

**ORDER OF THE THIRD ALIAS WRIT
OF EXECUTION, POSSESSION
AND DEMOLITION
WITH DISMISSAL
TO MOTION FOR RELIEF
OF THE
NATIONAL GOVERNMENT**

May 28, 1989

SARAO MOTORS/FRANCISCO MOTORS CORP)
 PHILIPPINE SHARE COMPANY)
 PILAR DEVELOPMENT CORPORATION)
 TEODORO LIM, FELIX BAEZ AND HEIRS)
 VALINTINO GAJUDO/CANDIDO CLEOFAS)
 FORT WILLIAM MCKINLEY AND THE)
 MANILA RAILROAD COMPANY)
 UNIVERSITY OF THE PHILIPPINES)
 THRU HONORABLE SOLICITOR GENERAL)
 THE COMMISSIONER OF LAND)
 REGISTRATION COMMISSION)
 THE HONORABLE DIRECTOR OF BUREAU)
 OF LANDS, THE REPUBLIC OF THE)
 PHILIPPINES)
 AND TO ALL WHOM IT MAY CONCERN)
 Defendants
 DON ANNACLETO MADRIGAL ACOP)
 JULIAN M. TALLANO)
 Intervenors

x-----x

**ORDER OF THIRD ALIAS WRIT OF EXECUTION, POSSESSION
 AND DEMOLITION WITH DISMISSAL TO MOTION FOR
 RELIEF OF THE NATIONAL GOVERNMENT**

In the preponderance of evidences by all the parties in interest to substantiate with the virtue of justice in the case at bar based on the Court records available, it was firmly established that the allege ownership interest of the Republic of the Philippines, over the land in question is feeble it is Pro Defectu by lack of Primary Evidence and Presumption of Law even if the Motion for Reconsideration would be given due course as it was asserted thru the office of the Hon. Solicitor General. But if there be any doubtful conception as to the

Correctness of the Clarificatory Decision and Order of this Honorable, particularly Judgment with Compromise Agreement of February 4, 1974 and January 19, 1976, the predicament is best be applied to the prejudice of the herein movant, the Republic of the Philippines because the Honorable Solicitor General after submission of its proposal in behalf of the Republic of the Philippines had entered with the heirs of late Prince Julian Macleod Tallano, owner of the lands evidenced by OCT No. T-01-4, where portion of the lands own by Don Esteban Benitez Tallano, covered by TCT No. T-498, and that Don Gregorio Madrigal Acop, owner of the land under TCT No. T-408, thru Benito A. Tallano, a judgment with Compromise Agreement which was rendered on February 4, 1972, hence, the Republic of the Philippines is barred by Estoppel and the pain of Res Judicata. Instead, based on the Court records, the movant tolerated the long period of time before its motion for reconsideration had been filed on February 26, 1989, yet, it took a long overdue for more than thirteen (13) years now before said motion has been filed finally, perhaps, not for public interest but a means of dilatory tactics to defeat the motion of the Intervenor for the issuance of Third Alias Writ of

Execution, Possession and Demolition.

That after February 4, 1972 Judgment with Compromise Agreement, the Clarificatory Order was been issued on November 4, 1975 that rectified the Clarificatory Order of March 21, 1974 together with its Clarificatory Decision which was issued on January 19, 1976 correcting, amending and reversing the previous one by operation of the law, said decision, including that judgment with Compromise Agreement dated February 4, 1972, and orders had been long became final and executory on February 19, 1976, and the same way properly executed on several occasions, while that judgment of February 4, 1972 was executed on April 7, 1975 thru private sheriff, Atty. Epitacio Sobejana and another execution were rendered on November 7, 1974 and on March 7, 1979 by virtue of Writ of Execution, Possession and Demolition dated September 10, 1974 where Court approval that deputized Atty. Epitacio Sobejana as Private Sheriff certified by virtue of Sheriff's Return of November 17, 1975 and that ALIAS WRIT OF EXECUTION, POSSESSION AND DEMOLITION dated October 8, 1978 and duly certified by virtue of Sheriff's Return of May 4, 1979 for and in favor of the Intervenors, Mr. Julian M. Tallano, Don Gregorio

Madrigal Acop and Don Annacleto Madrigal Acop. The case at bar had been rested in peace for quite so long and its judicial stability should be well respected in toto without exemption.

Nevertheless, assuming therefore, the Clarificatory Decision and Order in the case at bar is Sine Perjuicio, it became final after the prescribed time frame within which to perfect an appeal shall have terminated accordingly or lapsed and that will, upon the lapsation of 30 days from the days on which the party who may appeal have been served with a required notice of judgment. Indeed, after January 19, 1976, Clarificatory Decision which reached to February 20, 1976, by the operation of the law said proceedings supposed to become final on February 20, 1976. And since the time for appeal is fixed by law, it provides an allowance by taking off there from the period during which a Motion to set aside the judgment or for reconsideration has been pending. Assuming, moreover, that the judgment is erroneous, except when such facts were really recorded and the attention of this Honorable Court had been usually called upon like what the Intervenors had done previously calling the attention of my predecessor, then Hon. CFI Judge

Enrique Agana that many times asserting their rights for correction on November 4, 1975 before lapse of time, such error, unless jurisdictional could have been corrected by regular appeal within the time frame. Naturally, Decisions and Orders, whether erroneous or not, became final after the time frame as fixed by law, otherwise, litigation would be fatal to all when institution of justice would have no end, yet, no court suit would be finally settled for justice, and Titles to properties and subject interest involved would, the same, become precarious if the government authority, for baseless reasons, would be allowed to re-open then anew said court proceedings which had been long put into rest in accordance with the tenet of jurisprudence (*Daquis vs. Rusion, et. al.*, 913; *Maramba vs. Lozano*, 64, O.G. 42, Oct. 14, 1968). In the case (*People vs. Olarte*, G. R. No. L 22465, Feb. 28, 1967, 63, O. G.,No. 27, p. 6673, July 1, 1968; SCRA 494). Even the Supreme Court can not even change the doctrine adapted in the Interpretation of the law affecting this subsequent case made by Justice Tribunal of any level. Because, under said court litigation, it was held that the subsequent re-interpretation of the law could be applied only to a new case and certainly not to a case that had been long

resting and meritoriously resolved for a long time finally and conclusively determined. In as much as judicial doctrine have only prospective operation. Yet, posterior changes in the doctrine of justice system by the Supreme Court can not retroactively affect on amending or nullifying a prior final decision in the same proceedings where previous court litigation Ex- Acquitate done, whether the case be civil or criminal in nature.

As it was observed by this Honorable Court, there were an apparent strategic deception over the manifestation of the Solicitor in today's motion alleging that required court proceedings in the case at bar had never held and it was purely a mistake of the SOLGEN's Solicitor in replying the Judgment in favor of the intervenors, while, they allege, there were no proceedings at all which was a baseless ground in toto. It's on their burden if it deny a party of their day in court. But let's open our eyes to a judicial wisdom in a case of Claveria vs. Honorable Palacio, 56, O. G., 2161 as mentioned;

“But while the rule is that the client must suffer the consequence of the negligence or incompetency of his counsel, this rule should

not be applied where this would result in denying a party of his day in court or in preventing him from fairly presenting his case.” (U. S. vs. Umali, 15, Phil. 33; U. S. vs. Dungca, 27, Phil., 274; People vs. Manzanilla, et. Al., 43, Phil., 67; Montes vs. Regional Trial Court of Tayabas, et. al., 48, Phil., 650; Vivero vs. Santos, et. al., 52, O. G., 1924), especially where, as in the present case, the intervenors has no evidence that the aggrieved party, particularly the Honorable Solicitor General, was guilty of dilatory tactics.

In the case at bar, the Honorable Solicitor General failed to file its motion for Reconsideration within a time frame to prove their allegation that were no proceedings. But why they failed to file such requirements of the law, that caused the Republic of the Philippines dented for its essential days in Court, which was incontrovertible on the circumstances that was held by Intermediate Appellate Court, to wit:

A decision rendered without giving a party his day in Court is Null and Void (Luz vs. Court of First Instance of Tacloban, 77 Phil., 679).

We need to digest thru supplemental words “Null and Void” because the incident would not be in conformity to the instant case, which; “A judgment void upon its face and requiring only an inspection of the record to demonstrate its validity is a mere nullity and, in legal effect, no judgment at all. Such judgment has been characterized as a dead limb in the judicial tree which may be chopped off anytime, capable of bearing no fruit to plaintiff but constituting a constant menace to defendant”. (I Freeman Judgment 643-645).

If we subscribe the defense of the Honorable Solicitor General in the above entitled case alleging that they have no knowledge over the mistakes and negligence of their Solicitor, this entirely, purporting to deception that there were no Court Proceedings, it would open a vacuum for a lawyer to pass through in compromising their clients’ cause to the preponderance of opposing party in interest. Very clearly, the Honorable Solicitor General have a direct control over his Solicitors considering the office they represented is a government agency with paramount importance,

complete of legal staffs and lawyers including bounty resources and facilities as a means for the defense to seek justice in the interest of the general public as our Constitution demands for it. But in spite of such stability in their situation, still they missed to comply the judicial requirements in Court. On the contrary, the Republic of the Philippines, through its Solicitors, INDEED AND ACTUALLY had technically employed their defense by taking CROSS EXAMINATION to the Intervenor, Mr. Julian M. Tallano, before this Amicus Curae; and this Hon. Court, that later on such defense served nullity to the government after the intervenor re-affirmed their solid ownership interest over the land in dispute, as follows:

(EXCERPT FROM CROSS EXAMINATION OF J. M. TALLANO
DATED JANUARY 7, 1974 BEFORE THE AMICUS CURAE)

Honorable Asst.
Solicitor Gen.
Gutierrez

Q. Mr. Tallano, who is in possession of the land covered by that TCT No. T-408 and TCT No. T-498?

Witness
J. M. Tallano

A. We are in possession since the year 1764 up to the present, Sir.

Honorable Asst.
Solicitor Gen.
Gutierrez

Q. On what way as you mentioned that you are in possession of the land since 1764?

Witness
J. M. Tallano

A. Beside of its Torrens Titles TCT No. T-408 and that TCT No. T-498 and that OCT 01-4 which were issued in the name of my predecessors, the land land itself has been tilling by my forefathers since the year 1764 by planting million of fruit bearing mango trees, bananas, variety of fruit bearing trees, pineapples, sorghum, yellow corn and sugar-canes and furtherly we are tilling the land we inherited up to the present time. Another point was that my ancestors were the ones who built such BALARA WATER RESERVOIR and the Novaliches Dam as our irrigating system to our plants that forced the National Government thru its late President Manuel Roxas to enter into

yearly lease agreement with our family since the year 1948 and it was ended only in the year 1969.

Honorable Asst.
Solicitor Gen.
Gutierrez

Q. Who is paying the amelioration taxes of the land?

Witness
J. M. Tallano

A. We were the one since the year 1948 up to the year 1969 and it was stopped only when we were affected by sky rocketed rate of assessment tax increases. In deep sense, I have in possession 20 pieces of Realty Tax Receipts which started in the year 1948 to 1969.

Honorable Asst.
Solicitor Gen.
Gutierrez

Q. Mr. Tallano, you mentioned Solicitor Gen. Gutierrez in your testimonies in our previous hearing that you're the true and direct heir of Don Esteban Benitez Tallano and Don Gregorio Madrigal Acop, that proof can you present to this Honorable Court relevant to your claim as direct descendants?

Witness
J. M. Tallano

A. Actually, in this Honorable Sala, your Honor, Don Esteban B. Tallano, now in his 98th years of age, and Gregorio Madrigal Acop, also in his 96th years of age, are both physically present in this Honorable Court Sir. That medium built old man wearing white pant and white long sleeves with white shoes and with gold chain necklace and wearing sunglasses is prominently known as Don Esteban Tallano, Compadre of former President Diosdado Macapagal, cousin of Irene Macaraeg of Binalonan, Pangasinan, while, that fair complexioned old man about 5'5" in height wearing beige colored pants and red stripe polo shirt also wearing sunglasses with curly hairs and also with big gold necklace

seated at the right side of Don Esteban Benitez Tallano is prominently known as Don Gregorio Madrigal Acop, who both signed a Court required Sworn Affidavits recognizing me being their Estate Judicial Administrator, Your Honor. That another document I have in my present possession our Honor are Certification by concurrent Supreme Court Justice Hermogenes Concepcion, Jr. affirming the true name and personal identity of my predecessors, Don Esteban Benitez Tallano and Don Gregorio Madrigal Acop who are also both Compadre of the Hon. Chief Justice. And another Certification issued by former President of the Philippines, Mr. Diosdado Macapagal, now the President of the Constitutional Convention affirming

the true name and personal identity of the two prominent Hacienderos, because that time Ex-President Diosdado Macapagal had appointed Mr. Benito Tallano, my father, as his campaign manager that made him garner a land slide vote in San Jose City, Nueva Ecija during his presidential candidacy in the year 1961. Along that time it caused a connecting relation to Don Esteban Benitez Tallano, the grandfather of Benito Tallano, who is closer to the former President of the Philippines of the fact that the mother-in-law of Ex-President Macapagal, the second cousin of Don Esteban Benitez Tallano and Don Gregorio Madrigal Acop of Pangasinan and Bulacan, has been known to him undoubtedly.

Now, perusal to all the facts and circumstances in this Honorable Court, it has been furtherly stressed a question on what grounds do the Honorable Solicitor General could claim that the case at bar had been predicated by judgment with no court proceedings? Perhaps the Hon. Solicitor General wants to plant merely confusion to this Honorable Court of Justice toward re-opening of the case since they are barred from stipulation and that its “Judgment with Compromise Agreement” between the Tallano Heirs would be entirely affected by which, if we will abide such strategic maneuver, it could be considered an action for the reopening of the land registration case or toward strategic proceedings against such “Judgment with Compromise Agreement”, but, again, the Doctrine of Res Judicata barred the Honorable Solicitor General from doing so. Because it was clearly in a case (Grey Alba vs. dela Cruz, 17, Phil., 49, 1910) that Res Judicata is applicable in registration proceedings with or without oppositions instituted for the registration of a private land, the judgment of the Court confirming the title of the applicant or oppositor, as the case may be, and ordering its registration in his name or in the name of successful litigant particularly late Prince

Julian Macleod Tallano over this OCT No. T-01-4 constitutes, when final, Res Judicata against the whole world because the Doctrine applies to all cases and proceedings including Land Registration and Cadastral proceedings (Royal Audiencia vs. Roman Catholic Church, R. Ad. 1886).

The battle lines drawn appropriately from the parties concern including the Hon. Solicitor General were all judicially required remedies thru their submitted pleadings and contra-pleadings and evidences as they had been exercised such rights but still it turned out futile they missed convincing evidences for this Honorable Court to adopt it in toto against the Intervenors.

Originally, it was long been resolved according to judicial procedure that said TCT No. T-408 and that TCT No. T-498 that has been derived from OCT 01-4 which was issued by virtue of Royal Decree in favor of the intervenor's predecessor, late Prince Julian Macleod Tallano, in the year 1764 and the Royal Audiencia adjudicated finally against the late Hermogenes Rodriguez in favor of said Prince Julian Macleod Tallano on the year 1861 ended 1864, yet, said Titles are titles from probative origin, and the

same had been passed thru crucial test by judicial affirmation of the land Registration Court during the corresponding approval and issuance of the said Decree of Registration no. 297 on October 3, 1904. That on that context, it had been granted accordingly, affirming, said OCT 01-4 was valid from probative nature of land titles of ownership prescribed by the Land Registration Act 496, particularly, over the land in question – the KEYBIGA (QUEBIGA) HACIENDA, which long became final upon such decree of confirmation and registration that had been entered, yet, it binds the land and quiet any title thereto subject to Section 39 of Land Registration Act No. 496. And it is a universal acceptance that it should be conclusive upon and against all persons including the government authority and all its agencies thereof, whether it mentioned by the name in the notice or citation or included in the general description “TO ALL WHOM IT MAY CONCERN” because ACTION OF REGISTRATION LIKE THAT OF CADASTRAL HEARING UNDER RA 2259, WHERE THE SAME LAND HAD UNDERGONE, IS AN ACTION IN REM, YET, CORRESPONDINGLY, IT IS A NOTICE TO ALL THE WORLD.

Indeed, when the intervenor’s predecessors in interest obtained the decree of Registration and the

recording of said original Certificate of Title OCT No. T-01-4, had been done judiciously, it had been construed as an agreement running with subject lands and finally binding upon the land owner and all successors in title and interest, thereto, that the subject land should be and always remain registered land in favor of the lawful transferee-owner, embracing its expediency Titles in as much as said Titles, TCT No. T-408 and TCT No. T-498 are Torrens Titles, per se, can not be subjected by prescription. In other words, prescription for a torrens title is unavailing not only against its hereditary successors but also to all persons claiming similar rights against the owners and the herein intervenors. To this effect, the land ownership under this Land Registration Act 496 and RA 2259 protected by the Doctrine of RES JUDICATA.

And along the same doctrine of ownership over the land in question, it has also been long settled in the case at bar, that the Supreme Court has steadily held vigorously in favor of the registered owners-intervenors whose interest and legal rights over the subject land had been acquired by virtue of judicial proceedings and by way of principle of fee almpie as provided by

Maura Law under Royal Decree of February 10, 1894 in compliance with the Royal Decree of January 26, 1889, which is now dubbed as Titulo de Compra. That possession over the properties in dispute originated from more than 400 years since time immemorial, and clearly having been registered as owners over the subject land for more than two (2) centuries and having possessed and titled the same during such period since the year 1764 without adjustment. It became indefeasible and imprescriptible against any one and could not be disturbed by another court proceedings or by stranger alone in derogatory to said Titles, VICURE CUJUS, torrens title cannot be subjected for collateral attack unless fraud would be an issue against said Titles, But such claim should be filed within the time frame, one year after the date of the issuance of the decree of registration or before it perfect its appeal but such action must be direct, and not by collateral attack or collateral proceedings which totally barred the claimants of doing so. Like what happened in the case of the Republic of the Philippines, thru its Hon. Solicitor General, it lost its rights to assert its motion for reconsideration or this Motion for Relief by virtue of the operation of the law.

For purpose of record, on March 21, 1974, this Hon Court rendered judgment in the above entitled case in favor of the Intervenors, Julian M. Tallano and Annacleto Madrigal Acop and not Annacleto Madrigal Acopiado which this Court had admitted it was a mere commission of clerical errors on the ground that Annacleto Madrigal Acopiado is different from Annacleto Madrigal Acop, a two different persons, while that Annacleto Madrigal Acopiado, his real Civil Registry is Annacleto Montanez Acopiado, so this Hon. Court had corrected this into Annacleto Madrigal Acop, the true Intervenor. And thru the Motion of the Hon. Solicitor General, in behalf of the Republic of the Philippines, dated November 7, 1975, and thru the motion of the Intervenors also dated November 7, 1975 both parties in interest urged this Honorable Court to correct and rectify said Order dated November 4, 1975 on the reasons as pleaded by the said Intervenors, the Hon. Court, thru its stenographic clerks, committed grave errors clerically. While the contention of the Republic of the Philippines, the Hon. Court failed to appreciate the value of the new evidences of the government that had been submitted against the Intervenors' evidences.

On the issue of jurisdictional requirement that had been raised by the Republic of the Philippines through its Hon. Solicitor General against the intervenors, alleging that said party's legal interest over the subject matter is fatal and guilty for being failed to comply such docket fee towards acquisition of Jurisdiction, said argument of the Honorable Solicitor General for and in behalf of the Republic of the Philippines is clearly beyond the tenet of jurisprudence and law.

In a wider judicial wisdom which was universally taken into practice by prominent luminaries in the legal profession and, augmentedly augurs by the Rule 141 Section 7 (a) of the Rules of Court as it stood at the time of filing of complain against petitioner, docket fees for ordinary action should be based on the total sum claimed, exclusive of interest, or the stated value of the property in litigation. Thus the docket fees should be computed on the basis of the value of the property and the amount of the related damages claimed, exclusive of interest. Where the action involves real property and a related claim for damages as well, the legal fees should be assessed on the basis of both (a) the value of the property and

(b) the total amount of the related damages sought (Tacay vs. Regiona; Trial Court LRO, SCRA 433, 444 (1989)). Thus on that instances, the CFI then under my predecessor, which decided the case at bar for Julian M. Tallano, et. al., Intervenor required jurisdiction over the case filed by the Plaintiffs Wilson P. Orfinada, et. al., Intervenor required jurisdiction over the case filed by the Plaintiffs Wilson P. Orfinada, et al., after the said plaintiff and satisfactorily completed the payment of the said docket fees which the said Hon. Clerk of Court was the one who computed said filing fees.

Besides, the Rules of Law related to the jurisdictional requirements delves generally to all party in interest in as much as the Plaintiff, Wilson P. Orfinada, in his claim over the area of 1,203 hectares of raw land having an assessed value of P10,000 per hectare sometime in 1962, when the said complaint originated, had a total filing fee of P25,000.00 including the cost of miscellaneous. For humanitarian interest let us mend the agony of the Intervenors, et. al., the victim of oppression and curtailment of constitutional rights.

That the following real properties should be recovered far and in favor of the ntervenors and Heirs, the Tallano and Acop clans:

1. Parcels of lands covered by spurious Decree 35584 allegedly containing an area of 3,305.75 hectares, evidenced by OCT 730 both in Mariquina, Quezon City and Pasig, under Registration Book No. A-7 in the name of spurious land owners Marciano Severo Tuazon, Juan Jose Tuazon, Natividad Zaragoza and Augusto Huberto Y dela Paz;
2. A parcel of land spurious claims by the last defendant, Don Mariano San Pedro, covered by Composicion Col El Estado, OCT 4136 dated April 29, 1894, embracing three (3) lots; Lot No. 103 with an area of 169,922 hectares, Lot No. 112 with an area of 169,562 hectares, and Lot No. 113 with an area of 229,206 hectares, under LRC, SWO – 15320 situated in the Capitol District, Quezon City;
3. A parcel of land, Lot 1, Block 51, portion of a spurious PSD-57020 and PSD-10532, Cadastral No. 7681, situated in Sitio Bago Bantay, Quezon City along Congressional Avenue, bounded on the South by Line 1-2-3, by Block B-6, Northwest, by spurious Decree 2084; on the North along line 3-4 by Culiati Creek on the West and Northwest; along 4-5-6-7-8 by Lot 5, Block 51, on the East; along Line 8-1

by road Lot 4, both of the Subdivision Plan, containing an area of 24,097.60 square meters evidenced by spurious Land Titles TCT 152000 from OCT 736, Decree No. 17431;

Bautista identified as Lot 1, fictitious Plan PSU 65652, situated in Sitio Dilang, Cainta, Rizal, containing an area of Seventy Five Thousand Nine Hundred Forty Three (75,943) square meters, and Lot No. 2, also of spurious origin, PSU 65652 situated in the same area, Sitio Dilang, Cainta, Rizal containing an area of 19,552 sq. m. evidenced by spurious and void Land Title OCT 4331;

5. A parcel of land covered by void Land Title under OCT 735 and spuriously claimed by Francisco B. Francisco containing an area of 2,768.9521 square meters but its technical description is defective and in an open polygon affecting the area of Quezon City land which was covered by valid and lawful Land Title TCT 498 from OCT 01-4 in the name of Don Esteban Benitez Tallano, that had been

executed and took over for the perpetual possession of the rightful owner, Don Esteban Benitez Tallano so the same should be repossessed by way of this WRIT OF EXECUTION AND DEMOLITION;

6. A parcel of land, Lot 5, Block 8, respectively under Plan PSD 23384, portion of Lot 911 described in spurious Plan PCs-13, GLRO, situated in Quezon City, bounded on the North by Lot 4, Block 8; on the East by Lot 19, Block 8, on the South by Lot 2, Block 8; and on the West by street Lot 4, containing an area of 387.20 hectares, more or less, spuriously evidenced by TCT No. 300828 derived from OCT 614, which was declared null and void ab initio;

7. A parcel of land in Bo. Diliman, Quezon City along Line 1-2 by Commonwealth Avenue, on the East along Line 2-3 by Lot 4-B, also with spurious PSD-10014; on West along Line 3-4 by Road, on the Northeast along Line 4-1 by Road, containing an area of Seven Thousand Four Hundred Seventy Eight (7,478) square meters, evidenced by spurious TCT No. 305618 in the name of Pedro T. Casimero derived from OCT 730 which was declared null and void from

the beginning by the Order of this Court, CFI Branch 28, Pasay City under this LRC/Civil Case No. 3957-P;

8. A parcel of land, Lot I-A of the spurious Subdivision Plan PSd 18832, described on void PSd 4859 (G.L.R.O. Record 7681), containing an area of Thirty Three Thousand Six Hundred Twenty Three (33,623) square meters, more or less, in the name of Deogracias B. Babalaon under TCT 300828 derived from OCT 730 which was declared null and void ab initio;
9. A parcel of land situated in Sitio Tatlong Cawayan containing an area of Two Thousand Eight Hundred Ninety Eight (2,898) square meters and another Thirty Seven Thousand Ninety Eight (37,098) square meters evidenced by TCT 21100 in the name of Jesus Gomez derived from OCT 589 which was declared null and void ab initio;
10. A parcel of land containing an area of Three Hundred Twenty (320) square meters, more or less, portion of Block 12, Lot No. 169 of the spurious Pasay Estate, bounded on the Northeast by Lot 341; on the Southeast by Lot 331; on the Southwest by Lot 168 and on the

Northwest by Lot 153; the same should be recovered in favor of the heirs, the Tallano, Acop clan;

11. A parcel of land, Lot No. 1437-B of the Subdivision Plan, PSd-13684, which is spurious in nature being a portion of Lot 1437, G.L.R.O. Cad. Rec. No. 1352 which were void in character, containing an area of One Hundred Twenty Five (125) square meters in Pasay City Estate, bounded on the Northeast by Lot 1436 of Pasay city Cadastre; on the Southeast by Calle Chingxiang; on the Southwest by Lot No. 1437-A of the Subdivision Plan; on the Northwest by Lot 1417; said lots covered by spurious documents should be recovered by virtue of this Order in favor of the legitimate owner;

12. A parcel of land, Lot 1 covered by spurious Plan 11-2939 situated in Bo. Barangca, Mariquina, Rizal, now, Quezon City, containing an area of Forty Three Thousand Four Hundred Seventy Two (43,472) square meters allegedly in the name of Fermina Castor evidenced by spurious TCT No. 43747, from fictitious OCT No. 393 which were declared null and void ab initio;

13. Another parcel of land, Lot 2 of void 11-2939 situated also in Bo. Barangca, Municipality of Mariquina, now Quezon City, also evidenced by spurious TCT No. 43747 in the name of Fermina Castor derived from OCT No. 393 which was declared null and void ab initio;

14. A parcel of land situated in Bo. Almanza of the Municipality of Las PiHas, bounded on the Northeast by Road, on the Southeast by the spurious claims-properties of Zacarias Gregorio, Tomas Eusebio, Raymunda dela Cruz, all of declared spurious claimants on the Southwest by the spurious land claims of Raymunda dela Cruz and Sotero Trinidad; on the West by Lot No. 2; and on the Northwest by the spurious land claims of Higinio Espadilia, containing an area of: for the Lot 1, 142,433 square meteres; for the Lot 2, containing an area of 58,209 sq. m. allegedly claim by Agapito Bonso covered by OCT 4085 which were declared null and void ab initio;

15. A parcel of land, Lot 29 (LRC) PSd 29, portion of Plan 11-8152, situated in Bo. Guirayang, Municipality of San Mateo, Province of Morong, now Rizal, bounded on the Northeast point 2 to 3 by Lot No. 20; on the

Southeast, point 3-4 by Lot 23; on the Southwest, point 4 to 1 by Lot 28, all of the Subdivision Plan and on Northwest point 1 to 2 by PSU 32606, containing an area of One Hundred Forty Three Thousand Five Hundred Eighty Six (143,586) square meters, more derived from OCT 2750 which were declared null and void; or less, evidenced by TCT 110992 in the name of Remedios I.Sunga

16. A) A parcel of land situated in Sitio Tubigan, Barangay Sorosoro of BiHan, Province of Laguna, spuriously claim by Natalio Layos, but it should be Salvador Layos, the original tenant in the area of the Don Esteban Benitez Tallano Estate, portion of Hacienda Quebega, containing an area of Four Hundred Fifteen Thousand Six Hundred Thirty (415,630) hectares; and
 - B) Another parcel of land under the same spurious claimant Natalio Layos located in Sitio Tubigan, Bo. Sorosoro, BiHan, Laguna, containing an area of Seven Hundred Two Thousand Four Hundred Thirteen (702,413) square meters;
17. A parcel of land situated in Bo. Canlogan, Pasig, portion of spurious OCT 844 under spurious

Decree 16858 containing an area of Fourteen Thousand Two Hundred Seventy Four (14,274) square meters more or less, the same Decree and Land Title OCT 844 were declared null and void ab initio;

18. A parcel of land situated in Caloocan, now Quezon City, containing an area of Four Hundred Thirty Nine hectares and Nine Thousand Three Hundred Twenty Two square meters (439.9322 hectares), under spurious Plan II-4816, evidenced by spurious OCT 632 in the name of Eulalio Ragua, et.al., which was declared null and void ab initio;

19. A parcel of land containing an area of One Hundred Four hectares and Eight Thousand Eight Hundred Fifty Four square meters (104.8854 hectares), more or less, evidenced by spurious OCT 0-538 and OCT 561 which were declared null and void ab initio in the name of Afable, et.al., and Villasica, et.al., the alleged claimants, situated in Juntal, Tuy, Batangas;

20. A parcel of land containing an area of 158 hectares situated in the Bo. of Pinagkawitan, Lipa City bounded by Timbungan on the

Northeast, on the Southwest is Tihero River, on the South by Flores Garein evidenced by OCT 174, OCT 140, OCT 4553, OCT 4731, under Decree 641327, 641328, OCT 130 Decree No. 641328, OCT 0-117-P, OCT 213 under Decree No. 52860, which were all declared null and void ab initio should be recovered for and in favor of the Tallano Estates;

21. A parcel of land containing an area of One Thousand Seven Hundred Fifty (1, 750) hectares situated in Bo. Caluangan Magallanes, Marigundon, Cavite, and area of One Thousand Fifty (1, 050) hectares in Bo. Pacheco and One Thousand One Hundred Seventy (1,170) hectares in Bo. baliwag alsomagallanes in Marigundon, Cavite should be recovered and declared for and infavor of the Tallano Estates;

22. A parcel of land containing an area of Thirty Seven Thousand and Three Hundred Sixty Eight hectares and Two Hundred Twenty Seven square meters (37,368.0227 hectares) more or less, spuriously under Lot No. 7718, LRC Cadastral Record No. 1555 and Lo No. 7719 situated in Barangay Rosario and San Jose, Mauban, Quezon under Tax Declaration, 17-37-0130 for a total area of 1,987.3841 hectares; and another

309.4922 hectares also in Sto. Nino, Mauban, Quezon; and another 14,879.4131 hectares, Forest and Private lands with 15 kilometers shore line along Lamon Bay, Pacific Ocean, the same should be repossessed for and in favor of the Tallano Estates;

23. Several parcels of lands:

- A) Lot 14584-B, under spurious PSd 224470 being a portion of Lot 14584, Lipa Cad., LRC Cad. Rec. No. 1302 situated in the Bo. of Talisay, Municipality of Lipa, Batangas containing an area of 539,111 square meters more or less evidenced by OCT 0-14-R which was altered but now it was corrected by virtue of this Order;
- B) Lot 14550-B of the Subdivision Plan, LRC PSd-210111 being a portion of Lot 14550 Lipa Cad., LRC Cad. Rec. No. 1302 situated in Bo. Talisay, Lipa, Batangas containing an area of 17,417 square meters, evidenced by OCT No. 0070 which was declared null and void;
- C) Lot No. 14545 of the Cad. Survey of Lipa, situated in the Bo. of Talisay, Lipa, Batangas, containing an area of 4,060 square meters, evidenced by OCT 9602 which was declared null and void; 16858 containing an area of Fourteen Thousand Two Hundred Seventy Four (14,274) square meters more or less, the same Decree and Land Title OCT 844 were declared null and void ab initio;

- D) Lot 14767 Cad. Survey of Lipa, Plan-Ap-3276 LRC Case No. L-610 situated in the Bo. of Sapac and Talisay, Lipa, Batangas containing an area of 439,585 square meters, evidenced by spurious OCT 169-r which was declared null and void;
- E) Lot No. 14571 situated in Bo. Malitlit and Talisay of Lipa, Batangas containing an area of 1.9572 hectares, and Lot 14767 containing an area of 43.9585 hectares, Barangay Malitlit, Lipa, Batangas, the same should be recovered in favor of the Tallano Estates;
- F) Lot No. 14578, under spurious Plan-SWO-0548, Case No. 28, G.L.R.O. Rec. No. 2374 situated in Bo. Talisay, Lipa, Batangas containing an area of Twenty Nine (29,829) square meters evidenced by OCT No. 0-14-R which was altered instead of OCT 01-4 but it was corrected by virtue of this Order, the same should be recovered in favor of the Tallano Estates;
- G) Lot No. 14549-B, Plan PSd-64790 being a portion of Lot 14549, containing an area of 37,105 square meters evidenced by OCT 7535 which was declared null and void, also be recovered in favor of the Estate owner;

- H) Lot no. 15522-C situated in Bo. Sapac, Lipa, Batangas, containing an area of 10,000 square meters evidenced by OCT 8763 which was declared null and void, the same should be recovered in favor of the Tallano clan, the Estate owner;
- I) Lot No. 15522-C situated in Bo. Sapac, Lipa, Batangas containing an area of 10,000 square meters evidenced by OCT No. 8763 which was declared null and void;
- J) Lot No. 15002 situated in Barangays Sto. Nino and Talisay, Lipa, Batangas containing an area of 21,193 square meters, evidenced by OCT No. 8868 which was declared null and void ab initio;
- K) Lot no. 15002 containing an area of 42,536 square meters situated in Bo. Sto. Nino, Talisay, Lipa, Batangas, evidenced by OCT 9472, which was declared null and void ab initio
- L) Lot No. 6797 containing an area of 50,561 square meters, situated in San Celestino, Lipa, Batangas, evidenced by spurious OCT 8869/9474 which were declared null and void ab initio;
- M) Lot 14542 containing an area of 6,811 square meters evidenced by spurious OCT 9601 which was declared null and void;

N) Lot No. 14889-A containing an area of 5,156 square meters, situated in Sto. Nino, Talisay, Lipa, Batangas evidenced by spurious OCT 6711 which was declared null and void ab initio;

O) Lot No. 2772 3,194 square meters
Lot No. 2778 2,151 square meters
Lot No. 2276 1,442 square meters
Lot No. 2773 4,992 square meters
Lot No. 2728-O 27,310 square meters
Lot No. 2732-C 9,040 square meters
Lot No. 2732-A 25,218 square meters
Lot No. 2739-A 22,322 square meters
Lot No. 2735 7,767 square meters
Lot No. 2734 6,347 square meters
Lot No. 2718 97,310 square meters
Lot No. 3412 302 square meters
Lot No. 2730-A 6,274 square meters
Lot No. 2731 33,090 square meters
Lot No. 2738 32,854 square meters
Lot No. 2706 270,053 square meters

situated in Bo. Timbao, BiHan, Laguna evidenced by spurious OCT 242 which was declared null and void ab initio, the same said lots should be repossessed for and in favor of the real owners, the Tallano clan;

24. A Parcel of land Lot 2 bounded on the Northeast by Kaymisasa River; on the South by the spurious claim of Domingo del Mundo; on the West by Dry Creek; on the North by Lot 1, under spurious PSU 04-000379, containing an area of 8.8 hectares situated in Barangay Castanas Bailon (or) Aguinaldo, Cavite Province, the same should be recovered for the Tallano Estate;
25. A) A parcel of land situated on the Eastern portion of Pasig containing an area of approximately 700 hectares bounded on the West by Felix Avenue and on the North by Marcos Highway, the same should be recovered for the Tallano Estate;
- B) A parcel of land bounded on the North by DoHa Juliana Subdivision proposed project, and the proposed Life Home Subdivision, on the East by Felix Avenue, on the West by the proposed Cruz A. Robles Subdivision and Buena Mar proposed subdivision containing an area of 400 hectares, more or less;
- C) A parcel of lands embracing the Barrios of Rosario, Maybunga, Kanlogan, Sto. Tomas, San Agustin, San Miguel, Sta. Cruz, Malinao, San Joaquin Avenue, also embracing thereon

Bo. Kalawaan Sur and Kalawaan Norte including Palatiw and Pinagbuhatan, bounded on the East by Dr. Sixto Antonio Avenue; on the North by Ortigas Avenue and by Riverside, Countryside, and De Castro Homesite Proposed Subdivisions, containing an area of 2,225 hectares, more or less; all these lots should be recovered in favor of the Tallano Estate;

D) A parcel of land bounded by Ortigas Avenue, on the West by E. Rodriguez Avenue, on the South by Pasig Boulevard, on the East by Sixto Antonio Avenue embracing the area of Ugong Sur containing an area of 700 hectares, more or less, the same should be recovered for and in favor of the Tallano Estates.

26. A parcel of land embracing Barangay Sta. Ana, Pateros, bounded on the West by M. Almeda Avenue, on the South by Bagong Calzada St., on the North by Pasig Cadastre, on the East by Taguig Cadastre containing an area of 1,850 hectares;

27. A parcel of land embracing the area of Pinagkawitan, Lipa Town bounded on the Southwest by the National Road on the Northwest

by Lot 11322 and Lot 11982, on the North bounded by Timbungan River, on the Southeast by the Municipality of Padre Garcia Cadastre containing an area of 1,587,073 sq. meters;

28. A parcel of land embracing the area of Quezon City, embracing the area of Diliman for a total area of 433.7574 hectares, for the Commonwealth area embracing an area of 496 hectares, portion of the whole Quezon City including Novaliches over an area of 16,670 hectares;
29. A parcel of land embracing the area of Antipolo, Cuinayan, San Mateo, Bosoboso, Antipolo for a total of 2,379 hectares and 422 square meters, Cupang embracing an area of 121.77 hectares, San Roque and Sitio Don Enrique (Tallano) in Antipolo over an area of 3,869 hectares; Barangay dela Paz and Hinulugang Taktak covers an area of 3,774 hectares, Barangays Sto. NiHo and San Jose embracing an area of 4,892.7 hectares, Barangay Cugio (Bosoboso), Antipolo embracing an area of 4,557 hectares;
30. A parcel of land along the on-going construction of North Expressway embracing the area of

Barangay Lawang Putting Bato within the Meycauayan Cadastre and Valenzuela Cadastre with existing 14 fruit bearing Mango trees containing an area of 37.7 hectares;

31. A parcel of land embracing the area of Bagong Barrio over a 57 hectares and that Bagong Silang in Caloocan consisting an area of 2,071.7785 hectares, that barrio in Sampaloc, Tanay, Rizal consisting an area of 131.1594 hectares, and that in Teresa and Tanay consisting an area of 15,031.5639 hectares, and in Hulo San Felipe Neri (Mandaluyong) should be recovered for and in favor of the heirs of Don Juan Ejercito consisting an area of 476 hectares situated in Mandaluyong town and that in Norzagaray including Barrio Tigbi, Sitio Pamusuan and Barrio Bayabas consisting an area of 25,095.4432 hectares, more or less;

32. A parcel of land in Sitio Gagalingin, Sitio Pritil, Sitio Putting Bato, Tondo, Manila consisting an area of 785.70 hectares; Sitio Tutuban and Barangay Divisoria consisting an area of 417.61 hectares; Barangay La Huerta; Barangay Sto. NiHo including Sitio Asinan, ParaHaque, Greater Manila Area;

33. A parcel of land portion of Baguio City embracing the area of Bo. Navy Base consisting of 700 hectares, Bo. John Hay consisting of 6,970 hectares should be recovered for Mateo Carino's 750 hectares and that Bo. Dontogan, Benguet consisting an area of 1,331 hectares;

34. A parcel of land embracing the Padre Gregorio Crisostomo Estate situated in Bo. Padre Crisostomo in Cabanatuan City embracing up to the area of Mabini up to the Sta. Rosa Cadastre in San Bartolome, Sta. Rosa, Nueva Ecija along McArthur Highway, identified Decree No. 347312, Case No. 1515, G.L.R.O. No. 25698, Plan II-11288 which was spurious in nature, also included Sitio Bognoy, Barrio Soledad, Municipality of Sta. Rosa which includes the allege claim of Tomas Nunez, Macaria Ignacio, Florencio Tulusan and Aniceto Catahan, on the South includes the claim of Antonio Sta. Maria and also includes the claim of Victorio Garcia, Adriano dela Cruz, except that of Cipriano Villarama and Julian de Guzman which was acquired by way of Deed of Absolute Sale from the original owner Don Esteban Benitez Tallano, the heirs of Prince Julian McLeod Tallano Tagean),

the holder of OCT 01-4; that the property of Padre Gregorio Crisostomo consisting of 3,737.70 hectares had been a subject of pure lease by original owner to the lessor, late Padre Gregorio Crisostomo but the document was falsified by the Department of Agriculture and the same was altered, decreed, registered in the name of the Republic of the Philippines, inspite of the fact that said land was part of Tallano Estate evidenced by OCT 01-4;

That around 75 hectares along said McArthur Highway, and another 400 hectares along the Sapang Bognoy has been reverted in favor of Retired Major Eduardo Joson, Sr. who acquired said property from Don Esteban Benitez Tallano in consideration of his assistance in relocating the subject Estate;

35. A parcel of land containing an area of 1,217 hectares including the area under unlawful detainer of Vicente Adiwang, situated in Barrio Dantogan, Baguio City;
36. A parcel of land containing an area of 192,886 square meters identified Lot 2, bounded on the South by Upper Session Road and Session Interchange Circumferential Road, on the East bounded by Creek and South Drive,

on the North bounded by Lot 3, Section F, on the Northeast bounded by Teachers Camp, on the Southwestern portion, is the Government Center Reservation, and on the North-western is existing Man Road; situated is Bo. Camp John Hay, Baguio City, Benguet;

37. A parcel of land containing an area of 173,029 square meters, situated in Bo. Maly Gulaayang, San Mateo, Rizal Province, on the East bounded by Man's Road and Montalban Cadastre, and on the Northwestern portion bounded by San Mateo Cadastre, and on the Western portion bounded by San Mateo Cadastre and on the South also by San Mateo Cadastre;
38. A parcel of land consisting of around 750 hectares in Barrio Casili, Cabuyao, Laguna should be taken over for and in favor of the Tallano Clan in Honor of his cousin, late Pedro Benitez Casile, the lessee of the Colegio de San Juan in behalf of Don Esteban Benitez Tallano;
39. A parcel of land containing an area of 176,531 square meters situated in Barangay San Jose, San Mateo, Province of Rizal, bounded on the East is a property squatted by

Flaviano Nicolas Emeterio portion of the Estate, on the South bounded by an area squatted by C. Cru, F. Santos and G. Cruz also portion of the Estate, on the West bounded by an area squatted by L. Orena, Gregorio Santos and Santos C. Ocampo portion of the Estate;

40. A parcel of land identified Lot 1, 2 and 3, Parcel 1, portion of PSU 2031, on the North bounded by lot portion of Parcel 1 PSU 2031, on the West by portion of Parcel 1 PSU 2031, on the South portion of Parcel 1 PSU 2031 on the East bounded by Imelda Avenua (old name – Sucat-Paranaque Road), situated in Sitio Pildira 3, Ibayo, Paranaque containing an area of 93,863 square meters;

41. A parcel of land (Lot 4, Ts-39=Lot 29 of Res. Sec. “L” of Baguio Townsite, plan Swo-32076, Civil Reservation Record no.211), situated in the Res. Sec. “L,” City of Baguio containing an area of 41,837 square meters, more or less;

42. A parcel of land situated along the Ninoy Aquino Highway (formerly Tagaytay-Laurel Road) on the Southwest as the City Hall and

the proposed PNP Headquarter of Tagaytay City at the stretch length of 4,000 meters from the corner of Laurel Cadastre, and at the stretch width of 5,000 meters, containing an area of 2,000 hectares, more or less;

43. A parcel of land situated in the area of Mabiga Hacienda, Clark Air Force Base embracing Sapang Bato, Angeles City, Balibago, Angeles City, Mabiga, Sta. Ines, Dau, Mabalacat, Pampanga traversing south to Crew Valley with a stretch length of 15,200 meters from West to North from Zambales Cadastre up to Bamban, Tarlac Cadastre and at the stretch width of 53,000 meters from East to South originated from Bamban Cadastre to San Jose Cadastre of Tarlac containing an area of 80,560 hectares, more or less;

44. A parcel of land consisting of 20,000 square meters situated along EDSA facing last corner of Harrison St. should be recovered and be turned over to Mayor Pablo Cuneta or his heirs who paid said lot partially from Don Esteban Benitez Tallano on the year 1960 amounting to P500,000.00, the balance of P3,500,000.00 should be paid upon possession.

45. That an area of 35,000 square meters, more or less, along Bonifacio St. and David St. in Pasay City should be recovered and be turned over to the intervenor, Mr. Julian M. Tallano.

THEREFORE, in view of the failure of the Republic of the Philippines to conform substantially to the prescribed Rules on THE MOTION FOR RELIEF/ RECONSIDERATION in the case at bar has been DISMISSED WITH COST AGAINST THE REPUBLIC OF THE PHILIPPINES AND ALL PARTIES CONCERNED IM SO FAR AS THE CASE BECAME FINAL, EXECUTORY AND IT HAD BEEN EXECUTED for so many times and it was TERMINATED AND HAD BEEN RESTED IN PEACE FOR SO LONG AGO. While Motion for the Third Issuance of Alias Writ of Execution, Possession and Demolition and Execution for the Issuance of reconstituted copies of the duplicate and its originals of OCT No. T-01-4, TCT No. T-408 and TCT No. T-498 of the concern Honorable Register of Deeds that has jurisdiction over the land area where the land is located has been granted, commanding the Clerk of Court, Atty. Jose E. Ortiz, to act as Sheriff of this Branch, and Deputized Atty. Epitacio Sobejana as PRIVATE SHERIFF to execute both February 4, 1972 Judgment with Compromise Agreement, that March 21, 1974 and that

Clarificatory Decision of January 19, 1976 which were partially executed by recent WRIT OF EXECUTION and that SECOND ALIAS WRIT OF EXECUTION. And enforce for the issuance of Titles, recover, repossess all subject land areas covered by lost but reconstituted TCT No. T-408, TCT No. T-498 and land covered by OCT No. T-01-4 in accordance with March 21, 1974, January 19, 1976 and that of February 4, 1972. Judgment with Compromise Agreement throughout the country and the same should be turned over to the owner provided said execution will not defeat the interest of the government, both national and local, over the land actually occupied by its structures and buildings particularly by Land Reform Program, except those open spaces, farm or residential lots which are found with invalid Land Titles;

That all lands occupied by the national or local government, whether forest, agriculture or not that would be intended for conversion from its original purpose and eventually for sale defeating the intended beneficiaries, the same should be recovered, and be turned over to the land owners/intervenors for the sake of the Filipino farmers.

Furtherly, to augment your function in accordance to law, effectively, you and your deputized Private Sheriff, PNP, NBI personnel and or members of the Philippine Army are hereby empowered to arrest and imprison any person either civilian or official capacity, from the government or any private office including that Barangay officials who are found in the direct or indirect unlawful detainers and or selling rights over the land and or becomes an obstruction of justice.

Furthermore, this Honorable Court maintained its Judgment with Compromise Agreement on February 4, 1972, Clarificatory Order dated March 21, 1974, and Clarificatory Decision on January 19, 1976 that correction of which was merely the land areas from exorbitant into a correct area of 125,326.37 hectares evidenced by TCT No. T-408 and that 271,276 hectares for the TCT No. T-498, and remained sustainable with all the rights and interest in favor of the Intervenors, Mr. JULIAN M. TALLANO and DON ANNACLETO MADRIGAL ACOP and not to Acopiados that appears in November 4, 1975 Clarificatory Order which was unenforceable after five (5) years of no execution which said period had been lapse in toto. And as clearly embroiled in a Judgment with Compromise

Agreement of February 4, 1972, Clarificatory Order of March 21, 1974 and January 19, 1976 which remain effective and, likewise, enforceable forever, while it were executed judicially but also embroiled by the agreements and stipulation set forth in a Judgment with Compromise Agreement dated February 4, 1972 that prescription to execute the same and for the issuance of the reconstituted copies of that OCT No. T-01-4, TCT No. T-408 and TCT No. T-498 together with its lost copy of owners and duplicate copies of the originals for and in favor of the late Prince Esteban Benitez Tallano and late Don Gregorio Madrigal Acop which should be reckoned from the January 1, 1999 from which said five (5) years prescription of execution over said judgment should take effect immediately upon payment of the Republic of the Philippines for its damage liability of P2 Billion pesos together with its 7% per annum interest which was commenced in the year 1968 ending December 31, 1998 to the Tallanos. This is to cover the required Realty Taxes due to the government both local and national in as much as payment of Realty Taxes substantially essential while the aforementioned Land Titles are indispensable thereon in their issuance thereof.

That land areas covered by OCT No. T-01-4 embracing the whole archipelago, including the Sabah Islands, Turtle Islands and Kalayaan Islands embracing a total of 7, 134 Islands with an area of 1,049,212.962 square nautical miles should be determined by actual relocation based on its technical description available as submitted by the Geodetic Engineer in cooperation of those in the Bureau of Lands, it's the land should be based from the original landmark in Binondo Church in Intramuros, City of Manila;

And that Islands of Kalayaan, Turtle Islands and Sabah should be recovered by way of this Third Writ of Execution, Possession and Demolition and all structures thereon which do not belong to the Republic should be cleared and demolished and the Intervenor should cooperate with the government to file for said repossession thru the International Court of Justice.

You are as well empowered to clear, demolish or remove any form of structures that will be found in the subject land area.

That you are also commanded to require and impose order to concern Honorable Register of Deeds and his/her implementing staffs of the

Province and City where the lands are located to issue the reconstituted copy of the duplicate and copy of its original of OCT No. T-01-4, of the Hon. Register of Deeds of the City of Manila, TCT No. T-408 of the Hon. Register of Deeds of the Province of Bulacan in Malolos and TCT No. T-408 of the Honorable Register of Deeds of the Province of Rizal in Pasig without, in as much as the Rules of Court over the five years reglamentary period to execute the Decision with Compromise Agreement of February 4, 1972, Clarificatory Order of March 21, 1974, and that Clarificatory Order of January 19, 1976 cannot be enforced and it was barred by statute of limitations and imprescriptible beyond the terms and conditions embodied in the said Decision with Compromise Agreement between the Republic of the Philippines and the Intervenors, Mr. Julian M. Tallano and Don Gregorio Madrigal Acop. That five years prescription period to execute the said Decision and Order in favor of the movant should reckon from the time the National Government has fully paid the required fifty (50) percent of its obligation in the form of damages to the movants, which will take effect only after thirty years from the year 1968, considering that payment of Realty Taxes of the subject land is indispensable upon the issuance of the reconstituted copy of the duplicate and the original of subject Land Titles.

Furthermore, the movant has as much satisfactorily complied, and had met the elements required by the laws in order to reconstitute the subject Land Titles, as it were cited in a case of Chinese Nationalist Party vs. Bermudo, Court of Appeals, CA-44100-R of December 1, 1972; like as follows:

1. That the Certificate of Land Title has been lost and destroyed
2. That the petitioner is the registered owner or has an Interest therein
3. That the Certificate of Land Title was in force a the time it was lost or destroyed
4. That the Petition for Reconstitution has been fully complied by the movant in accordance with Republic Act No. 26 approved on September 25, 1926, requiring a Judicial Reconstitution, as governed by P.D. 1529 which took effect on June 11, 1978.

Clearly, if the Court of Justice adheres to the norm of jurisprudence in order to vindicate for justice, the land owners, victims of land anomalies and clandestine land grabbing, the same should

let them lawfully enjoy their constitutional rights and the force of the law should be applied now in favor of the victims of unjust Compromise Agreement of February 4, 1972, Clarificatory Order of March 21, 1974, and that Clarificatory Order of January 19, 1976 that contradicts the Rules set forth in a LRA circular No. 3 of December 6, 1968 of the Land Registration Commission.

Ordering the Secretary of the DENR and the Directors of its implementing agency, the Office of the Land Management Bureau from Region 1 to 13 to reconstitute all pertinent documents, records, data and survey plans of the subject lands for and in the name of the land owner/Intervenors, Mr. Julian M. Tallano, late Don Esteban Benitez, late Prince Julian Macleod Tallano, late Prince Lacan Acuna Tagean, late Don Gregorio Madrigal Acop and late Don Annacleto Madrigal Acop, provided it will not hamper the land reform of the National Government, that the priority of which, is to preserve the interest of all farmers/tenants of the country.

Furthermore, therefore, let the following Orders should be complied and be implemented, as follows:

1. Ordering the Honorable Register of Deeds of the City of Manila to issue the Reconstituted duplicate and original copy of Land Title OCT No. T-01-4 and in favor of the late Prince Lacan Tagean (Tallano), Prince Julian Macleod-Tallano, Don Esteban Benitez Tallano or to their immediate successor in interest, Mr. Julian M. Tallano, a Judicial Administrator of the Estate
2. Ordering the Honorable Register of Deeds of the Province of Rizal to issue the Reconstituted duplicate and original copies of TCT No. T-408 to and in favor of the late Don Gregorio Madrigal Acop or to his immediate successor in interest, Mr. Julian M. Tallano, a Judicial Administrator of the Estate
3. Ordering the Honorable Register of Deeds of the Province of Bulacan to issue the Reconstituted duplicate and original copies of TCT No. T-498 to and in the name of Don Esteban Benitez Tallano or to his immediate successor in interest, Mr. Julian M. Tallano, a Judicial Administrator of the Estate.

Otherwise, defiance thereof, said Honorable Register of Deeds, his/her implementing staffs should be charged for obstruction of justice and that corresponding penalties should be imposed against the violating party or parties.

Let this Alias Writ of Execution, Possession and Demolition be executed accordingly without delay, and the parties should be observe the policy of secrecy as enforced by the National Intelligence Coordinating Agency of the Government for National Interest embracing Sovereign Issue.

SO ORDERED.

Pasay City, May 28, 1989


(SGD) SOFRONIO G. SAYO
Judge

SAS/JEO

Copy furnished:
Office of the Hon. Solicitor General
Salcedo St., Makati
Metro Manila

