Confederation Development, the V.V. Soliven Realty, Inc, the Henry Sy, the Cong. Manny Villar Realty Firms, the Taipan Group of Company, the Sta. Lucia Realty Development, Inc., the Greenfield Development Incorporated, the Mid Land Pasig Development Corporation, the Metro Pacific Development Corporation, the Wellington Ty and Company, Pedro Sen and Associates the Jose Yulo and Company, without TALA ESTATE HEIR'S permission said realty firms in conspiracy of those in the Bureau of Land, Public Works and Highway, the NHA, the Office of the Presidential Commission on Urban Poor, in the pretext of public welfare through Housing Program they sold the lands illegally to different buyers to the extent of sacrificing the funds of our National Treasurer which caused the concealment of funds into that large scale scam that instead for the enjoyment of the beneficiaries; like government agencies and its vital departments, particularly the Department of Justice, the Supreme Court, the PNP and the NBI, it usually diverted into such illegal scheme of releasing the funds, therefore, they must be commanded to revert it back said ancestral real properties to the legitimate heirs, thru their Judicial Administrator/Executor of the late Benigno Agustin Tallano.

In another action along with the above entitled cases that were filed separately by two parites in the COMPROMISE AGREEMENT. Said Prince Julian Morden Tallano, filed a MOTION FOR RELIEF FROM JUDGMENT, invoking as well Rule 38 Sec. 1, alleging the motion for the enforcement of the compromise agreement between them, that would be rendered against him and in favor of said movent, EX CONG. ROGER TIGLAO which is full of inconsistency, bias and self serving it favor only the side of said EX CONG. ROGER TIGLAO, that needs to amend the said compromise agreement between them.

Whereas, a bounter actio was filed by EX CONGRESSMAN ROGER TIGLAO to resolve is an action for RESTITUTORY INTERDICT, invoking th ewisdom of Seec. 7 ACT No. 3135 and Sec. 35 of Rule 39 and the precedent Case in Philippine National Bank vs. C.A., 118 SCRA 110 November 2, 1982, where the mortgagor, PRINCE JULIAN MORDEN TALLANO

admits that he was unable to pay p200,000.00 as his obligation, which said conditions embodied in the said compromise agreement, which was secured by the Real Estate Mortgage, the mortgagee have a clear legal right to foreclose the mortgage which should no be enjoined by preliminary injunction, which attacking the ORDER WITH POSSESSION AND DEMOLITION,raising the issue on who among the parites has a better right over the land embradec by lots No. 531 AND 532 allegedly segregated from land that covered by land title OCT 114 with Decree No. 4270 allegedly issued on the 9<sup>th</sup> of May 1910, and quieted in the LRC/CIVIL Case No. 3957-P. And said action that was filed inthis sala in separate motion of another mode of actio nby EX CONG. ROGER TIGLAO and his peers, pertaining to 17 hectares of raw land located in Barrio Bacao, San Francisco De Malabon Estate in Rosario and not in Genera Trias, Province of Cavite invoked by said EX CONG.,against th eclaim of the administrator of the EXPZA. And the subject area intend to develop by the good Ex cong. for low, middle income and classic high income group cost hosig project, which is now suitable for this time, where the newly breed foreign investors has been attracted to own a unit because the projected area is just the nearby economically growing community, the town of Rosario and General Trias Province of Cavite, its location is right in the portal of EXPORT PROCESSING ZONE.

Antecedent facts, the TALA ESTATE Judicial Administrator have submitted his vigorous opposition on the ground the DEED OF REAL ESTATE MORTGAGE between the Judicial Administrator and the vendee, EX CONG. ROGER TIGLAO and his business acumen, could not transfer such right to own said lot by another in the absence of the ORDER OF THE COURT, and on the mere reason the real property could not be conveyed absolutely to any party, until the consideration has been fully paid, since the stipulated mortgage amount was released tothe mortgagee only partially. Obviously, when the sales or real estate mortgage necessitate ofr the advancement of the Estate by the ORDER of the Court could not be escaped neither be ignored to protect the interest of the heirs and their predecessors, in absence of the so called full settlement of agreed consideration. The overseer and the TALA ESTATE HEIRS, in the person of Maximo Virata Navaez, who compromised the subject land to said Roger Tiglaio on March 31, 1989m was a person of no authority, merely acting as sevant, is one who submits himself to the direction of his employer or the court as to the details of the work, fulfilling his employer's wishes, not merely as to the results, but also as to the means by which that result is to be obtained (Under Sec. 1 Rule 89,) referring to Order of Sale personally- Upon application of the executor or administrator, and on written notice to the heirs and other persons interested, the court may order the whole or a part of the personal estate to be mortgaged or sold, if it appears necessary for the purpose of paying debt, expenses of the administration, or legacies, or for the preservation of properly, as highly affirm in many predecnt cases that if the Administrator or executor mortgage or sells property of the estate without requisites authority of the Court, such mortgage or sale is null and void.

“After a thorough consideration of the evidence presented and with re-assessment of the actual merits of the case, the Court finds that Movants,

ROGER TIGLAO, has duly established by preponderance of evidence that he has a legal right over the subject matter of the instant case and is entitled to and have a clear rights to possess the lot in question, which is clear and is base on its right of ownership as purchase/mortgagee of the property in the foreclosure sale to whom title has been conveyed by the Sheriff but it was only suspended due to a fifteen years period of moratorium that the mortgagor had demanded that made enforceable immediately after the termination of said moratorium on March 31, 2006. The movant-mortgagee has a better right possess the subject real property because of its title over the same (Persons with Torrens title over land are entitled to possession thereof (Pangilinan vs. Aguilar, 43 SCRA 136 (1972)

Nevertheless, a remedy against judgement based on Compromise Agreement had settled by the Supreme Court that - Relief from Judgment based on Compromise is not sustainable or upon confession are considered as judgment (even without findings of facts and law) and are immediately final and executory unless otherwise provided in the judgment, as may be prayed for as agreed upon by the parties, applying the conditions that both parties, by compromise agreement, had stipulated, inter alias, to wit:

1) That respondent Prince Julian Morden Tallano has been required to place the movant/his assign, heir or successor in interest, into his physical possession over the lot in question, within a period of 5 years immediately thereafter upon termination of the fifteen (15) years moratorium ending on March 31, 2006, prior to the enforcement of monthly amortization of the balance of the full consideration of the lot which have a new agreed price of P400.00 per square meter, that reached to P68,000,000.00 to be paid in 5 years (60) equal monthly installment of P1,135,132.00, considering the economic value of the land and its environment was appreciated brought about by the presence of EPZA in the community, which must be enforceable for both and or for and against another party regardless the principal petitioner, EX. CONG. ROGER TIGLAO would be absent, but such rights of the movant becomes alienable to his immediate business associate alone or business peers, who are partners to the impending Housing Project undertaking which has been projected to cater the employees, workers and executives of the EPZA provided the same has been authorized by NEW COMPROMISE AGREEMENT between said heir or successor in interest and the said Judicial Administrator, that have been presented immediately as reference of the enforcing sheriff both private court appointed special sheriff or regular sheriff of the Court without needs of judicial intervention, whom before this Court, they would made his stipulation eventually with the same force and effect in favor of both parties;

2) That with this COURT ORDER, reiterates once and for all, one of the salient conditions that any one who failed to abide nor comply the above conditions precedent for the enforcement of individual right shall mean a heavier penalty equal to the actual damage of the party against the offender, except, when the party had tried the best possible to comply the compromise agreement which would not made possible due to beyond control over the detraction of other claimant, if any there be.



The Court in many incidents had ruled that movant, Ex. Cong. Roger Tiglao and his co heirs were lawful owners and possessors of the whole Lot 531 and likewise the whole Lot 532, which allegedly segregated from FRANCISCO DE MALABON ESTATE, evidenced by OCT No. 114 with Decree No. 4270 which was quieted in an LRC/CIVIL Case No. 3957-P, Branch 111, RTC, Pasay City, on the principles that the earlier land title in case of overlapping incident the better and stronger rights to have possession and title to the land must prevail beside of the very reason the title OCT No.114 as evidence of ownership of the claimant is self defeating because it covered land not in Cavite but in Nueva Vizcaya and it was issued in the year 1950, which said right has been subsided by paramount title emanated from primordial rights of the Respondent's predecessors; PRINCE LACAN ACUNA ULRIJAL BOLKIAH TAGEAN TALLANO, legitimate holder of OCT No. T 01-4, and succeeded by his successors in interest, DON GREGORIO MADRIGAL ACOP and DON ESTEBAN BENITEZ TALLANO and by the TALA ESTATE HEIRS, represented by PRINCE JULIAN MOERDEN TALLANO.

And the truth said land own by DON FRANCISCO DE MALABON, who was married to DONA ROSARIO TALLANO DASMARINAS, the only daughter of Spanish Governor General Dasmarinas, who was married to DONA NOVELETA IMUS TALLANO, whom said land was inherited from her by the said Spouses DON FRANCISCO DE MALABON and DONA ROSARIO TALLANO DASMARINAS, were titled to them emanated from their predecessors, PRINCE LACAN ACUNA ULRIJAL BOLKIAH TAGEAN TALLANO under OCT No. T 01-4, and later in the year 1932 the same was segregated for and in favor of DON GREGORIO MADRIGAL ACOP, one of the heirs of said original land owner, which is now succeeded by the TALLANO (TALA) ESTATE HEIRS, that needs to be protected by injunction against any one that keeps disturb their possession over the subject Lot and the HACIENDA FILIPINA, which was already resting in peace for quiet so long by virtue of the DECISION WITH COMPROMISE AGREEMENT of February 4, 1972 for and in favor of the TALLANO CLAN.

While others, keeps on violating the doctrine of stare decisis, which means the observance of the policy of the courts to stand by previous judicial decision, has been defied that may crop up into social chaos;

The ruling is erroneous, as contended by the Department of Environment Natural Resources and the EPZA Administrator on their stand that OCT No. 01-4, was a SPANISH TITLE, which was abrogated by the PD 889, is a defense by said Department of Environment and Natural Resources and the Epza Administrator of no basis and no legal legs to stand as it has been proven by jurisprudence on the very facts that based to court record, the land covered is situated in Rosario, cavite, which was determined already by the Court and not in General trias, beside of the very reason that why the republic of the Philippines, had fled an escheatment petition against the heirs of the TALA ESTATE owners, was that the whole archipelago might be placed into a total control of foreign dominion upon the present policy of the deposed President in enforcing sovereign guaranty in every development loan of the Real Estate Developers, involving not only structures but the land and itself as

collateral, adversely affecting the farms and residential lots covered by Agricultural and Urban land reform program in favor of the farmers/beneficiaries, which has been apportioned from said TALA ESTATE, although the titles they (the developers) have been using are emanated from spurious origin but massively depriving the legitimate one, the OCT No. 01-4, which was duly registered for and in the name of PRINCE LACAN ACUNA ULRIJAL BOLKIAH TAGEAN TALLANO. This situation may drive this nation into another Agrarian Revolution, which may uphold by the adversely affected TALA ESTATES FARMERS AND TENANTS ASSOCIATION, nationwide, whose last recourse of their defense to secure their farms and residential lots is to invoke the valid and legitimate ancestral titles and rights of the TALA ESTATE Heirs' predecessors against the land grabbing spree of the Marcos cronies, cohorts and other speculating real estate developers, mostly of local government officials, Barangay captains, mayors and governors whom, these farmers and tenants were rendered already by thousands of illegal demolitions and evictions over their farms and residential houses besides of sustaining of serious injuries and lost of live of their love ones, in defense of said ancestral land they may now call of their own as their genuine legacy from the TALA ESTATE HEIRS.

The TALLANO CLANS, under their Court Appointed Judicial Administrator, are not merely applicants, who endlessly seeking remedy for the stability of our domnion not only for them but for the whole Filipino people but also, along with supporting mother nations the United States of America, Japan and Great Britain, are advocating for the economic well being of the whole nationand its citizenry, where they believe land is the key to tremendous economic progress. But if we failed to secure it, this land where we nourished our constitutional rights to secure the we so called our mother land, from that self interest-exploiting real estate developers, it would redound us to our forever slavery to our master, under the multi million U.S. dollar trap of these conniving foreign naitons; the Chinese-Muslim Organization, who are opt conspiring on Colonization not only over the whole Filipino nation but to the whole Asia in term of assimilation with economic, religious, political, social and commercial interest to attract Filipino, under the disguise of attaining of inter political, marital, social, commercial and educational relationship within the ASIAN Society, the only effective weapon by the Red-Indo-China's War Plan against the Joint United States, Japan and Great Britain's endeavors of maintaining peace and order not only in the assean region, and not only to the rest of the Globe but to the whole world in particular. (1986 Report of Tala Palawan Fishermen Sovereign Security Task Force )

Yet, for the TALLANO ROYAL FAMILY, to establish ownership of the subject land, known as HACIENDA FILIPINA, that must conclusively showed that they are the owner in fee simple had already been done and complied even in the advent of Spanish Regime and the same was ratifies accordingly un-queer by virtue of Torrent System Law under R.A. 496, since OCT 3, 1904, on the standing presumption is that all lands belong to the public domain of the State, unless acquired from the Government either by purchase or

by grant, as it was obtained by the PREDECESSORS OF THE HEIRS OF THE TALA ESTATE; DON ESTEBAN BENITEZ TALLANO and his father PRINCE JULIAN MACLEOD TALLANO, who won the public bidding over the land of the whole archipelago with TITULO DE COMPRA that was issued in the name of PRINCE LACAN ACUNA ULRIJAL BOLKIAH TAGEAN TALLANO, the father of said Prince Lacan Acuna Ulrija Bolkiah Tagean Tallano, in consideration of the amount of \$20 MILLION U.S. DOLLAR, extended by the winning bidders-THE TALLANO-FATHER AND SON, to the Government of United States of America, which in turn said bidding proceeds was the payment of the GOVERNMENT OF THE UNITED STATES OF AMERICA to the ROYAL GOVERNMENT OF SPAIN in compliance of the CESSATION TREATY between the two nations, that made exempt said lands of the ARCHIPELAGO in accordance with the law of West Indies to own it by the U.S., instead, a quest for justice in favor of the natives as clamored by the TALLANO ROYAL FAMILY, was sustained finally in lieu of more than 400 years of revolution waged by the descendants of Mongolian, Madjapahit and Shri Vishayas Empire, the TALLANO ROYAL FAMILY, against Spanish conqueror.

This in return, yet, a respect of private right was strictly observed as embodied in the TREATY OF PARIS. This made possession of the TALA ESTATE HEIRS over the subject lot 531 and 532, under Record No. 5964 situated in the Barangay Bacao, Municipality of Rosario and General Trias, Province of Cavite, since time immemorial is of no moment of being queered, because such possession justified undoubtedly, the presumption that the land had never been part of the public domain, or that what is clear it has been regarded as private property even before the Spanish conquest, remind once more the doctrine of AWQUITAS REM IPSAM INTUETUR DE FORMA ET CIRCUMSTANTIIS MINIS ANXIA, that Equity regards not the form and circumstance but the substance of the act, ( Home Owners Association vs. Reyes 42499 R, February 4, 1969)

In the case, the land in question is admittedly public, the right of the EXPORT PROCESSING ZONE AUTHORITY cannot presume under concept of owner. This is so because the respondent EPZA through office of the Department Environment and Natural Resources, and Hon. Solicitor General, represented by Solicitor Dominador Cariaso, admitted their claim over the lot in controversy has encountering problem brought about their claim over the subject land has no title at all but this time it come up have already titled under OCT 114 but it covers land in Nueva Vizcaya, which emanated from illegality, because its decree as already mentioned covers land in the Province of Nueva Vizcaya. That beside of the fact as repeatedly settled the land they are claiming is located in Nueva Vizcaya not in Rosario, Cavite and neither in General Trias, Province of Cavite. And their claim of ownership is based on mere possession by the EPZA itself, which its area limited within and inside the yard of the EPZA in General Trias secluded by perimeter fence. And their predecessors-in-interest, who claim to have been in open, continuous, exclusive and notorious possession of the land in question, under a bona fide claim of ownership for a period of at least 30 years, the same is beyond the constitutional guaranty because it was already affirmed many times the land itself is a private land in character. (EMILIA VS. BOADO, 23 SCRA 183 (1968)). This line of defense could be easily appreciated within the purview of R.A.496 and of PD 2259, thwarting the legal claim that the survey plan of the land was approved only in 1902 as shown in the technical description of the forged land title even assuming the said survey was through the efforts of the Bureau of

Land, still no legal rights could be acquired from it on the very reason the approved survey plan should be ahead than the survey plan of the TALA ESTATE, unlike based on their record the approved Plan was done on the year 1902 while the decree of registration was only made on the year 1910 compare with the Decree of Registration of the TALA ESTATE which was made on 1896 under Plan II-01, which was amended into II-69 upon cancellation of all the approved survey plan, which cleared said title OCT No. 114 was fraudulent in character, in as much as the same land is an integral portion of the land already titled since 1904 in favor of the TALLANO ROYAL FAMILY.

And respondent TALLANO CLAN had paid the realty taxes thereof since 1902 and was ended only on the year 1969, shortly after the filing of the SCHEATMENT SUIT against the TALLANO, adopting with the same force and effects of the evidences of the TALLANO ROYAL CLAN by the Office of the Honorable Solicitor General said OCT No. T 01-4, TCT No. T 408 and TCT No. T 498, that caused the Republic of the Philippines suffered an awarded compensatory and exemplary damages of P3 billion with Seven (7%) percent per annum commencing the year 1968 to be paid in CASH for and in favor of PRINCE JULIAN MORDEN TALLANO, which disregards the LAND BANK BONDS, since the said bonds were merely a matter of hook and bait deception to realign if not to derail the payment of said damages by the Republic of the Philippines to the detriment of the clan, therefore, issuance of WRIT OF MANDAMUS has been considered necessary to COMPEL the Republic of the Philippines and its NATIONAL TREASURY for such payment as justice demanded to enforce for the victim of land grabbing, the TALLANO ROYAL CLAN. Hence, respondent has been deemed begun asserting his adverse claim to the land, while, recognition wise in term of ESTOPPEL on the part of the Republic of the Philippines complying the conditions embodied in the DECISION WITH COMPROMISE AGREEMENT of February 4, 1972, between the Republic of the Philippines represented by said former President Ferdinand E. Marcos thru said HON. OSG ANTONIO BARREDO, in relation to the said compromise agreement had issued Presidential Decree 2016, exempting the TALA ESTATE from paying realty taxes in National and Local level. This right must include the taxes involve with Lot 530, 531, 532, 533 and up to lot 540 were certified as alienable and disposable by the Department of Environment and Natural Resources.

It is beyond constitutional and ownership doctrine provided by the Land Registration Act that respondent TALLANO's possession and title had not yet suffice the ownership principle over the lot in issue. (*Hong Hok v. David*, 150-C Phil. 542 [1972]), which said statement falling outside the strictures of admissibility of evidence (*Yanto vs. Dectado*, SP 15518, June 29, 1989). In *Judicial teaching*, the principle that "no public land could be acquired by private persons without any grant, express or implied from the government; even which is indispensable that there be a showing of a title from the state, is no longer applicable for the title and ownership of the land at issue, particularly, the entire Archipelago had long been settled since Oct. 3, 1904.

On the other hand, "one claiming 'private rights' must prove that he has complied with C.A. No. 141, as amended, otherwise known as the Public Land Act, which prescribed the substantive as well as the procedural requirements for acquisition of public lands, which the opposing EPZA failed to substantiate according.



With the judicial wisdom of public land act, judicial confirmation of imperfect title required possession en concepto de dueño since time immemorial even prior to SPANISH REGIME or as early as July 26, 1894. (Act No. 2874, Sex. 45 (b), which enacted on November 29, 1919 had enforced its virtue ) And as C.A. No. 141, Section 48 (b), which was enacted on November 7, 1936) Nevertheless, on June 22, 1957, Republic Act No. 1942 was, as well, enacted amending C.A. No. 141. This eventually, enactment required adverse possession for a period of only thirty (30) years, that the Tallano Clans had exercised more than such requirement who pioneered the resettlement of the Malays and Polynesians, where their ancestors were originated ( now the Filipinos ) from other area of Pacific Region under the command of their monarchical authority the King and Queen of Hawaii and of the Maharlika Island, now Philippines, (Prince) King Julian Macleod Tallano and Queen Lydia Lilieloukalani Kamehameha. On January 25, 1977, President Marcos enacted P. D. No. 1073, ( P. D. No. 1073, Section 4, enacted on January 25, 1977) further amending C. A. No. 141, railroading the period for filing applications for judicial confirmation of imperfect or incomplete titles to December 31, 1987, which was moot and academic and no longer applicable, because all the land already titled under TORRENTS TITLE. Within this decree, “the provisions of Section 48 (b) and Section 48 (c), Chapter VIII, of the Public Land Act are hereby amended again is no longer suitable in the sense that these provisions shall apply only to alienable and disposable land of the public domain which must be in open, continuous, exclusive and notorious possession and occupation by the applicant himself or thru his predecessor-in-interest under a bona fide claim of acquisition of ownership, since June 12, 1945, is again a law that becomes inutile in substance beyond legal objective, which is violative of R. A. 496, when to enforce.

What is more glaring to enforce “Under the Public Land Act as amended, only titles to alienable and disposable lands of the Public domain may be judicially confirmed, but with the existence of the TALA ESTATE LAND TITLES, is too late to avail for one interest. In the spirit of JUSTICE unless a public land is re-classified anew, as if the land has now title yet and be declared as such, occupation thereof though in many nature, in the concept of owner, no matter how long ago its possession cannot be conferred for indubitable ownership or possessory rights, in the presence of torrents title for and in favor of the Royal Family. (RAMOS VS. COURT OF APPEALS, 163 SCRA 583 (1988))

That under the Land Registration System, which the subject land has been clothed by it, it's for the registration of title to land only, the real purpose being to quiet said title, so that once a title is registered, the owner may rest secure, without necessity of waiting in the portals of the Court, or sitting in the mirador de su casa, to avoid the possibility of losing his land. (Soriamont Investment Co., v. Medina, 05559-Sp, February 10, 1977), and Land Registration System further manifest that no one should be exempted either they were present in the proceedings or not they were present in the proceedings or not they were bound of the efficacy of the law and of said JUDGMENT.

FINALLY, MOVANT CONGRESSMAN ROGER TIGLAO, have all the requisite and clear valid right to the lot in question, While Writ of PROHIBITORY MANDATORY INJUNCTION and MANDAMUS has been

grant which will lie to protect such right of possession against the occupant of the subject lot No. 530, 531, and Lot 531 A. 531 B. 531-C, 532 and up lot 540 for and in favor of EX CONG. ROGER TIGLAO and his peer, successor in interest. Yet, the trial court issued a writ of preliminary injunction against the heirs of TALA ESTATE and or any party not to disturb the peaceful possession of movant ROGER TIGLAO and his co-owners over Lot 530 up to Lot 540;

“Two requisites are necessary if to issue a preliminary injunction, namely: (1) the existence of a right to be protected and (2) the facts against which the injunction is to be directed are violative of said rights.”

No one can ever claim such of the above requisites are out to exist in the case at bar, to deny the ROGER TIGLAO's business acumen to avail said protective remedy against contract party, PRINCE JULIAN MORDEN TALLANO

On the other hand, it is not disputed that there is a government infrastructure project in progress traversing advertently Lot 530 to 540 which has been enjoined by the writ of injunction issued by the trial court.

WHEREFORE, the Court maintains the decision of February 4, 1972, and the Motion of the Republic of the Philippines for RESTITUTORY INTERDICT, and its Motion for the Relief From Judgment and or to set aside the Order of Third Alias Writ of Execution and Possession has been dismissed while the issuance of Third Alias Writ of Execution and Possession of May 23, 1989, has been sustained and the said writ, The Third Alias Writ of Possession shall be enforced accordingly against the parties; defendants aforementioned, exempting Ex. Cong. Roger Tiglaio and his peer, successor in interest, for and in favor of the heirs of the TALA ESTATE, Represented by its Court Appointed Judicial Administrator, Prince Julian Morden Tallano, within (5) years period of enforceability clause in as much as this Order has been embraced by agreed Fifteen (15) years moratorium which will take effect immediately after March 7, 2006, against the losing party; and or anybody found occupying the subject lot;

Ordering likewise the heirs of TALA ESTATE, Represented by its Court Appointed Judicial Administrator to abide the Compromise Agreement between the Tala Estate Heirs and movant Roger Tiglaio and or to be represented by his business peer or assign, provided falling within the stipulations prescribed in the said COMPROMISE AGREEMENT; which fominated under document No. 017, Page 37, Book II, Series of 1988 of the Municipality of Malabon, which becomes enforceable within prescription period of five (5) years, starting March 7, 2006, otherwise, after said date when found of without compliance to the Mandate so issued, this Court will not hesitate to ORDER the Branch Sheriff of this Court, or in the absence of regular one, the Court Appointed Private Special Sheriff, by all means with the use of force when conditions warrant to implement, dismantle any structure that may find thereon over the subject lot and implement for the immediate ouster of any party, and all party or parties under the permission of the illegally occupying person or persons whosoever, and from being in possession of the covered area hearing lo No. 530 to 531, 532, and up to 540 which have been enjoined to vacate the area and place in physical and actual possession of said Roger Tiglaio or his successor in interest.

A judgment or order based on Compromise Agreement has the adverse effects of Res Judicata and is enforceable by execution and should not be disturbed except for vices or consent or forgery. To challenge the same, a party should move in the trial court of proper jurisdiction to set aside the judgment, before he can appeal the judgment itself. An ORDER approving compromise agreement, which right then and there writes finally finish to the controversy is computed not from the entry but from rendition of

judgment or order. The Judgment or ORDER does not have to be entered as it is not appealable. The Supreme Court rendered in many circumstances and precedent that as a matter of law, a judgment or order on compromise agreement becomes final and immediately executory upon approval thereof by the proper Court. In many Judicial Authorities, further settled that a compromise agreement upon perfection become binding upon the parties was not judicially approved. The fact the parties affixed their corresponding signatures to the COMPROMISE AGREEMENT; the same became resjudicate enforceable among the parties.

That Court hel, the stand of the RESPONDENT Tala Estate Heirs the following has been granted as it has been prayed for in his motion; to wit:

1) DENYING THE SECOND MOTION FOR NEW TRIAL OR FOR THE ANNULMENT OF JUDGMENT REFERRED TO DECISION WITH COMPROMISE AGREEMENT TO SET ASIDE SAID MOTION ON THE GROUND OF LACK OF JURISDICTION WHILE SAID MOTION BE DECLARED NULL AND VOID AND BE DENIED ON THE GROUND OF LACHES, ESTOPPELS AND THE SAID MOTION HAD BEEN FILED OUT OF TIME, WHILE, THE OSG had ably participated the proceedings so to question Jurisdiction has barred by the rules, has been granted.

2) COMMANDING THE HON. LAND REGISTRATION ADMINISTRATION, ITS SUBORDINATE REGISTER OF DEEDS OF THE PROVINCES, CITIES OR MUNICIPALITIES, to issue a corresponding segregated land title derivative from either OCT No. T 01-4, TCT No. T 408 and TCT No. T 498 for and in the name of heirs of the so called registered owners, whose real properties evidence by land title aforementioned;

3) Likewise commanding the Office of the Bureau of Internal Revenue and the Department of Finance and its Instrumental Office Agencies ; the Office of Provincial, City and Municipal Treasurers and Assessors, to implement and adopted the TAX EXEMPTION in term of realty Tax in favor of the TALA ESTATE owner, embodied in Presidential Proclamation/Decree No. 2016, in as much as portion of the TALA ESTATE has been utilized and still utilizing into Urban and Agricultural Land Reform Program and Development for the interest of the government and concerns government agencies and its instrumentalities;

And that government agencies, specifically Register of Deeds, have jurisdiction to cancel all sales patent purported to be legitimate sales patent covering portion of the TALA ESTATE issued by the Republic of the Philippines through former Presidents, from the very birth of this Republic up to this time, where President of the Republic of the Philippines remained indiscriminately issuing sales patent and or Free patent, particularly President Ferdinand E. Marcos, which necessitate the declaration of this Court of nullity and or quieting of all land titles; OCT/TCT that overlapped the title of the Tala Estate and the clans' ownership embodied in the DECISION WITH COMPROMISE AGREEMENT of February 4, 1972. In this order includes with the issuance of reconstructed copy of ruined Cadastral Plan/ PSU 2031, and Survey Plan II -01, of which was amended into Plan II-69, should be well respected with undertaking to release the copies of reconstituted OCT No. T 01-4, TCT No. T 408 and TCT No. 498 embracing lands in Metro Manila, portion of Region 3, Region IV and IV A and of OCT No. T 01-4, embracing several lands, which are untitled yet, or lands unlawfully titled in possession in the hand of intruders/unlawful claimants/holder of said land found in the different part of the Archipelago including Sabah and Kalayaan Islands, the same should be recognizes and enforced as the law of the case. And the Decree, other than of Land



Registration Decree No. 297, be declared null and void Ab Initio, be cancelled which over lapsed and adverse to land covered by said Decree No. 297 in the name of Prince Lacan Ul Rijal Bolkiah (Tagean) Tallano, which was duly registered in accordance with the Land Registration Act No. 496 and impose punishment with its equivalent of perpetual imprisonment with damages upon Contempt of Court to any body including the officers/employees of the concerns Hon. Registers of Deeds/ Assessors and any concerns government agencies including PHHC (Peoples' Homesite Housing Corporation its new name is NHA, the Bureau of Lands, the LRA and other government units and instrumentalities, the local government units, together with their subordinates and conspirators, private firm or person, which are in the components of Governor-Vice Governor, Board members, City, Municipal Mayors and their Municipal /City Councilors including the Chief of PNP and their subordinates in the City, Municipalities, Provinces and the Barangay Captains and their Kagawad, who would be defying the Order of the Court, by continuously exploiting in term of self inhibition the implementation of their duties, responsibilities and functions which are ministerial in the enforcement of said Court Orders, Decision, and Writ, for equity and justice commanded by the Court for compliance in accordance with the rules of laws and jurisprudence. This clearly means in common parlance- Justice is constant and perpetual determination to render to every one what is due him, by application of the Right of Action (De Guzman vs. Court of Appeals, G.R. No. 92029, Dec. 20, 1990, 192 SCRA, 508, the same has been granted;

3) Ordering and enjoining all concern Defendants/defeated parties and all persons under them and including their tenants and or occupants to abide this WRIT OF MANDAMUS, otherwise, fullest force of the law incorporated as enter twined with this order thw same should be enforced against them, the Republic of the Philippines, including the Office of the Public Estate Authority, the NHA who rampantly gulldozed thousands of mango trees in Cavite upon construction of their stuctures like Kadiwa Center located at Bagong Bayan, Area A to Area E in Dasmarinas, Cavite, and Department of Tourism, the Philippine Export processing Zone in the Municipality of Rosario in the Province of Cavite, and many more.

And enjoining as well, local government units like the Province of Batangas and Municipality of Muntinlupa, specifically in Barangay Alabang and other defendants, who are likewise adopting the blue print of land grabbing spree of the deposed President, Ferdinand E. Marcos. particularly, in that Barangay (Pinag bayan) Catmon, San Juan, which has been controls fraudelently by Benito Marasigan and his Family. And likewise in the are of Alabang Lot 189, up to Lot 293 Lot 379, 392 which said lots occupied by the public market and lot that was utilized as parking area and as bus and jeep terminals in Alabang, Muntinlupa embracing of Lot 1, of Plan II-69, containing an area of 2,447,642 square meteres, or around 244.7642 hectares, more or less which is an integral part of TALA ESTATE, evidenced by TCT No. T 408, in the name of DON GREGORIO MADRIGAL ACOP.. And said lots was manipulated by Ayala Land, the Fil-invest and Andrew Gutianon and Company, Gokong Wei and Company, the Pilar Development Corporeation. And likewise enjoining the developers of the town of Cabuyao, Sta. Rosa, San Pedro Laguna and the Municipality of Dasmarinas in the Province of Cavite, and several realty firms that illegally exploited the Tala Estate Land, like the Extraordinary Development Corporation, the Confederation Development, the V.V. Soliven Realty, Inc, the Henry Sy, the Cong. Manny Villar Realty Firms, the Taipan Group of Company, the Sta. Lucia Realty Development, Inc., the Greenfield Development Incorporated, the Mid Land Pasig Development Corporation., the Metro pacific Development Corporation, the Wellington Ty and Company and Associated the Jose Yulo and Company, without TALA ESTATE HEIRS'S



permission. And said realty firms in conspiracy of those in the Bureau of Land, Public Works and Highway ,the NHA, the Office of the Presidential Commission on Urban Poor, in the pretext of public welfare through Housing Program they sold the lands illegally to different buyers to the extent of sacrificing the funds of our National Treasury besides of concealing the funds appropriated for the beneficiaries- like government agencies and its vital departments, particularly the Department of Justice, the Supreme Court, the PNP and the NBI who just sustainsaid thievery in our National Treasury, the same said unlawful occupants and buyers in bad faith have been enjoined to revert it back said ancestral real properties to the legitimate heirs, thru their Judicial Administrator/Executor of the late Benito Agustin Tallano, PRINCE JULIAN MORDEN TALLANO.

With costs against dependant/occupant of the area at P100.00 per square meter or P1 million per hectare yearly awarded damages commencing January 1, 1990, with an interest of 10% per annum payable in cash to ROGER TIGLAO or his business peer, his successor in interest or a (1) one month imprisonment in every unpaid amount of awarded damages of Php5,000.00 as embodied in the Compromise Agreement between the parties in the said contract against any body, stranger or foreigner of any nationality or tenant illegally occupying the subject lots bearing lot number 530, 531, 532 and lots up to 540 with an area of 170,000 square meters or 17 hectares located in Barangay Bacao, Rosario, Cavite not in General Trias, Cavite Province., until it has been fully paid.

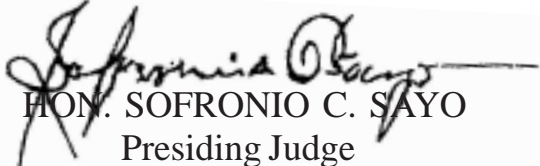
Enjoining the Deputized Law Enforcement Authority, the member of Phil. Army, Air Force, Marine, PNP and NBI to assist the ENFORCING SHERIFF to enforce the Writ of Mandamus against all concerned parties and occupant, squatter of the subject lot. No 530, 531-A, B, C, AND LOT 532 up to lot 540 including lot specified in Alabang, Muntinlupa, Province of Rizal, to enforce the awarded damages with the same force and effect against tenants, squatter of the subject lots.

Enjoining the party, particularly, the Republic of the Philippines, ITS National Treasury and Depository Bank to pay the TALA ESTATE HEIRS, represented by PRINCE JULIAN MORDEN TALLANO the sum of P3 billion pesos plus an interest of 7 percent p.s. starting 1968 or an equivalent of one month imprisonment in every P5,000.00 of the unpaid damages against the official defy the ORDER until the sum of Php3 billion has been fully satisfied.

SO ORDERED.

Pasay City, 19 Oct. 1989

JEO/SCS

  
HON. SOFRONIO C. SAYO  
Presiding Judge