RESOLUTION
WITH
WRIT OF MANDAMUS

September 19, 1991

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
National Capital Judicial Region
Branch 111, Pasay City

WILSON ORFINADA
Plaintiffs

-VS-

No MACARIO RODRIGUEZ ET AL
THE HEIRS OF DON MIGUEL AND
HERMOGENES ANTONIO & HEIRS
DOÑA AURORA FABELA Y CORDOVA
PATRICIA TIONGSON/RICARDO and
SEVERINO MANOTOK
PONCIANO/DR NICANOR PADILLA
CONDRADO POTENCIANO & HEIRS
FELIMON AGUILAR/MANNY VILLAR & CO.
FORTUNATO SANTIAGO AND MARIA
PANTANILLA P. SANTIAGO AND HEIRS
MARCOS ESTANISLAO AND MAURICIO
DE LOS SANTS/ HARRY STONEHILL
ANTONIO / EULALIA RAGUA
DON MARIANO SAN PEDRO Y ESTEBAN
AND MARIANO SOCORRO CONDRADO HEIRS
THE HEIRS OF FLORENCIA RODRIGUEZ
DON ESTEBAN BENITEZ TALLANO, ET.AL.
ENGRACIO SAN PEDRO AND HEIRS
TEH ADMINISTRATOR OF BICUTAN
MARKET / MAYSILO ESTATE, ET. AL.
PEDRO GREGORIO / AGAPITO BONSON
AND HEIRS / BABINO FRANCISCO
PEDRO ROJAS ESTATE AND HEIRS
EUGENIO MARCELO / JUAN JOSEF
SANTIAGO GARCIA AND HEIRS
MARIANO HOHES AND HEIRS
ORTIGAS AND COMPANY PARTNERSHIP/
THE AYALA Y CIA AND CO., THE V.V.
SOLIVEN REALTY AND CO., INC.,
JOSE YAO CAMPOS AND COMPANY
GREGORIO ARANETA AND CO., INC.,
THE ADMINISTRATOR OF PASAY AND
TRIPLE ESTATES / AND THE MARICABAN
ESTATE /THE MUNTINLUPA ESTATE
THE TANAY-BARAS ESTATE UNDER CLAIMS
OF SEVERAL INTRUDERS/POACHERS/ILLEGAL
OCCUPANTS/PERPETUA AND PERFECTO
AQUINO, ET. A., ANTONIO FAEL THE
ADMINISTRATOR OF SAN PEDRO ESTATE/
JOSE SALVADOR / MAGNO FERNANDEZ/
CANDIDA DE GUIA AND HER TENANTS
HARRY STONEHILLS/TRUSTEE/MORGAGEE

CIVIL CASE NO. 3957-P
For: Quieting of Titles
Reconveyance of Real
Properties with
Reconctitution of OCT
T 01-4 and TCT No T 408/
T-498 in accordance
with Rep. Act. No. 26
in the name of Don
Prince Lacan Ulrijal
Bolkiah TageanTallano/
Acop/ Don Esteban
Benitez Tallano

DOÑA DOLORES OCHOA CASAL AND
DELFIN CASAL ET AL / SIMONA ESTATE
AND THE HEIRS /EXEQUIEL DELA CRUZ
AND HEIRS/GERVACIO LOMBO,
FRANCISCO SORIANO /QUINTIN MEJIA/
CATALINA ESTANISLAO AND THE HEIRS /
JUANA CRUZ AND HEIRS /GABINO JAVIER
AND HEIRS/THE MODESTO, EULALIO, TOMAS
APOLONIO, PEDRO, FRNACISCO, AND
ANTONIO CURZ, OCTAVIO V. CRUZ AND HEIRS
CANTALICIO J. ANNIANA AND HEIRS
GALAXIE AGRO INDUSTRIAL CORPORATION &
IT'S PRESIDENT/STOCK HOLDERS
MISAEL VERA JR.DEVELOPER & ITS OWNER
MOUNTAIN RESOURCES INC
NEW DEVELOPMENT CORPORATION
POLYGON INVESTMENT & MGRS, INC.
YUPANGCO COTTON MILLS & ITS OWNERS
TAN YU NA DHEIRS/ADMINITRATOR
MILESTONE FARM, INC & ITS OWNERS
JOSE INGAL AND THE HEIRS
ASSOCIATED BAKING CORPORATION & OWNERS
PBCOOM & ITS PRESIDENT/STOCK HOLDERS
GUZMAN AGRON INDUSTRIAL CORP.
RFM AND ITS OWNER/ADMINISTRATOR
RAFAEL SARAO/JOSE OLIVER AND THE HEIRS
DOMINADOR DE OCAMPO 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 DEV. CORPORATION AND HON CITY
MAYOR JUN SIMON AND CITY GOVT. OF Q.C.
TEODORO LIM, FELIX BAEZ AND HEIRS
VALINTINO GAJUDO / CANDIDO CLEOFAS
PNHILCOMSAT CORPORATION AND
LIBERTY MINES, INC. AND ITS
PRESIDENT/ADMINISTRATOR TOGETHER WITH
IT'S DESIGNATED SECURITY FORCE OF ANY CLASS
THE PHILIPPINE NATIONAL BANK & ITS PRESIDENT
FORT WILLIAM MCKINLEY AND THE
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
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 DASMATINAS/ THE MUN. GOVT OF IMUS, CAVITE
THE MUN GOVT. OF BACOOR/THE CITY GOVT.
ANDTHE 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
X----------X

RESOLUTION WITH WRIT
OF MANDAMUS

The conflictiong incidents in this Court are the petition for Third Party Claim thru their Legal COunsel ATTY. EDISTEO SORIANO filed by the claimants, inter alia; EDNA COLLADO, BERNARDINA TAWAS, JORETO C. TORRES, JOSE AMO, SERGIO L. MONTEALEBRE, DANILO FABREGAS, FERNANDO T. TORRES, LUZ G. TUBUNGBANUA, CARIDAD T. TUTANA, JOSE C. TORRES, JR., MYRNA M. LANCION, NORBERTO CAMILOTE, CECILIA MACARANAS, PEDRO BRIONES, REMEDIOS BANTIGUE, DANTE L. MONTEALEGRE, AIDA T. GADON, ARMANDO T. TORRES and FIDELITO ECO, BOCHASANJO ISF AWARDEES ASSOCIATION, INC., LITA MENDOZA, MORADO PREFIDIGNO, TERESITA CRUS, and CALOMA MOISES, while, a Motion for the declaration of said THIRD ALIAS WRIT OF EXECUTION of May 23, 1989, MOOT AND ACADEMIC even enforceable by virtue of Writ of Mandamus to execute anew the said writ, being a dead judicial tree, which said motion has been supplemented by a consolidated manifestation, the said THIRD ALIAS WRIT OF EXECUTION, POSSESSION & DEMOLITION of May 23, 1989, no force and effect on the ground said writ emanated from JUDGMENT penned down by the Presiding Judge without aurthority, that caused the parties invokes for the ANNULLMENT OF JUDGMENT on the ground of lack of jurisdiction and extrinsic fraud filed by the opposition headed by office of the Solicitor General thru its Solicitor, DOMINADOR CARIASO.

That among the oppositions that are with him are as follows; OCTAVIO V. CRUZ AND HEIRS CANTALICIO J. ANNAIANA AND HEIRS, GALXIE AGRO INDUSTRIAL CORPORATION & ITS PRESIDENT/STOCK HOLDERS, MISAEL VERA JR. DEVELOPER & ITS OWNER, YUPANGCO COTTON MILLS & ITS OWNERS, TAN YR NAD HEIRS/ADMINISTRATOR, JOSE INGAL AND THE HEIRS, PBCOM & ITS PRESIDENT/STOCK HOLDERS GUZMAN AGRON INDUSTRIAL CORP. RFM AND ITS OWNER/ADMINISTRATOR CARIASO of the OSG, the enforcement of said THIRD ALIAS WRIT OF EXECUTION of May 23, 1989, on thesome ground the court is lack of Jurisdiction with the presence of extrinsic fraud, so the judgment must be annulled.

The counter MOTION, however, of the herein INTERVENOR, Judicial Administrator of TALA ESTATE, PRINCE JULIAN MORDEN TALLANO, represented by his ATTY INFACT, ALEJO RIZAL LOPEZ, praying for the issuance of another WRIT OF MANDAMUS to enforce the controversial THIRD ALIAS WRIT OF EXECUTION of May 23, 1989, for the recovery of the portion of the TALA HACIENDA DE ANTIPOLO, embracing the whole TANAY AND BARAS ESTATE, containing an area of Seventy Nine Thousand Eight Hundred (79,800) hectares, where all Barangay of the North Eastern of Antipolo including Bosoboso, Inarawan, Padilla, San Jose, and the whole of Barasw including Barangay Pinugay, Lagundi and San Pedro of the Southwestern of Baras, containing an area of 47,933 hectares was apportioned from it, which is an integral portion of TALA ESTATE, evidenced by TCT No. T 408, which includes in this motion is the recovery of a parcel of land situated in Barangay Old Balibago, Angeles City, identified as Lot 694 containing an area of 878 square meters, evidenced by TCT No 18275-R, issued on February 11, 1958, containing an area of 3,123 square meters, more or less, Lot 684-C-2-A, containing an area of 6,644 square meters, more or less, with TCT No 18277-R issued of February 11, 1958, Lot 684-B-1 containing an area of 38,773 square meters, more or less, evidenced by TCT 182778-R, Lot 684-A-1 containing an area of 55,382 square meters, more or less, evidened by TCT No 18279-R, issued on February 11, 1958 square meters, more or less, emanated from falsified OCT 1460 and made it appeared bearing with Decree No. 94091 issued on 3rd day of Sept. 1910 in the name of Aniceto Gueco, who was married to Ursula Munoz both were just overseer or encomiendo of DON ESTEBAN BENITEZ TALLANO, the true land owner of said parcel of land containing an area of 258,565 square meters embracing four parcels, that supposed to be distributed to the following names of beneficiaries, among of which are DONA MICHELLE HENSON TALLANO entitled for an area of 1,564 square meters, Benito Agustin Tallano, entitled for an 255,243 square meters, ANTONIO ROMULO AGUSTIN entitled for an area of 878 square meters, and 880 square meters entitled for the trustee/overseer Spoused Aniceto Gueco Ursula Munoz the cousin of the mother of the Court Appointed Judicial Administrator, PRINCE JULIAN MORDEN TALLANO. That such falsification committed by the said Spoused Aniceto Gueco and Ursula Munoz that involved the Register of Deeds of San Fernando and had affected the large parcels of land around 720 hectares due to manipulatio of said TCT No.1460 embracing that area of parcel of then sugar land containing of 720 hectares that was conveyed for and in favor of said then Ex. Cong. Diosdado Macapagal in the year 1958 was altered for and in the name of said Spouses ANICLETO GUECO AND URSULA MUNOZ instead in the name of the Ex Cong. of Pampanga tha resulted to the disadvantages of other beneficiaries like BENITO AGUSTIN TALLANO and his co beneficiaries like his cousin DONA MICHELLE HENSON TALLANO, who was married to FRANCISCO MALEOD STOTSONBERG, And another parcel of land in Magallanes Street and lot in Solana street, Intramuros, Manila, portion of 27,939 square meters, more or less, is another issue this court could not be neglected to leave unresolved.

Said ancestral land titles were duly registered in accordance with the torrents System, in the name of DON ESTEBAN BENITEZ TALLANO, on the ground the said writ still within the five (5) years prescription period besides said THIRD ALIAS WRIT OF EXECUTION, POSSESSION AND DEMOLITION, could not be a subject of an appeal, notwithstanding it wasbound by Decision with Compromise Agreement of February 4, 1972. And another point is that the fact there are only two ground that the annulment of judgement could be availed of by the presence of extrinsic fraud and the lack of jurisdiction, where the opposition thru Office fo the Solicitor General represented by the Solicitor Caraiso had lost its personality to file said motion on the ground the movant in the annulment of judgment has been guilty of estoppels and laches, while this court have no

jurisdiction to annual and Decision of February 4, 1972, because under Rule 47,SEC. 1, the Court of Appeals have the exclusive jurisdiction to annual judgment as set forth byBatas Pambansa 129, prescribing the exclusive jurisdiction of the Court of Appeals over the judgment to be annulled should the judgment be rendered by the Regional Trial Court, as specifically determined by Section 1 Rule 47, Coverage:

This Rule shall govern the annullment by the Court of Appeals of judgment or final orders and resolutions in civil action of Regional Trial Court for which the ordinary remedy for new trial, appeal , petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.

On this very instant case, the oppositors and its Counsel, Represented by OSG, through Solicitor Dominador Cariaso had neglected to avail the pre-requisites-a remedies for the filing of this petition for annulment of judgment, inter alis;

1) Petition for Certiorari under Rule 65 of the Rules of Court on the resolution or order declaring petitioner be in default and denying the motion for reconsideration;

2) Petition for New Trial under Rule 37 of the Rules of Civil Procedures on the ground of fraud and excusable negligence

3) Petition for Relief from judgment under Rule 38, Sec 1 of the same Rules on the ground of fraud or excusable negligence

4) Petition for Relief from denial of appeal under Sec. 2, Rule 38 of the same Rules.

The INTERVENOR, invoking as well its importance that can not be isolated from such very pre-requisites, which the oppositors/movant failed to avail the above mentioned remedies without justification of these pre-requisites of their failure to enjoy the remedy for the annulment of jedgment, proving, there is a valid reason the suite for annulment of judgment have no basis in law and in fact ot survive besides fo the reasons there are only two (2) grounds for the annulment of judgment to prosper.

That is extrinsic fraud and lack of jurisdiction, which again has been defeated by a defense of estoppels for the reason of the Office of the Solicitor General had availed of all out participation to the proceedings since 1962, after their admission that they were the one who filed to CLANDESTINE ESCHEATMENT PETITION against the heirs of the TALA ESTATE, where the documentary evidences of the heirs were just retirieved from themselves which proved oppositor Republic of te Philippines had ably participated on the proceedings besies of the fact the Republic of the Philippines itself had benefited from enjoyint the issuance of Presidential Decree 843, where around 808 hectares portion of the TALA ESTATE was distributed for housing purpose while another were sold to the Marcos cronies.

The stand of the INTERVENOR, has been ratified eligibly by strong reasons the OSG and its allege oppositors were guilty of latches for failure to act upon within a period of four years which had been due and was prescribed on February 4, 1976 to avail said remedies provided by the Rule 47.

And the enforcement of the Third Alias Writ, Possession and Demolition it embraces as well land in Magallanes Street and lot in Salona street, Intramuros, Manila, portion of 27,939 square meters, more or less,

Another Lot was where one of the ANCESTRAL HOUSES of the Royal Family, the Tallano Clan was situated and utilized was Camp Stotsonberg, and used as facility of Civilian Military Police Guard House underthe Philippine Commission, by Antonio Romulo Agustin. But in later date by virtue of DEED OF DOWRY duly executed by said DON ESTEBAN BENITEZ TALLANO in favor of his cousin, ANTONIO ROMULO AGUSTIN and the WIFE, MICHELLE MACLEOD STOTSONBERG, the beautiful daughter of U.S. Air Force General Stotsonberg, they own it said house and lot as their official residence, a place where their sweet-lovely days and the glory of the Rome had spent, before they left for United States of America in the year 1948, due to their disappointment to have their offspring.

The house and lot was reverted back to their two (2) years old adopted son, PRINCE JULIAN MORDEN TALLANO, by wa of conveyance under the administration of his Father, BENITO AGUSTIN TALLANO. But in the year 1960 the subject property was sold by way of DEED OF CONDITIONAL SALE, in the amount of P20.00 per square meter ofr the total amount of P2,960,000.00, by said Benito Agustin Tallano, with a down payment of P200,000.00 paid in cash by his said cousin, Michelle's widower, ANTONIO ROMULO AGUSTIN, upon arrival back to the Philippines from United State of America and later found said lots were evidenced by titles TCT No. 18275-R, TCT No. T 18276 R, TCT No. T 18277 R, and TCT No. 18278 R, emanated from OCT No 1460, but of no decree appearing thereon;

FINALLY, MOVANT ANTONIO ROMULO AGUSTIN has no clear valid right tothe lot in question; While Writ of INJUNCTION and MANDAMUS will lie to protect such right of possession. Yet, the trial court issued a writ of preliminary injunction against petitioners not to disturb the peaceful possession of respondent over Lots aforementioned, which has been ruled out by this court in several circumstances;

On the year 1962, due to intent disparage of the U.S. Air Force Base Police personnel to his vegetable farm, ANtonio Romulo Agustin requested a permission to continue his business over the land in the concept of owner evidenced by said DEED OF CONDITIONAL SALE, which permission was from His Excellency, then President Diosdado Pangan Macapagal, through the Presidential Assistance for Economic Development for Local Government Unit which said request was granted despite of refusal of Mayor Agapito Del Rosario to provide a permit for the lot that was groomed as vegetable farm, where said Antonio was yielding a substancial revenue of P250,000.00 a year because of a potential market for his vegetable harvest he captured in the Municipality of Angeles, a former Barangay Culiat of San Fernando, Pampanga, that became City during the Administration of the former President, DIOSDADO P. MACAPAGAL.

That problem was aggravated by sovereign right enforcing by the United States of America over the premises claiming the lot is a part and parcels of the area of the CAMP STOTSONBERG they were leasing from PRINCE JULIAN MACLEOD TALLANO, in the amount of $10 Million U.S. Dollar a year, And the payment had been made regularly and was course to the Republic of the

Philippines since the year 1902, so the rightful party that have a control over the lot is no other than the United States of America, that gave aright to the Air Force Police of the U.S. Bases dismantled the residential structure, crops and plants of said ANTONIO ROMULO AGUSTIN.

In the opposition of the TALLANO CLAN before th eOffice of the Foreign Affairs Department, the payment and control over the lot can not be made indubitalbe and legitimate on the ground the area and premises invoice in the LEASE AGREEMENT was only within th eperimeter fence of the U.S. Bases and not outside the yard of the U.S. AIR FORCE BASE, now known as CLARK AIR BASE, wihci clearly implied the said lot is outside sovereign control of the Government of the United States of America.

Yet the demolition over the begetable farm and residential structures is illegal punishable by law of the Republic of the Philippines. They even invoke the Sovereign Guaranty to the Filipino people, which emphasize that-the Freedom of the State not resides from outside Control in the conduct of its internal and external affairs but within its soverign dominion. And the Philippines is sovereign State with the obligation and hte right of every government to uphold its laws and keeps order within its domain, and with general jurisdiction to penalize persons for offenses xommitted within its territory, regardless of the nationality of the offender. No foreign regardless of class or nationality enjoys in this nation extra territorial right to be ecempted from this country's law and jurisdiciton, with the exemption of the head of the states and diplomatic representatives who, by virtue of customary law of nations, are not subject to the Philippine territorial jurisdiction (People vs. Galacgac, C.A. 54 O.G. 1027)

This instaces, gave unforgettable historic memooir form the former President, DIOSDADO P. MACAPAGAL in that year of 1962, who demonstrated fearlessly his bravery with his petty army compare to giant U.S. CLARK Air Force Base that he had confronted in the defense of not only of individual interest but of the whole Filipino people in securing this nation;s sovereignty against any intruder to our rights like the U.S. Base Commander's Military Police' mal practice for illegally demolishing the structures and vegetable farm of the victim, which the situation almost ignited to a war between two mutually cooperating nations when the offenders, were refused to surrender by their superior officers to the Angeles City Law Enforcement Authority, to be punished under the law of the nation on the crimes committed, that eventually, the former President had unequivocal uphold justice due to victim.

On this court incident it likewise Lot 694 containing an area of 878 square meters, evidenced by TCT No 18275-R, issued on February 11, 1958, Lot 684-D embraced by TCT No. 18276-R, issued on February 11, 1958, containing an area of 3,123 square meters, more or less, Lot 684-C-2-A, containing an area of 6,644 square meters, more or less, with TCT No 18277-R issued on February 11, 1958, Lot 684-B-1 containing an are of 38,773 square meters, more or less, evidenced by TCT 18278-R, Lot 684-A-1 containing an area of 55,382 square meters, more or less, evidenced by TCT No 18279-R, issued on February 11, 1958 square meters, more or less, which were all registered in the name of DONA MICHELLE HENDON TALLANO, who was married to FRANCIS MACLEOD STOTSONBERG, the cousin of Prince Julian Macleod Tallano derived from

OCT No. T 01-4, duly registered in the name of Prince Lacan Ulrijal Bolkiah Tagean Tallano, by virtue of RA 496 and as ordered by the Land Registration Court on Oct. 3, 1904, that caused the issuance of said TCT No. 1460 in the name of the late DIOSDADO PANGAN MACAPAGAL covering land in Barrio, Balete, San Fernando, Pampanga.

But the said TCT No. 1460, where TCT No. 18275 R up to TCT No. 18279-R were made it appear it embreaced the parcel of land containing an area of 10.8 hectares, in Barrio Balibago, Angeles City, which were all declared null and void from the beginning on the very reason said land title where titled with the aforementioned land titles derived there from, it confine and covers only land containing an area of 720 hectares, more or less, situated in Barrio Balete, San Fernando, Pampanga, emanated form TCT No. 1460 instead of that OCT No. 1460, which was falsified by said Register of Deeds, Pedro Baltazar, on Febryary 11, 1958, who was that time between January 5, 1956 up to February 11, 19860, was under the preventive suspinsion order of the court, this court then, CFI of the Province of Rizal, during the first attempt of the National Government to escheat the land aforementioned covered byt that fake title OCT No. 1460.

The said Court, was acting as Land Registration Court, who acquired jurisdiction over the person of said Pedro Baltazar and the same jurisdiction sustain over the land covered by OCT No. 1460 was acquired by the COurt which was consolidated in LRC/CIVIL Case No. 997 upon motion of the herein Intervenor, while said allege land title OCT No. 1460 which it derived from no origin is void from beginning, considering no existing record that could proved that said land title had passed from either land registration proceedings or from just Pre-Patent Application. This misled the interest in land of said former President DIOSDADO PANGAN MACAPAGAL he gained out of his diligent legal service he rendered for and in favor of the legitimate land owner, DON ESTEBAN BENITEZ TALLANO and DON GREGORIO MADRIGAL ACOP, into a unresoved status which must be settled now for the interest of his beneficiaries and heirs, is another concern of the said COURT APPOINTED JUDICIAL ADMINISTRATOR, PRINCE JULIAN MORDEN TALLANO, to restore the land to the rightful beneficiaries of the former President, who deserve to enjoy said fruits of his diligent services to the Royal Famil and to the Filipino people.

Affirming the stand of the beneficary that he has a legal right to the peaceful possession of Lot No. 694, merely because he had obtained it form lawful conveyance of the legitimate claimant, and yet it was the claiming party, ANTIONIO ROMULO AGUSTIN, who once upon a time executed a DEED OF CONVEYANCE in favor of his assigned beneficiary, is an actio that manifest of equitable estoppels. The equitable rule that any one by words, acts or obstentions, had induced someone to act as thought a situation or relationship existed or had a cetain character may not there after be legally deined,if to do so will cause detriment to the person who relied on it. (Crisostomo vs. C.A. etal, (L-27166, March 25 1970)

The facts, as found by the Court, are as follows:

"The claimant, ANTONIO ROMULO AGUSTIN claims that he paid P200, 000.00, to the father of the Judicial Adminstrator means he is in good faith to recover bak said real property, where a norm of moral conduct and equity which regards to the spirits and not to the lette, the intent and not the form, that one who enjous from someone's investment responsible to re-compensate what is due to him, who invested the seeds to be yield.

And in the manifestation and preayer of the INTERVENOR they allege it also covers land illegally occupied, exploited by poachers/land grabbers and by Marcos cronies, whose names were blottered against the illegal detaineers/ poachers and or usuper to be answerable to TALLANO CLANS. That they (the TALLANO ROYAL FAMILY and heirs) are VICTIM OF CLASSICAL LAND GRABBING, that caused the offfenders pay them what they prayed for the awarded damages in the amount of P50.00 per square meter as monthly rental within the Metropolis Commercial area and City, and P20.00 per square meter monthly rental for residential land as well and P5.00 per square meter for the agricultural land that under illegal detention of merely usupers. And the Intervenor furthere manifest the accountability of the respondents/defendants should commence on the birth date of their allege land title the corporation owners had utilized to land grab the ANCESTRAL REAL PEOPERTIES of the heirs of TALA ESTATE., where they manifest the earlier period of reckoning date should be January 1, 1987, which the same should be the basis of counting of said arrears up to the time of vacating said subject real properties, and to enforce said damages against the poachers/land grabbers/intruders, who were all identified as MARCOS CRONIES, particularly, OCTAVIO V. CRUZ AND HEIRS CANTALICIO J. ANNIANA AND HEIRS, GALAXIE AGRO INDUSTRIAL CORPORATION & ITS PRESIDENT/STOCK HOLDERS, MOUNTAIN RESOURCES, INC., MISAEL VERA JR. DEVELOPER & ITS OWNER, NEW DEVELOPER CORP. OF ASIA & ITS OWNERS, YUPANGCO COTTON MILLS & ITS OWNERS, TAN YU AND HEIRS/ADMINISTRATOR,PBCOM & ITS PRESIDENT/STOCK HOLDERS GUZMAN AGRON INDUSTRIAL CORP. RFM AND ITS OWNER/ADMINISTRATOR, SLTEAS PHOENEX SOLUTIONS, INC, & its PRESIDENTS, and Mayor Pablo Cuneta, who would be subjected by the pain of Alter Ego, as the INTERVENOR define it within a judicial term it is an extension or protuberance of self; that this court needs to resolve said several motions.

That movant and or his successor in interest, assgn or heir had agreed to pay the Judicial Administrator for the total value of the land, upon the release of title of the subject real property for and in favor of said movant, ANTONIO ROMULO AGUSTIN or to his successor in interest, assign or tho his nearest kin adopting the land title of origin or from the ancestral land title OCT No. T 01-4 duly registered in accordance with the Land Registration Act 496 in the name of Prince Lacan Ulrijal Bolkiah Tagean Tallano, the Predecessor of the Judicial Administrator, PRINCE JULIAN MORDEN TALLANO, provided it soes not deprive the interest of the former President, Diosdado Macapagal, his heir, assign or his sucessor in interest over the 720 hectares of sugar land located in Barangay Balete, San Fernando, Pampanga, that almost gone up due to massive falsification of land titles of those in the Registry of Deeds before, where certain Register of Deeds of San Fernando, Pampanga, Pedro Baltazar, who allegedly had issue such land title OCT N.T1460 embracing said land in Balibago, Angeles City, in conspiracy of the Spouses Aniceto Gueco and Ursula Munoz instead originally a land containing 720 hectares located in Barrio Balete, San Fernado, of Pampanga, which said TCT No.T 1460, that must derive from OCT No.T 01-4, be registered in the name of then former Congressman, Diosdado Macapagal, now former President of the Philippines, which said parcel of land was his compensation being one among the Lawyers of the TALLANO ROYAL FAMILY,

That another salient issue that cropped up from the Bureau

of Land is whether respondent, PRINCE JULIAN MORDEN TALLANO, his co-heirs and were lawful owners and possessors of Lot No.694 asserts by not just calim of ownershiip with titulo torrents but likewise by possession de facto for a period of at least fifty (50) years, [Repide vs. Astuar, 2 Phil. 757 (1930)] in so far as the area in question has been embraced by MILITARY BASE AGREEMENT of 1946, is a position that can not be entertained under the Land Registration Act 496 in so far as the subject land has been titled for quite some time where said land is subject of the hisghest degree of possession which derived from the right of dominion or possession os an owner. When pertains to land, it consist in the manifestation of acts of dominion over the subject with a such nature as a party would naturally put into practice or exercise being the owner over his property. That in legal parlance under the law does not mean that a man claiming owner of that vast estate has to have his feet on every square meter of land before it can be said that man is in possession of that vast track of land (RAMOS VS. BUREAU OF LANDS, 39, Phil. 175 (1918)

That they (INTERVENOR) further emphasize it is likewise, a doctrine, which imposes upon individual, who uses a corporation merely as instrumentalities to conduct his own business liability as a consequence of fraud or injustice perpetuated not on the corporation, but on third person dealing with the corporation. The INTERVENOR also assert that ALTER EGO is based upon the misuse of a corporation by an individual for wrongful or inequitable purposes, and in such a case the INTERVENOR explains, based on the precedent case, the court merely disregards the corporate entity and holds the indivifual responsile for acts knowingly and intentionally done in the name of corporation (Sulo ng Bayan, Inc vs. Gregorio Araneta, Inc., L-31061, Aug. 17, 1976, 72, SCRA, 355. The INTERVENOR gave clear judicial wisdom, such alter ego of the Corporation, like those named above, is composed of the Board of Directors and/or a management team which is dominated by single individual, with others in the team serving merely as consultative or recommendatory staff, but not a provision to free criminal or civil liabilities of the person exploited the name of the Corporation for illegal acts inflicted upon another, because the liabilities of te corporation is a liabilities of its corporate officers (Disc vs. National Labor Relation Commission, L-51182, July 5, 1983, 123 SCRA 320)

That the motion of the INTERVENOR seeking for the issuance of another WRIT OF MANDAMUS, to enforce the THIRD ALIAS WRIT OF ECECUTION, POSSESSION dated of May 23, 1989, in order to restore the possession of the TALA ESTATE HEIRS over the subject land, the same has been filed by said PRINCE JULIAN MORDEN TALLANO, in so far as the subject real properties was not among those real properties covered by the OMNIBUS ORDER of Dec. 20, 1990 and Order of May 16, 1991, and beside of hte fact as put into emphases by the movant-intervenor, the Third Alias Writ of Execution, Possession is still within enforceability period of five (5) years, which ratified by fifteen (15) years moratorium ending April 7, 2006, that this Court needs to determine and resolve when ever justifiable under the doctrine of jus privatum (Jover vs. Insular Government, 10 Phil.543) in order to contain in term of social justice the growing mass unrest of the adversely affected TALA HACIENDA DE ANTIPOLO AND BARAS

FARMERS ASSOCIATION. That as above, brought about by the pretext delivery of social sevices in term of housing, urban and agriculutural lnad reform and instituted by the Deposed President, Ferdinand E. Marcos, who invade the sanctity of agricultural land reform, social stablility endowed by former President, Diosdado Macapagal to the farmers-beneficiaries.

That for a period of fourteen (14) years that they have been enjoying the said program with economic stablility and peace and roder to the land that they have been calling they own in support of the land owner, late DON ESTEBAN BENITEZ TALLANO and DON GREGORIO MADRIGAL ACOP by Presidential Proclamation, that caused the (dictator) created the Lungsod Silangan Project, that disturbed the gainful flow of the economic well being of the said farmers and of the Filipino people that lasted their rights to own said land they were tilling for more than forty years to the hands ofMarcos cronies, who rendered unresolved crimes of summary execution by massacres, disappearance of several numbers of families in the said TALA HACIENDA DE ANTIPOLO, fesides of institution of several gang rapes and happy shooting to the children of the farmers, as if astray animals in the forest, aggravated by land grabbing spree that were remains unresolved. While the culprits still enjoying the TALA HACIENDA's resources at the expense of the legitimate land owner, TALLANO CLANS and the victimezed farmeres of the HACIENDA, a problem that swollen into a legal issue that must have to resolve to charge, who must responsible with the said highest form of crimes commetted.

And part of our noble duties is to determine as to the legality of the position of the Third Party Claimants over the subject land.

The Antecedent Facts

This Land, TALA HACIENDA DE ANTIPOLO AND BARAS AND TANAY as supported by the record, ownership right of the TALA ESTATE heirs over their land and title, particularly, TCT No 498, derived from OCT No. T 01-4 on the year 1932 by virtue of the ancestral right and interest, where the MATEO CATIONO DOCTRINE was emanated embracing the archipelago, even before in the advent of Spaniard, where British Grant thru Governor Dawsonn Drake recognized said Tallano heirs' rights had issued Royal Decree 01-4 Protocol of 1764, said ownership was ratified in favor of the TALLANO ROYAL FAMILY by virtue of 1864 Maura Law and re-affirmed it in a bidding occasion that rendered during the period of CESSATIONTREATY between the United States of America and of Royal Government of Spain in the year 1898 that generate funds needed involving around $20 million U.S. Dollar to be paid by the U.S. to the Government of Spain but in the absence of capability of the United States then, Prince Julian Macleod Tallano and his son, DON ESTEBAN BENITEZ TALLANO, was the one who paid said $20 Million U.S. Dollar, just to keep the ownership of the island within their interest and control for the sake of the maharlikans, the Filipino people.

Indeed, the intervenor, had been supported and regained more and stronger emphases by and of the salient point of R.A. 496, protecting someone, who successfully obtained ownership rights over the land by virtue of the system of registration despite

of the fact the TALLANO ROYAL FAMILY already a holder of Titulo De Compra, OCT No. T 01-4, converting their title by virtue of British Grant, in exchange of their efforts and treasures they extended during the cessation treaty to maintain said ancestral rights over the land, known as HACIENDA FILIPINA, where the small chunck refers to another hacienda, called TALA HACIENDA DE ANTIPOLO- BOSOBOSO, BARAS Y TANAY, containing 79,800 hectares portion of a big parcel of land evidenced by TCT No. T 498, was duly registered in the name of the late DON ESTEBAN BENITEZ TALLANO in the year 1932, derived from OCT No. T 01-4, The said land title was issued by virtue of the British Royal Grant, thru BRITISH GOVERNOR DAWSON DRAKE, ratifying its legitimate existence from the hand of King of Spain, which was known as propriedad de terrenos 01-4 royal decree protocol. That later by virtue of said PEACE ACCORD between the two country, the titled land containing an area of 169,779.332 hectares, where privated rights over said real property, was emanated to be well respected by the TREATY OF PARIS. This made as another evidence in the LAND REGISTRATION COURT APPLICATION FOR TORRENTS TITLE favourable to the Tallano Clan. And the same was ratified under LAND REGISTRATION 496 on OCT3, 1904.

That where the DECREE OF PROPERTY REGISTRATION No. 297 was released for and in favor of the legitimate land owner, Prince Lacan Acuna Ulrijal Tagean Tallano, the predecessor of the TALA ESTATE HEIRS. And it redounds to the entry of compromise agreement of the Republic of the Philippines, Represented by Hon. Solicitor General, ANTONIO BARREDO then. Enough basis the Decision With Compromise Agreement of February 4, 1972 had been rendered by the Court after stipulation by both the INTERVENOR, late BENITO AGUSTIN TALLANO, represented by and, through his ATTY IN FACT, Dr. Alejo Rizal Lopez and his Counsel, ATTY VIDAL TUMBO and the OFFICE OF THE SOLICITOR GENERAL, who filed the ESCHEATMENT PETITION, HON. OSG ANTONIO BARREDO in 1968 under LRC/CIVIL Case No, 997, which was later consolidated in Civil Case No. 3957-P.

That after fifteen (15) years of TALLANO's victory over the land they really own and inherited from their ancestral predecessors unde the MATEO CARINO DOCTRINE, disregarding the regalian principles for the reason said real property is a private in nature, the same, judgment has been subjected ofr declaration of NULLITY and void besides of the PETITION FOR ANNULMENT OF JEDGMENT in the same sala on the year 1987by said Hon. OSG Sedfrey Ordonez, to the Decesion rendered on February 4, 1972, for and in favor of the TALA ESTATE HEIRS, who likewise simultaneously, seeking of r the quieting of titles as imperfect titles of the above oppositors that over lapse the torrents titles of the said INTERVENOR over several parcels of land of TALA ESTATE known formerly as HACIENDA FILIPINA.

The Facts

Martial Law was declared by virtue of Presidential Proclamation 1081 that was issued by the deposed President, Ferdinand E. Marcos, on Sept 21, 1972 on the allegatio the nation has been donfrnting an eminent danger in order to secure the national and sovereign interest of the Republic of the Philippines and its people as well. But as time goes by the Filipino people have

been renderign sporadic summary execution and unusual disappearnce of their neighborhood, friends and relatives, who were charged as NPA if not as crime syndicate members that grew not only sporadic in nature but it almost covers all provinces of the archipelago. One incident was the military invasion to the private home and rach of the INTERVENOR's predecessors in Sauyo, Quezon City, where all military camp had benefited the daily beef supplies from the 20,000 heads of fattening cows and 5,000 heads of goat, that they confiscated from said house of the intervenor's predecessors, the POLITICIAN's HAVEN, beside of similar problem they were confronting in their another Ranch in Paradise Farm, in Barangay Tungkong Manga, San Jose del Monte, where around 10,000 head of fattening cow were slaughtered as time goes by besides of 5,700 metric tons was by forced excavated their ancestral house that made it collapsed. And transported and hided the items to another place. The worst was the forcible entry of Marcos Military Boys to the Ranch of the TALLANO CLAN in Barangay Pinugay Baras and Tanay Rizal, a place where they lost bigger portion of not only land containing 79,800 hectares, 50,000 fattening cows but also of 17,500 metric tons of gold including their farmers around 17 families that were massacred by Marcos cronies' armies on alibis those families were found members of the NPA, while the truth such charges of Marcos administration that time was not true and have no basis.

That INTERVENOR's predecessors, late DON GREGORIO MADRIGAL ACOP, late DON ESTEBAN BENITEZ TALLANO AND BENITO AGUSTIN TALLANO along with other politicians headed then by Ex President, Diosdado Macapagal, Ex Senator Benigno Aquino Jr., Ex Senator Jose W. Diokno, Ex Senator Lorenzo Tanada, Ex Senator Ambrocio Padilla, who were baselessly charged of the crime of rebellion, were put in jail, except, the predecessors of the INTERVENOR in exchange of several metric tons of gold and with the promised of said late Dictator through his envoy, Chief of Staff then, General Fabian Ver, all politicians, mentioned herein, associated with the old TALLANOS should be freed immediately unconditionally, but instead of abiding said promised by the dictator, he was forcing the INTERVENOR's predecessors to signed a deed of absolute sale embracing all land covered by OCT No.T 01-4, which in lieu of said title the LRC thru the influence of the President issued different cancelled land titles, which were just rexonstituted for and in favor of ENRIQUE ZOBEL DE AYALA, Sr. and the HEIRS OF EX SENATOR VICENTE MADRIGAL, and to HENRY SY and to MANUEL NIETO and Jose Gueco, Aniceto Gueco and his wife, a condition that the TALA ESTATE HEIRS PREDECESSORS, refused to be amenable and fulfill said condition, on the very reason it directly confiscate and disregard the propriety rights of million Filipinos and farmers over the land. Besides of the fact it only leads to an in direct thievery to our national treasury in the pretext of cosmetic urban land reform and mass housing project.

Sad to note, the reward of such nobility of the TALLANO CLANS in protecting such people's interest was the disappearance of Court Appointed Judicial Administrator's predecessors, like DON GREGORIO MADRIGAL ACOP, DON ESTEBAN BENITEZ TALLANO AND DON ANNAECLETO MADRIGAL ACOP in Parang, Maguindano, during the period of transferring another 5,000

metric tons of 12.5 U.S. Gold nuggets, which they entrusted to Sultan Julazpi Jumalol Kiram, the portion of the 2.5 metric tons of gold, which the INTERVENOR's PREDECESSORS had lent arond 1.2 metric tons to the Republic of the Philippines, thru their relative, Presidents of the Commonwealth, MANUEL ACUNA ROXAS, as a required GOLD RESERVES of the Central Bank which was established on the year 1949. But the Gold Reserves was dis-appeared upon illegal transport of around 400,000 metric tons to US. Federal Reserves bound to FORT KNOX, United States of America. That said treasures, which they accumulated from their Predecessor, ROYAL FAMILY OF HAWAII, Queen Lydia Lilieloukalani Kamehameha and Prince Julian Macleod Tallano, was reserved for well being of not only for the Tallano Royal Family but also for the entire Filipino people.

These resulted to the petition of the INTERVENOR's, inquiry for INVESTIGATION to the International Human Rights Commission that caused the influck of the International Media, who are courageous enough to see what is really happening to the Philippines, a nation that once upon a time became one of an economic tiger in asia, but now becomes the 3rd to the poorest nation in the South East Asian Region due to the dis-appearance of said Central Bank Reserves besides of the rampant indirect thievery to our National Treasury, using the fake land titles, the Marcos cronies had fabricated in the disguise of housing program with availment of discounting window facility of the Central Bank, an indirect channel of robbing the national treasury and of the Filipino people.

The TRUTH of all, Marcos cronies took advantage the favoring powerful influence of the President. One was the attempt of one among the Marcos cronies to conceal facts and the existence of title in the name of INTERVENOR's PREDECESSORS. That on April, 1985, petitioner, certain Edna T. Collado filed with the land registration court an application for registration of a parcel of land with an approximate area of 1,200,766 square meters or 120.0766 hectares ("Lot" for brevity). The Lot is situated in Barangay San Isidro (formerly known as Boso-boso), Antipolo, Rizal, and covered by Survey Plan Psu-162620. Attached to the application was the technical description of the Lot as Lot Psu-162620 signed by Robert C. Pangyarihan, Officer-in-Charge of the Survey Division, Bureau of Lands, which stated, and "this survey is inside in-12 Mariquina Watershed. " On March 24, 1986, petitioner Edna T. Collado filed an Amended Application to include additional co-applicants, Subsequently, more applicants joined (collectively referred to as "petitioners" for brevity).

The Republic of the Philippines, through the Solicitor General, and the Municipality of Antipolo, through its Municipal Attorney and the Provincial Fiscal of Rizal, filed oppositions to petitioners' application. In due course, the land registration court issued an order of general default against the whole world with the exception of the intervenor, DR. ALEJO RIZAL LOPEZ, an overseer of said Prince Julian Morden Tallano.

Petitiones alleged that they have occupied the Lot since time immemorial. Their possession has been open, public, notorious and in the concept of owners. The Lot was surveyed in the name of Sesinando Leyva, one of their predecessors-in-interest,

as early as March 22, 1902, while the truth said Sesinando Leyva, was merely one among the overseers of the TALLANO CLANS in the area. Petitioners with ulterior motive declared the Lot for taxation purposes and paid all the required real estate taxes. According to them, there area now twenty-five co-owners in pro-indiviso shares of five hectares each, which stand of no bearing in fact and in law insofar is the land concerned under the subject land registration proceedings for the allege heirs of Sesinando Leyva, is portion of the HACIENDA, which covered by torrents titles in the name of the INTERVENORS, that forced the lawful owner, the TALLANO CLANS filed a motion for porhibitory mandatory injunction against the applicant for registration and against all developers/interlopers in the area, including that of Misael Vera, Jr. who developed portion of the hacienda into a housing subdivision.

That during the hearings, petitioners submitted their evidence to prove that there have been nine transfers of rights among them and their predecessors-in-interest, as follows:

a) SESINANDO LEYVA was the earliest known predecessor-in-interest of the Applicants who was in actual, open, notorious and continuous possession of theproperty surveyed in his name on 22 March 1902 (Exhibit "A" and "A-1" testimonies of J. Torres on 16 December 1987 and Mariano Leyva on 29 December 1987).

b) DIOSDADO LEYVA, is the son of Sesinando Leyva, who inherited the property. He had the property resurveyed in his name on May 21-28, 1928 (Exhibit "B and "B-1"; testimony of Mariano Leyva, a son of Diosdado Leyva).

c) GREGORIO CAMANTIQUE bought the property from Diosdado Leyva before the Japanese Occupation of the Philippines during World War II. He owned and possessed the property until 1958. He declared the property for tax purposes, the latest of which was under Tax Declaration No. 7182 issued on February 1957 (Exhibit "C" and testimnoy of Mariano Leyva, supra).

e) ANGELINA REYNOSO, bought the property from Gregorio Camantique by virtue of a Deed of Sale on 3 February 1958 Reynoso, Mariano Leyva the grandson of Sesinando Leyva, the previous owner, attended to the farm. (Testimony of Mariano Leyva, supra). Angelina Reynoso declared the property in her name under Tax Declaration No. 8775 on 3 August 1965, under Tax Declaration No. 16945 on 15 December 1975, and under Tax Declaration No. 03-06145 on 25 June 1978.

f) MYRNA TORRES bought the property from Angelina Reynoso on 16 October 1982 through a Deed of Sale (Exhibit "E").

d) EDNA COLLADO bought the property from Myra Torress in a Deed of Sale dated 28 April 1984 (Exhibit "F-1" to "F-3").

Additional owners BERNARDINA TAWAS, JORETO TORRES, JOSE AMO, VICENTE TORRES and SERGIO MONTEALEGRE who bought portions of the property from

Edna Collado through a Deed of Sale on 6 November 1985 (Exhibit "G" to "G-1").

And more additional Owners JOSEPH NUNEZ, DIOSDADO ARENOS, DANILO FABREGAS, FENANDO TORRES, LUZ TUBUNGBANUA, CARIDAD TUTANA, JOSE TORRES JR., RODRIGO TUTANA, ROSALIE TUTANA, NORMA ASTORIAS, MYRNA LANCION, CHONA MARCIANO, CECILIA MACARANAS, PEDRO BRIONES, REMEDIOS BANTIQUE, DANTE MONTEALEGRE, ARMANDO TORRES, AIDA GADON and AMELIA M. MALAPAD bought portions of the property in a Deed of Sale on 12 May 1986 (Exhibit "H" tp "H-1").

Co-owners DIOSDADO ARENOS, RODRIGO TUTANA, CHONA MARCIANO and AMELIA MALAPAD jointly sold their shares to new OWNERS GLORIA R. SERRANO, IMELDA CAYLALUAD, NORBERTO CAMILOTE and FIDELITO ECO through a Deed of Sale dated 18 January 1987 (Exhibit "I" to "I-1").

That only shows such transfer of right s regrdless of the numbers of peoceedings to beneficiaries are all moot and academic no rights could be inherited there from which was divulged during the hearing, the Solicitor Dominador Cariaso appeared for and in behalf of the Solicitor General, who have sovereign authority to represent the Republic of the Philippines. In the proceedings the oppositors failed from several concession to present their evidence, the land registration court issued an order of re-conveyance for and in favor of the legitimate land owner/possessor, considering the case decided on February 4, 1972 by virtue of compromise agreement and based on the evidence of the intervenor, which is very glaring its authernticity considering said evedence were emanated from the position papers of the Hon. Solicitor General then the time of filing of ECHEATMENT PETITION.

The court found no cogent reason no to set aside the hearing to resove omnibus motion to declare THE THIRD ALIAS WRIT OF EXECUTION, POSSESSION AND DEMOLITION of May 23, 1989, MOOT AND ACADEMIC, which said hearing was scheduled on different dates appeared inthe ORDER OF THE COURT ON NOTICE OF HEARINGS BY PUBLICATION, a Philippine Recorder a weekly national circulation news paper, which is available for the presentation of the evidence of the oppositors. On the said dated schedule of hearings, counsel for oppositors and the OSG failed to appear again despite due notice and notice by publication. Hence, the court again issued an order submitting the case for decesion based on the evidence of the petitioners and of the intervenor.

The Trial Court's Ruling

After extensive assessment to the evidences submitted by OPPOSITORS, the this Court acting as land registration court held that said oppositors thru their allies OSG failed to adduce sufficient evidence controvert the enforceability of the Third Alias Writ of Execution and Possession of May 23, 1989 and the establish registrable rights of the INTERVENOR over the subject parcel of land. Accordingly, the court rendered a decision affirming the imperfect title of petitioners in the presence fo the existing

torrents land title embracing the premises which had been registered in the name of DON ESTEBAN BENITEZ TALLANO. We quote the pertinent portions of the court's decision, as follows:

> "From the evidence presented, the Court finds that from the testimony of the witnesses presented by the Applicants, the property appliedofr is in actual, open, public and notorious possession by the applicants and their predecessor-in-interest since time immemorial and said possession had been testified to by witnesses Jimmy Torres, Mariano Leyva, Sergio Montealegre, Jose Amo and one Chona who were all cross-examined by Counsel for Oppositor Republic of the Philippines, is of no value on the reasons such application for registration of title over the subject land was merely a show of xxonspiracy, while theland, already covered by existing torrents title registered in the name of Don Esteban Benitez Tallano.
>
> Evidence was likewise presented that said property was declared for taxation purposes in the names of the previous owners and the corresponding taxes were paid by the. Applicants and the previous owners and said property was planted to fruit bearing trees; portions to palay and portions used for grazing purposes the same have no merit after the intervenor had controverted such monumental evidences are the products of several decades of industry of the land owner, DON ESTEBAN BENITEZ TALLANO, who pioneered the area as orchard farm.
>
> To the mind of the Court, the Intervenor have presented sufficient evidence to establish registrable title over said property applied for by them, while applicants aforementioned failed to subside the stronger evidences of thelegitimate land owner the TALLANO CLAN.
>
> On the claim that the property applied for is within the Marikina Watershed, the Court can only add that all Presidential Proclamations like the Proclamtion setting aside the Marikina Watershed are subject to "private rights."
>
> In the case of Municipality of Santiagovs. Court of Appeals, 120 SCRA 734, 1983 "private rights" is proof of acquisition through (sic) among means of acquisition of public lands.
>
> In the case of Director of Lands vs. Reyes, 68 SCRA 193-195, by "private rights" means that applicant should show clear and convincing evidence that the ancestors either by composition title from the Spanish government or by Possessory Information title, or any other means for the acquisition fo public lands under the LAND REGISTRATION COURT by virtue of RA 496 which the TALA ESTATE HEIRS had availed since Oct. 3, 1 904, that made the judgment of the Regional Trial Court in favor of the applicants, void from the beginning fan their titles to the land has been the subject for the MOTION OF THE INTERVENORS, to quite as provided by the law, that no title could be derogate the interest of the legitimate land owner over the land already covered by torrents title xxx" (underscoring supplied).

The Court believes that from the evidence presented as above stated, Applicants have acquired no private rights to which the Presidential Proclamation setting aside the Marikina Watershed should be subject to such private rights.

At any rate, although the Court notes that evidence was presented by the applicants that as per Certification issued by the Bureau of Forest Development dated March 18, 1980, the area applied for was verified to be within the area excluded from the operation of the Marikina Watershed Lands Executive Order No. 33 dated July 21, 1974 per Proclamation No. 1283 promulgated on June 21, 1974, which established the Boso-boso Town Site Reservation, amended by Proclamation No. 1637 dated April 18, 1977 known as the Lungsod Silangan Townsite, evidenced by TCT No. T 498.

In a motion dated April 5, 1991, received by the Solicitor General on April 6, 1991, petitioners alleged that the decision dated January 30, 1991 confirmingf their title had become final after the Solicitor General received a copy of the decision on February 18, 1991. Petitioners furthers preayed that the land registration court order the Land Registration Authority to issue the necessary decree in their favor over the Lot is no moment it lack of legal basis.

On April 11, 1991, the Solicitor General inquired from the Provincial Prosecutor of Rizal, whether the land registration court had already rendered a decision and if so, whether the Provincial Prosecutor would recommend an appeal. However, the Provincial Prosecutor failed to answer the query.

According to the Solicitor General, he received on April 23, 1991 a copy of the land registration court's decision dated January 30, 1991, and not on February 18, 1991 as alleged by petitioners in their motion.

In the meantime, on May 7, 1991, the land registration court issued an order directing the Land Regulation Authority to issue the corresponding decree of registration in faor of the petitioners, which said issuance is moot and academic in the presence of valid decree covering in the same premises.

On August 6, 1991, the Solicitor General filed with the Court of Appeals a Petition for Annulment of Judgment pursuant to Secton 9(2) of BP Blg. 129 on the ground that there had been no clear showing that the Lot had been previously classified as alienable and disposable making it subject to private apporpriation, beside, to reiterate once and for all the legal basis said judgment of the RTC is void from the very beginning on the ground the land subject for application for registration has been decreed and the corresponding segregated title has been issued for and in favor of DON ESTEBAN BENITEZ TALLANO, whose title emanated from OCT No. T 01-4, which was registered in the name of Prince Lacan Acuna Tagean Ulrijal Bolkiah Tallano.

And said DECISION of the Land Registration Court of January 30, 1991, be declared null and void. That the

intervenor manifests the Tallano heirs's valid defense under the Regalian Doctrine that the applicant failed to avail, to wit:

"Under teh Regalian Doctrine, which is enshrined in the 1935 (Art. XIII, Sec. 1), 1973 (Art. XIV, Sec. 2), all lands of the public domain belong to the State. An applicant, like the private respondents herein, for registration of a parcel of land bears the burden of overcoming the presumption that the land sought to be registered forms part of the public domain.

A positive Act of government is needed to declassify a public land and to convert it into alienable or disposable land for agricultural or other purposes, a virtue of lawful rights the TALA ESTATE HEIRS never missed since time immemorial.

In the Land Registration case, the private respondents failed to present any evidence whatsoever that the land applied for as descrived in PSU- 162620 has been segregated from the bulk of the public domain and declared by competent authority to be alienable and disposable. Worse, the technical description of Psu-162620 signed by Robert C. Pangayarihan, Officer-in Charge, Survey Division, Bureau of Lands, which was attached to the application of private respondents, categorically stated that "This survey is inside IN-12 Mariquina Watershed.""

That the land in question is within the Marikina Watershed Reservation is confirmend by the Administrator of the National Land Titles and Deeds in a Report, dated March 2, 1988, submitted to the respondent Court in LR Case No. 269-A. Theses documents readily and effectively negate the allegation in private respondent Collado's application that "said pardel of land known as Psu-162620 is not covered by any form of title, nor any public land application and are not within any government reservation (Par. 8, Application; Emphasis supplied). The respondent court could not have missed the import of these vital cocuments which are binding upon the courts in as much as it is the exclusive prerogative of the Executive Department to classify public lands. They should have forewarned the respondent judge from assuming jurisdiction over the case.

xx inasmuch as the said properties applied for by petitioners are part of the public domain, it is the Director of Lands who has jurisdiction in the disposition of the same (subject to the approval of the Secretary of Natural Resources and Environment), and not the courts. xxx Even assuming that petitioners did have the said properties surveyed even before the same was declared to be part of the Busol Forest Reservatin, the fact remains that it was so converted into a forest resrvation, thus it is with more reason that this action must fail. Forest lands are inalienable and possession thereof, mo matter how long, cannot convert the same into private property. And courts are without jurisdiction to adjudicate lands within the forest zone, except, when bound to ancestral rights which had been proven even in the advent of Spaniard, such regulation is not applicable to the ancestral owner of the land, the TALLANO CLAN.

Needless to say, a final judgment may be annulled on the ground of lack of jurisdiction, fraud or that it is contrary to law and a adecision rendered without jurisdiction is a total nullity and may be struck down at any time.

Hence, the instant petition.

The Issue

WHETHER THE PETITION FOR REGISTRATION IS VALID OR NOT.

The Court's Ruling of RTC Branch 111, Pasay City, acting then as land Registration Court of the Province of Rizal, speaks the judicial wisdom and valid juris prudence pertaining to the subject land that has been pladed for registration.

The petition is bereft of merit.

First Issue: whether petitioners have registrable title over the Lot.

There is no dispute that Executive Order No. 33 ("EO 33" for brevity) dated July 26, 1904 established the Marikina Watershed Reservation ("MWR" for brevity) situated in the Municipality of Antipolo, Rizal. Petitioners even concede that the Lot, descrived as Lot Psu-162620, is inside the technical, literal description of the MWR. However, the main thrust of petitioners' claim over the Lot is that "all Presidential proclamtions like the proclamation setting aside the Marikina Watershed Reservation are subject to private rights." They point out that EO 33 contains a saving clause that the reservations are "subject to existing private rights, if any there be." Petitioners contend that their claim of ownership goes all the way back to 1902, when their known predecessor-in-interest, Sesinando Leyva, laid claim and ownership over the Lot. They claim that the presumpton of law then prevailing under the Philippine Bill of 1902 and Public Land Act No. 926 was that the land possessed and claimed by indivifuals as their own are agricultural lands and therefore alienable and dispocable. They conclude that private rights were vested on Sesinando Leyva before the issuance of EO 33, thus excluding the Lot from the Marikina Watershed Reservation.

Petitioners' arguments find no basis in law.

Ther Regalian Doctrine: An Overview

Under the Regalian Doctrine, all lands not otherwise appearign to be clearly within private ownership are presumed to belong th the State. Thae Spaniards first introduced the doctrine to the State. The Spaniards first introduced the doctrine to the Philippines through the Laws of the Indies and the Royal Cedulas, specifically, Law 14, Title 12, Book 4 of the Novisima Recopilacion de Leyes de las Indias which laid the foundation that "all lands that were not acquired from the Government, either by purchase or by grant, belong to the public domain." Upon the Spanish conquest of the Philippines, ownership of all "lands, territories and possesions" in the Philippines passed to the Spanish Crown, a fact that

wascontroveted by the TALA ESTATE HEIRS, who proved the only ESTATE that exist and survived even in the advent of Spaniard and after availing the titulo de compra OCT No. T 01-4, by their predecessors, PRINCE JULIAN MACLEOD TALLANO and DON ESTERBAN BENITEZ TALLANO, who won the bidding the entire archipelago conducted by the Spanis Royal Crown in the year 1898, during the period of raising the neded fund for $20 milllion U.S. Dollar, cessation treaty between the United States of America and of the Royal Ceown of Spain.

The Laws of the West Indies were followed by the Ley Hipotecaria or the Mortgage Law of 1893. The Spanish Mortgage Law provided for the systematic registration of titles and deeds as well as possessory claims. The Royal Decree of 1894 or the "Maura Law" partly amended the Mortgage Law as well as the Law of the Indies. The Maura Law was the last Spanish land law promulgated in the Philippines. It required the "adjustment" or registration of all agricultural lands; otherwise the lands would revert to the state, which the TALA ESTATE had usually availed of against said defeating laws and regulation.

Those four years later, Spain ceded to the government of the United States all rights, interests and claims over the national territory of the Philippine Islands through the Treaty of Paris of December 10, 1898. In 1903, the United States colonial government, through the Philippines Commission, passed Act No. 926, the first Public Land Act, which was described as follows:

The "Act No. 926, the first Public Land Act, was passed in accordance with the provisions of the Philippine Bill of 1902. The law governed through out the nation, the disposition of lands of the public domain, whenever the TALA ESTATE HEIRS, had donated to the Government that may falls under that category. It prescribed rules and regulations for the homesteading, selling and leasing of portions of the public domain of the Philippine Islands, and prescribed the terms and conditions, subject to private rights by virtue of and as provided by the TREATY OF PARIS of December 10 1898, to enable persons or settlers to perfect their titles to the classified public lands in the Islands. It also provided for the "issuance of patents to certain native settlers upon such classified public lands,' for the establishment of town sites and sale of lots therein, for the completion of imperfect titles, and for the cacellation or confirmation of Spanish concessions and grants in the Islands."

In short, the Public Land Act operated on the assumption that title to public lans in the Philippine Islands remained in the government is unsupported position on the reason government's title to public land should be rise from the classified donation of the TALA ESTATE HEIRS, in as much as the Treaty of Paris and other subsequent treaties between Spain and the United States had reserved the private rights, which they had gestured their respect to the existence of the natives, particularly, the survivors of the Mongolian Empire and Madjapahet Empire, where King Mango Khan, King Marikudo, King Luisong Tagean, and RAJA LAPULAPU and

RAJA SOLIMAN belong with the biggest land empire in the island, said Mdjapahet Empire. The term “public land” referred only to all lands of the public domain whose title still remained in the government and are thrown open to privated appropriation and settlement, and excluded the patrimonial property of the government and the friar lands, which now referred to the TALA ESTATE, because the truth the said ISLAND OF HACIENDA FILIPINA already titled in accordance with the law of West Indies and sustained by the Ley Hipotecaria or the Mortgage Law of 1893. The Spanish Mortgage Law provided for the systematic registration of titles and deeds as well as possessory claims. The Royal Decree of 1894 or the “Maura Law”

Thus, it is unforgivable error for petititoners to argue that under the Philippine Bill of 1902 and Public Land Act No. 926, mere possession by private individuals of lands creates and suffice the legal presumption that the lands are alienable and disposable.

One thing that we need to thresh out, an Act 2874, the second Public Land Act, superseded Act No. 926 in 1919. Right after the passage of the 1935 Constitution, Commonwealth Act No. 141 (“CA 141” for brevity) amended Act 2874 in 1936. CA 141, as amended, remains to this day as the existing general law governing the classification and disposition of lands of the public domain other than timber and mineral lands.

In the meantime, in order to establish a system of registration by which recorded title becomes absolute, indefeasible and imprescriptibly, the legislature passed Act 496, otherwise known as the Land Registration Act, which took effect of February 1, 1903. Act 496 placed all registered lands in the Philippines under the Torrens system. The Torrens system requires the government to issue a certificate of title stating that the person named in the title is the owner of the property described therein, subject to liens and encumbrances annotated on the title or reserved by law. The cetificate of title is indefeasible and imprecriptible and all claims to the parcel of land are quieted upon issuance of the certificate, as it wad done by this Court under PD 1529, known as the Property Registration Decree enacted on June 11, 1978, amended and updated Act 496.

The 1935, 1973, 1987 Philippine Constitutions

The 1935, 1973 and 1987 Constitutions adopted the Regalian doctrine substituting, however, the state, in lieu of the King, as the owner of all lands and waters of the public domain. Justice Reynato S. Puno, inn his separate opinion in Cruz vs. Secretary of Environment and Natural Resources, explained thus:

“One of the fixed and dominating objectives of the 1935 Constitutional Convention was the nationalization and conservation of the natural resources of the country. There was an overwhelming sentiment in the Conversation in favor of the principle of state ownership of natural resources and the adoption of the Regalian doctrine. State ownership of natural.

resources was seen as a necessary starting point to secure reconition of the state's power to control their disposition, exploitation, development, or utilization. THe delegates to the Constitutional Convention very well knew that the concept of State ownership of land and natural resources was introdueced by the Spaniards, however, they were not certain whether it was continued and applied by the Americans. To remove all doubts, the Convention approved the provision in the Constitution affirming the Regalian doctrine."

Thus, Section 1, Article XIII of the 1935 Constitution, on "Conservation and Utilization of Natural Resources" barred the alienation of all natural resources except public agricultural lands, which were the only natural resources the State could alienate subject to just compesation to the affected land owner. The 1973 COnstitution reiterated the Regalian doctrine in Section 2 of Article XII on "Naitonal Economy and Patrimony".

Both the 1935 and 1973 Constitutions prohibited the alienation of all natural resouces except agricultural lands of the public domain. The 1987 Constitution readopted this policy. Indeed, all lands of the public domain as well as all natural resouces enumerated in teh Philippine Constitution belong to the State.

Watershed Reservation is a Natural Resource.

The term "natural resource" includes "not only timber, gas oil coal, minerals, lakes, and submerged lands, but also, features which supply a human need and contribute to the health, welfare, and benefit of a community, and are essential to the well-being thereof and proper enjoyment of a property devoted to park and recreational purposes."

In Sta. Rosa Realty Development Corp. vs. Court of Appeals, et al., the Court had occasion to ddiscourse on wateshed area. The Court resoved the issue of whether the parcel of land which the Department of Environment and Natural Resources had assessed to be a watershed area is exempt from the coverage of RA No. 6657 or the Comprehensive Agrarian Reform Law ("CARL" for brevity).

The Court defined wateshed as "an area drained by a river and its tributaries and enclosed by a boundary or divide which separates it from adjacent watersheds." However, the Court also recognized that:

That definition does not exactly depict the complexities of a watershed. The most important product of a watershed is water which is one of the most important human necessity (ies). The protection of watershed ensures an adequate supply of water for future generations and the control of flashfloods that not only damage property but also cause loss of lives. Protection of watersheds is an "intergenerational" responsibility that needs tobe responded on this critical period of difficulty.

Article 67 of the Water Code of the Philippines (PD 1067) povides:

"Art. 67. Any watershed or any area of land adjacent to any surface water or overlying any ground water may be declared by the Department of Natural Resources as a protected area. Rules and Regulations may be promulgated by such Department to porhibit or control such activities by the owners or occupants thereof within the protected area which may damage or cause the deterioration of the surface water or ground water or interfere with the investigation, use, control, protection, management or administration of such waters."

The Court in Sta. Rosa Realty Case also recognized the need to protect watershed areas and took note of the report of the report of the Ecosystems Research and Development Bureau (ERDB), a research arm of the DENR, regarding the environmental assessment of the Casile and Kabanga-an river watersheds that developed by the TALA ESTATE PREDECESSORS which involved in that case to support water supply needed by the settlers instead to diminish affecting the legitimate TALA ESTATE SETTLERS in the area due to massive land grabbing of said realty firm in the disguise of development. This proved by the report concluded asa follows:

"The Casile barangay covered by CLOA in question is situated deep in the hearland of both watersheds area Considering the barangays proximity to the Matangtubig waterworks, the activities of the farmers which are in conflict with proper soil and water conservation practices jeopardize and endanger the vital waterworks. Degradation of the land would have double edge detrimental effects. On the Casile side this would needs all out direct siltation of the Mangumit river which drains to the water impounding reservoir below to protect the low lying area. On the Kabanga-an side, this would bring destruction of forest natural land escape protective by mother nature's soil covers which seves as recharged areas of the Matngtubig springs. Considering the people have little if no direct interest in the protection of the Matangtubig structures they couldn't care it less even if it would be destroyed.

The Casile and Kabanga-watersheds can be considered a most vital natural life support system to thousands of inhabitants directly and indirectly affected by it. From these watersheds come the natural God-given precious resources- water. xxx

Clearing and tilling of the lands are totally inconsistent with sound wateshed management. More so, the introduction of earth disturbing activities like road bulding and erection of permanent infreastructures under the claim of the Developer for sale to the foreign investors, which already eroded the virtue of public interest. Unless the pernicious land development of the developer in the premises while agricultural activites of the Casile farmers are immediately stopped, for that land development interest alone it would not be too long before these watersheds woulc cease to be from its ancestral eclogical value. The impact of watershed degradation

threatens the livelihood of hundreds of millions of people that depend upon it. Over this dimming scenario of hope of the TALA ESTATE FARMERS, in the area, we look forward as the people anticipated it so, that a suitable comprehensive watershed development policy and program of the national government be immediately formulated and perfectly implemented before the un-correctible disaster to other part of this country finally happens. That many part of it already inflicted by that man made tragedies to the nation, where thousands of lives already lost and capitalized for personal interest of the few.

Sta. Rosa Realty gave us a glimpse of the dangers posed upon by the misuse if not abusive exploitation of natural resources such as watershed reservations which are identical to forest zones. Pupulation growth and industrialization have taken aheavy toll along on the growth of environment. Environmental degradatin from uncheched human activites could wreak havoc on the lives of present and future generations. Hence, by constitutional fiat, natural resources remain to this day to day in-alienable properties of the State, a reason of the legimate owner of the island must have to state and stand vigorously with legimate reson to seure the greate mass of affected human being in the Far East, while, those in the government refuse and continuously desregarding such eminent danger to the nation brought about by force cosmetic development.

As assessed from this legal-factual hazard, did petitioners acquire, as they vigorously argue, their private rights over the parcel of land prior to the issuance of EO 33 segragating the same as a watershed reservations?

Tha answer is strongly NO

On the First Hand. An applicant for confirmation of imperfect title bears the burden of proving that he meets the requirements of Sectio 48 of CA 141, asa amended. He must defeat the presumption the land he is applying for is part of the public domain and he has an interest therewith sufficient in from and substance to warrant registration in his name arising from an imperfect title. An imperfect title, in other side, may have been derived from old Spanish grants such as a titulo real or royal grant, a concession especial or special grant, a composicion con el estado or adjustment title, or a titulo de compra or title through purchase which the TALA ESTATE HEIRS had availed and obtained of. Or, that had he continuous, open and notorious possession and occupation of such subject lands of the public domain under a bon fide claim of ownership for at least thirty years preceding the filing of his application as provided by Section 48 (b) CA 141.

Originally, for public interst, Section 48(b) of CA 141 provided for possession of lands of the public domain since July 26, 1894. This was superseded by RA 1942 which provided for a simple thirty-year prescriptive period of occupancy by an applicant for judicial confirmation of an imperfect title. The same, however, has already been amended by Presidential Decree No. 1073, approved on January 25, 1977; the law prevailing at the time petitioners' application for

registration was filed on April 25, 1985. As amended, Section 48 (b) now reads:

"(b) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition of ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title, except when prevented by wars or force majueured. Those by incident shall be conclusively presumed to thave performed all the conditions essential to a Government grant land shall be entitled to a certificate of title under the provisions of this chapter."

Interpreting Section 48 (b) of CA 141, the Court stated that the Public Land Act requires that the applicant must prove the following:

"(a) that the land is alienable public land and (b) that his open, continuous, exclusive and notorious possession and occupation of the same must either be since time immemorial or for the period prescrived in the Public Land Act. When the conditions set by law are complied with, the possessor of the land, by operation of law, acquires a right to a grant, a government grant, without the necessity of a certificate of title being issued.

Petitioners do not claim to have documentary title over the Lot. Their right to register the Lot is predicated only upon continuous possession since the period of 1902.

Apparently, petitioners were unable to acquire a valid and enforceble right or title because of the failure to complete the required period of possession, whether under the original Section 48 (b) of CA 141 prior to the issuance of EO 33, or under the amendment by RA 1942 and PD 1073, unlike on the case of the TALA ESTATE HEIRS, the pre-requisites to acquire not only a doucmentary title but title by possession were obtained accordingly.

In deed, there is no proof that before the issuance of EO 33 in 1904, petitioners for the issuance of title over the allege Antipolo-Baras Estate had acquired ownership or title to the Lot either by deed or by any other mode of acquisition form the State, as for instance by acquisitive prescription. As of 1904, Sesinando Leyva had only been in possession of r two years. Verily, petitioners have not possessed the parcel of land in the manner and for the number of years required by law for the confirmation of imperfect title.

On the Second point of view, assuming that the Lot was alienable and disposable land before the issuance of EO 33 in 1904, EO 33 reserved and treated the Lot as a watershed. Since then, the Lot became non-disposable and inalienable public land. At the time petitioners filed their application on April 25, 1985, the Lot has been titled already to the TALA ESTATE and said area had reserved as a watershed under EO 33 for 81 years prior to the filing of petitioners' application.

The period of ocuupancy after the issuance of EO 33 in 1904 could no longer be counted because as a watershed reservation, the Lot was no longer susceptible of occupancy, disposition, conveyance or alienation. Section 48 (b) of CA 141, as amended, applies exclusively to alienable. Section 48 (b) of CA 141, as amended, applies exclusively to alienable and disposable public agricultural land, unlike with the status of the TALA ESTTE HEIRS, they were here already even before the arrival of the SPANIARD, but they kept of protectiong the environment against eroders-poarchers for the interest of the majority if not for the whole inhabitants. Forest lands, including wateshed reservations, are excluded. It is not only axiomatic but based on jurisprudence that the possession of forest lands or other inalienable public lands cannot ripen into private ownership.

In Municipality of Santiago, Isabela vs. Court of Appeals, 120 SCRA734 91983). the Court declared that inalienable public lands cannot be acquired by acquisitive prescription. Prescription, both acquisitive and extinctive, does not run against the estate;

"The possession of public land, however long the period may have extended, never confers title thereto upon the possessor because the statute of limitations with regard to public land does not operate against the State, unless the occupant can prove possession and occupation of the same under claim of ownership for the required number of years to constitute a grant from the State.'"

Third, Gordula vs. Court of Appeals is of another valid precedent in point in time. In Gordula case, petitioners failed to contest the nature of the land. They admitted beyond reason the land lies in the heart of the Caliraya-Lumot River Forest Reserve, which Proclamation No. 573 classified as inalienable. The petitioners in Gordula contended, however, that Proclamtion No. 573 itself recognizes private rights of landowners prior to the reservation. They claim to have established their private rights to the subject land . The Court ruled:

"The Court disagree. No public land can be able to acquire by private persons without any grant, express or implied from the government; it is indispensable that there be a showing of a title from the state. The facts show that petitioner Gordula did not acquire title to the subject land prior to its reservation under Proclamtion No. 573, that caused him filed his application for free patent only in January, 1973, more than three (3) years had passed after the issuance of Proclamation No. 573 in June, 1969. At that time, the land, as part of the Caliraya-Lumot River Forest Reserve, was no longer open to private ownership as it has been classified as public forest reserve for the public good.

Nonetheless, petitioners insist the term, "private rights," in Proclamation No. 573, is clear reference to paramount rights of somebody who is in thirty (30) years actial possession prior to the application of another for registration and it should not be interpreted as requiring a title for himself already. They convey their message that mere possession to the land it suffices for the application for registration if the claimant "had occupied

and cultivated the property for so many number of years, declared the land for taxation purpose, had paid the corresponding real estate taxes which are accepted by the government, and applicant's occupany and possession is continuous, open and un-interupted and recognized by the government, prescendign clearly from this context, petitioners urge that the 25-years possession by applicant Gordulla from 1944 to 1969, albeit five (5) years short of the 30-year possession as prerequisites under Commonwealth Act (C.A.) No. 141, as amended, is enough reason to vest upon applicant Gordula the "private rights" recognized and respected in Proclamation No. 573, is lack of merit.

For the law does not support this submission of invalid judicial thought beyond accepted jurisprudence. In Director of Lands vs. Reyes, we held that a settler claiming the protection of "private rights" to exclude his land from a military or forest reservation must show by clear and convincing evidence that the property in question was acquired by any means for the acquisition of public lands."

In fine legal point of view, 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 prescribes the substantive as well as the procedural requiremetns for acquisition of public lands. This law requires at least thirty (30) years of open, continuous, exclusive and notorious possession and occupation of agricultural lands of the public domain, under a bonafide claim of acquisition, immediately preceding the filing of the application for free patent. The reationale behinc it of that 30-year period lies in the presumption that the land applied for pertains to the State, and the occupants and /or possessors claim an interest therein only by virtue of their imperfect title or continuous, open and notorious possession."

Next, applicants argue tha assuming no private rights had attached to the Lot prior to EO 33 in 1904, the President of the Philippines had subsequently segregated the Lot from the public domain an dmade the Lot alienable and disposable when he issued Proclamation No. 1283 on June 21, 1974. Petitioners contend that Proclamation No. 1283 expressly excluded an area of 3, 780 hectares from the MWR and made the area part of the Boso-boso Townsited Reservation advesely defeating the legal right of the TALA ESTATE HEIRS. Petitioners assert that Lot Psu-162620 is a small part of this excluded town site area. Petitioners further contend that town sites are considered alienable and disposable under CA 141.

Proclamation No. 1283 reads thus:

"PROCLAMATION NO. 1283

EXCLUDING FROM THE OPERATION EXECUTIVE ORDER NO. 33, DATED JULY 26, 1904, AS AMENDED BY EXECUTIVE ORDERS NOS. 14 AND 16, BOTH SERIES OF 1915, WHICH EXTABLISHED THE WATERSHED RESERVATION SITUATED IN THE MUNICIPALITY OF ANTIPOLO, PROVINCE OF RIZAL, ISLAND OF LUZON, A CERTAIN PORTION OF THE LAND

EMBRACED THEREIN AND RESERVING THE SAME, TOGETHER WITH THE ADJACENT PARCEL OF LAND OF THE PUBLIC DOMAIN, FOR TOWNSITE PURPOSES UNDER THE PROVISIONS OF CHAPTER XI OF THE PUBLIC LAND ACT.

Upon recommendation of the Secretary of Agriculture and Natural Resources and pursuant to the authority vested in me by law, I, FERDINAND E. MARCOS, President of the Philippines, do hereby , exclude form the operation of Executive Order No. 33 dated July 26, 1904, as amended by Executive Orders Nos. 14 and 16, both series of 1915, which established the Watershed Reservation situated in the Municipality of Antipolo, Province of Rizal, Island of Luzon, certain portions of land embraced therein and reserve the same, together with the adjacent parcel of land of the public domain, for townsited purposes under the provisions of Chapter XI of the Public Land Act, subject to private rights, if any there be, and to future subdivision surbey in accordance with the development plan to be prepared and approved by the Department of Local Government and Community Development, which parcels are more particularly described as follows:

Lot A (Part of Watershed Reservation)

A parcel of land (Lot A of Proposed Poor Man's Baguio, being a portion of the TALA ESTATE embracing Marikina Watershed, IN-2), situated in the Municipality of Antipolo, Province of Rizal, Island of Luzon, beginning at a point marked "1" on sketch plan, being N-74'-30 E, 8480.00 meters more or less, from BLLM1, Antipolo, Rizal; thence N 33' 28W 1575.00m. to point 2; thence N40'26 W 1538.50 m to point 3; thence N30' 50W 503.17 m. to point 4; thence N75' 02W 704.33 m. to point 5; thence N 14' 18 W 1399.39 m. to point 6; thence N 43' 25 W 477.04 m to point 7; thence N 71' 38 W 458.36 m. to point 8; thence N 31' 05 W 1025.00 m to point 9; thence Due North 490.38 m. to point 10; thence Due North 1075.00 m to point 11; thence Due East 1000.00 m. to point 12; thence Due East 1000.00 m. to point 13; thence Due East 1000.00 m. to point 14; thence due East 1000.00 m. to point 15; thence Due East 1000.00 m. to point 16; thence Due East 1000.00 m. to point 17; thence Due East 1075.00 m. to point 18; thence Due South 1000.00 m. to point 19; thence Due South 1000.00m to point 20; thence Due South 1000.00 m. to point 21; thence Due South 1000.00 m. to point 22; thence Due South 1000.00 m. to point 23; thence Due South 1000.00 m. to point 24; thence Due South 1075.00 m. to point 25; thence Due West 1000.00 m. to point 26; thence Due West 1000.00 m. to point 27; thence Due West 636.56 m. to point of beginning. Containing an area of three thousand seven hundred eighty (3, 780) Hectares, more or less.

Lot B (Alienable and Disposable Land)

A parcel of land (Lot B of Proposed Poor Man's Baguio, being a portion of alienable and disposable portion of TALA ESTATE which is not public domain) situated in the Municipality of Antipolo, Province of Rizal, Island of Luzon. Beginning at a point marked "1" on sketch plan beign N 74' 30E., 8430.00 m., more or less, from BLLM 1. Antipolo, Rizal; thence Due

West 363.44 m. to point 2; thence Due West 1000.00 m. to point 3; thence Due West 100.00 m. to point 4; thence Due West 1000.00 m. to point 5; thence Due West 1075.00 m. to point 6; thence Due North 1000.00 m. to point 7; thence Due North 1000.00 m. to point 8; thence Due North 1000.00 m. to point 9; thence Due North 1000.00 m. to point 10; thence Due North 1000.00 m. to point 11; thence Due North 509.62 m. to point 12; thence S. 31' 05 E 1025.00 m. to point 13; thence S 71' 38 E 458.36 m. to point 14; thence S 43' 25 E 477.04 m. to point 15; thence S 14' 18 E 1399.39 m. to point 16; thence S 75' 02 E 704.33 m. to point 17; thence S. 30' 50 E 503.17 m. to point 18; thence S 40' 26 E 1538. 50 m. to point 19; thence s 33' 23 e 1575.00 m. to point of beginning. Containing an area of two thousand two hundred twenty five (1,225) Hectares, more or less.

Note: All data are approximate and subject to change based on future survey.

IN WITNESS WHEREOF, I Have hereunto set my hand and caused the deal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 21st day of June, in the year of Our Lord, ninteen hundred and seventy-four.

(Sgd.) FERDINAND E. MARCOS
President
Republic of the Philippines"

Proclamation No. 1283 has since been amended by Proclamation No. 1637 issued on April 18, 1977. Proclamation No. 1637 revised the area and location of the proposed townsite. Accordingly Proclamation No. 1637 excluded Lot A (of which the Lot claimed by petitioners is part) for townsites purposes and reverted it to MWR coverage. Proclamation No. 1637 reads:

"PROCLAMATION NO. 1637

AMENDING PROCLAMATION NO. 1283, DATED JUNE 21, 1974, WHICH ESTABLISHED THE TOWNSITE RESEVATION IN THE MUNICIPALITIES OF ANTIPOLO AND SAN MATEO, PROVINCE OF RIZAL, ISLAND OF LUZON BY INCREASING THE AREA AND REVISING THE TECHNICLA DESCRIPTION OF THE LAND EMBRACED THEREIN, AND REVOKING PROCLAMTION NO. 765 DATED OCTOBER 23, 1970 THAT RESERVED PORTIONS OF THE AREA AS RESETTLEMENT SITE.

Upon recommendation of the Secretary of Natural Resources and pursuant to the authority vested in me by law, I, FERDINAND E. MARCOS, President of the Philippines, do hereby amend Proclamtion No. 1283, dated June 21, 1974 which established the townsite reservation in the municipalities of Antipolo and San Mateo, Province of Rizal, Island of Luzon, by increasing the area and revising the technical descriptions of the land embraced therein, subject to private rights, if any there be, which parcel of land is more particularly described as follows:

(Proposed Lungsod Silangan Townsite)

A PARCEL OF LAND (portion of TALA ESTATE Proposed Lungsod Silangan Townsite Reservation amending the area under SWO-41762 establishing the Bagong Silangan Townsite Reservation) situated in the Municipalities of Antipolo, San Mateo, and Montalban, Province of Rizal, Island of Luzon, Bounded on the E., along Lines 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23 by the Marikina Watershed Reservation (IN-12); on teh S., along lines 23-24-25 by the portion of Antipolo; on the W., along lines 25-26-27-28-29-30 by the Municiplities of Montalban, San Mateo; and on teh N., along lines 30-31-32-33-34-35-36-37-38-39-40-41-42-43-44 by the Angat Wateshed Reservation. Beginning at a point mardked "1" on teh Topographic Maps with the Scale of 1:50,000 which is the identical corner 38 IN-12, Marikina Watershed Reservation.

Proclamtion No. 765 dated October 26, 1970, which covered areas entirely within the herein Lungsod Silangan Townsite, is hereby revoked accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 18th day of April, in teh year of Our Lord, nineteen hundred and seventy-seven.

(Sgd.)FERDINAND E. MARCOS
President of the Philippines"

A positive act (e.g., an official proclamation revoking the Pres. Proc. No. 765) was a gestured of respect of the Executive Department to the private interest of the TALA ESTATE HEIRS, which is needed to declassify land which had been earlier classified as a watershed reservation and to convert it into alienable or disposable land for agricultural or other purposes. Unless and until the land classified as such is released in an official proclamtion so that it may form part of the disposable agricultural lands of the public domain, the rules on confirmation of imperfect title do not apply.

The principal document presented by applicant to prove the private character of the Lot is the Certification of the Bureau of Forest Development dated March 18, 1986 that the Lot is excluded from the Marikina Watershed (Exh. R). The Certification reads:

VERIFICATION ON THE STATUS OF LAND:
TO WHOM IT MAY CONCERN:

This is to certify that the tract of land portion of TALA ESTATE situated in Barangay San Isidro, Antipolo, Rizal, containing an area of 1,269,766 square meters, as shown and described on the reverse side hereof, surveyed by Geodetic Engineer Telesforo Cabadign for Angelina C. Reynos, is verified to be within the area excluded from the operation of Marikina

Watershed Reservation established under Executive Order No. 33 dated July 26, 1904 per Proclamtion No. 1283, promulgated on June 21, 1974, which established the Boso-Boso Townsite Reservation, amended by proclamtion No. 1637 dated April 18, 1977 known as Lungsod Silangan Townsite Reservation.

Subject area also falls within the bounds of Bagong Lipunan Site under P.D. 1396 dated June 2, 1978 under the sole jurisdiciton of the Ministry of Human Settlements, to the exclusion of any other government agencies.

This verification is made upon the request of the Chief, Legal Staff, R-4 as contained in his internal memorandum dated March 18, 1986.

The above certification on which petitioners rely that a reclassification had occurred, and that the Lot is covered by the reclassification, is contradicted by several documents submitted by teh Solicitor Genreal before the land registration court.

The Solicitor General submitted to the land registration court a Report dated March 2, 1988, signed by the Administrator Teodoro G. Bonifacio of the then National Land Titiles and Deeds Registration Administration, confirming that the Lot described in Psu-162620 forms par to the MWR and portion of the titled TALA ESTATE. He decisively thus recommended the dismissal of the application for registration. THe Reort states:

"COMES NO the Administrator of the National Land Titiles and Deeds Registration Commission and to this Honorable Court respectfully reports that:

1) A parcel of land described in plan Psu-162620 situated in the Barrio of San Isidro, Municipality of Antipolo, Province of Rizal, is applied for registration of title in the case at bar.

2) After plotting plan Psu-162620 in our Municipal Index Map it was found that a portion of the SW, described as Lot 3 in plan Psu-173790 was previously the subject of registration in Land Reg. Case No. N-9578, LRC Record No. N-55948 and was issued Decree No. N-191242 on April 4, 1986 in the name of Apolonia Garcia, et al., pursuant to the Decision and Order for Issuance of the Decree dated February 8, 1984 and March 6, 1984, respectively, and the remaining poriton of plan Psu-162620 is inside IN-12, Marikina Watershed.xxx

"WHEREFORE, this matter is respectfully submitted to the Honorable Court for its information and guidance with the recommendatio that thte application in the instant proceedigns be dismissed, after due hearign(Underlining supplied)."

It is obvious, based on the facts on record that neither petitioners nor their predecessors-in-interest have been in open, continuous, exclusive and nototious possession and occupation of the Lot ofr at least thirty years immediately precedign the filing of the application ofr confirmation of title, said land area subject for application is already part of the

titled TALA ESTATE since time immemorial Even if they submitted sufficient proof that the Lot had been exclueded form the MWR upon the issuance fo Proclamation No. 1283 on June 21, 1974, petitioners' possession as of the filing of their application on April 25, 1985 would have been only eleven years conted from the issuance of the proclamation in 1974. The result will not change even if we tack in the two years Sesinando Leyva allegedly possessed the Lot from 1902 until the issuance of EO 33 in 1904. Petitioners' case falters even more because of the issuance of Proclamtion No. 1637 on April 18, 1977. Accordingly, Proclamation No. 1637 reverted Lot A or the townsite reservation, where petitioners Lot is supposedly situated, back to the MWR. Finally, it is of no moment

The Solicitor General sought the annulment of the decisionon the ground that the land registration court had no jurisdiction over the case, specifically, over the Lot which was portion of titled TALA ESTATE. The Solicitor General maintained the Decesion With Compromise Agreement that judgement over the subject land for and in favor of the legitimate land owner, the TALA ESTATE HEIRS.

Intervenor argue that the remedy of annulment of judgment is n o longer available because it is barred by the principle of res-judicata, laches and estoppel in as much as the land was already titled since Oct. 3., 1904 in accordance with the Land Registration Decree 297 issued by the Land Registration Decree 297 issued by the Land Registration Authority by the Order of the Land Registration Court. And they insist that the land registration court had jurisdiction over the case which involves private land. They also argue that the Republic is estopped from questioning the land registration court's jurisdiction considering that the Republic ably participated in the proceedings before the court.

In greate sense, it is now established that the Lot, is portion of the Ttiled TALA ESTATE and not belong to public land. The evidence of the petitioners do not clearly and convincingly show that the Lot, described as Lot Psu-162620, ceased to be a portion of the area classified as a portion of the public domain. Any title to the Lot is void ab initio is has been quited by this proceedings.

In view of this, the alleged procedural infirmities attending the filing of the petition for annulment of judgment are well taken since the land registration court had acquired jurisdiction over the subject real property of the TALA ESTATE, once called FRIAR LAND. All proceedings of the land registratin court involving the Lot are therefore are with the purview of the law of the land ang Rules of Court and Civil Procedures.

We also hold that environment consequences in this case override concerns over technicalities and rules of procedure.

In Republic vs. De los Angeles which involved the registration of public lands, specifically parts of the sea, the Court rejected the principle of res judicata and estoppel to silence the Republic's claim over public lands. The Court said:

"It should be noted gurther although that the doctrine of estoppel or laches does not apply when the Government sues as a sovereign or asserts governmental rights, nor does estoppel or laches validate an act that contravenes law or public policy, and that res judicata is to be disregarded if its application would involve the sacrifice of justice to technicality, it does not apply to the situation, where the TALA ESTATE born, who by all means it acquired its rights over the land by purchase or TITULO DE COMPRA from the Royal Crown of Spain. THat from the very moment of the assumption of the Philippine Government, the land he stepped on is a privately own land by the TALA ESTATE HEIRS predecessors, who pioneered and stepped ahead of any body to the ground of the Island.

According to intervenors ISF they are the actual occupants of the Lot which petitioners sought to register their rights. They allege, that they are aware that the parcels of land which their forefathers had occupied, developed and tilled belong to the Government, they filed a petition with then President Corazon C. Aquino and then DENR Secretary Fulgencio S> Factoran, to award the parcels of land to them, a kind of actio that would be institution of another executive abuses OF AUTHORITY AND DISCRETION, like what happend during Marcos time, if ever sustained by the Chief Executive, beside, the truth of all said land belong to the TALA ESTATE HEIRS'S PREDECESSOR DON ESTEBAN BENITEZ TALLANO, whom their ancestores acquired right of occupancy being the legitimate owner of said parcel of land but they (Intervenors ISF) had designed to overcome by means of EXECUTIVE discretion

Secreatary Factoran in abuse of discretion directed the DIrector of Forest Management Bureau to take steps for the segregatio of the aforementioned area from the MWR for development under the DENR's ISF Programs. Subsequently, then President Aquino issued Proclamatin No. 585 dated June 5, 1990 excluding 1,430 hectares from the operation of EO 33 and placed the samw under the DENR's Integrated Social Forestry Program. Proclamation No. 585 reads:

PROCLAMATION NO. 585

AMENDING FURTHER EXECUTIVE ORDER NO. 33, DATED JULY 26, 1904 WHICH ESTABLESHED THE MARIKIN WATERSHED RESERVATION (IN-12) AS AMENDED, BY EXCLUDING CERTAIN PORTIONS OF LANDS EMBRACED THEREIN SITUATED AT SITIOS BOSOBOSO, KILINGAN, VETERANS, BARANGAYS SAN JOSEPH AND PAENAAN, MUNICIPALITY OF ANTIPOLO, PROVINCE OF RIZAL, ISLAND OF LUZON.

Upon recommendation of the Secretary of Environment and Natural Resources and pursuant to the authority vested in me by law, I, CORAZON C. AQUINO, President of the Philippines, do hereby exclude from the operation of Executive Order No. 33, which established the Marikina Watershed Reservation, certain parcel of land of the public domain embraced therein situated in Sitios Bosoboso, Veterans, Kilingan and Barangay San Joseph and Paenaan, Municipality

of Antipolo, Province of Rizal are plaxe the same under the Integrated Social Forestry Program of the Department of Environment and Natural Resources in accordance with existing laws, rules and regulations, which parcel of land is more particularly described as follows:

"A PARCEL OF LAND, portion of Tala Estate within the Marikina Watershed Reservation situated in the Municipality of Antipolo, Province of Rizal, beginning at point "1" on plan, being identical to corner 1 of Marikina Watershed Reservation; thence Containing an area of One Thousand Four Hundred Thirty (1,430) Hectares.

All other lands covered and embraced under Executive Order No. 33 as amended, not other wise affected by this Proclamation, shall remain in force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 5th day of June, in the year of Our Lord, nineteen hundred and ninety.

(Sgd.) CORAZON C. AQUINO
President of the Philippines"

Pursuant to Proclamation No. 585, the chief of the ISF Unit, acting through the Regional Executive Derector of the DENR (Region IV), issued sometime berween the years 1989 to 1991 cerificates of stewardship contracts to bona fide residents of the barangays mentioned in the proclamation as qualified recipients of the ISF programs. Among those awarded were intervenors, are merely strangers to the area who encroached private property by the use of political intervention is against the Constitution and of Land Registration Act No. 496. The certificates of stewardship are actually contracts of lease granted by the DENR to actual occupants of parcels of land under its ISF programs for a period of twenty-five (25) years, renewable for another twenty-five (25) years, which is punishable under RA 3019. The DENR awarded contracts of stewardship to ISF paricipants in Barangay San Isidro (or Boso-boso) and the other barangays based on the Inventory of Forest Occupants the DENR had conducted, is illegal and direct kind of encroachment of titiled private land, particularly, the vast area of TALA ESTATE;

According of ISF intervenors they learned only on May 10 1990 about the pendency of LRC/Civil Case No.3957-P before the Regional Trial Court of Rizal, in Pasay City, On, 1991, they filed a Motion for Leave to Intervene and to Admit Opposition in Intervention before the land registration court to assert their rights and to protect their interests.

However, shortly after the filing of their opposition, intervenors ISF learned that the land registration court had already rendered an ORDER on January 30, 1991 confirming petitioners' imperfect title, Intervenors' counsel received a copy of the decision of February , 1991.

On July 23, 1991, intervernors filed a motion reconsideration to vacate judgment and for new trial before the land registration court under said LRC/CIVIL Case No. 3957-P RTC, Branch 111 in Pasay City, which said MOTION was denied on August 7, 1991 on the ground of filinf said motion out of time of fifteen (15) days to file said motion. According to

intervenors ISF the RTC Court actiong as land registration court have no authority to deny said motion.

As a rule, intervention is allowed "before rendition of judgment by the trial court," as Section 2, Rule 19 expressly provides. However, the Court has recognized exceptions to htis rule in the interest of substantial justice. Mago vs. Court of Appeals reiterated the ruling in Director of Lands vs. Court of Appeals, where the Court allowed the motions for intervention even when the dase had already reached this Court. Thus in Mago case, the Court held that:

"It is quite lawfull, clear and patent that the motions for intervention filed by the movants at this stage of the proceedings where trial had already been concluded, and the judgment already renderd for quite so long ago x x x and on precedent case the same affirmed by the Court of Appeals and the instant petition for certiorari to review said judgment is already submitted for decision by the Supreme Court, are obviously and, manifestly late, beyond the period prescribed under x x x Section 2, Rule 12 of the rules of Court.

But SEC. 2 OF Rule 19 of the Rules of Court, like all other Rules therein promulgated, is simply a rule of procedure, the whole purpose and object of which is to make the powes of the Court completely available for justice but not to violate the rules of civil procedure, which provides tha if the motion for trial was filed after the case had already been submitted for decision, the denial thereof is proper (Vigan Electric Light Co.Inc vs. Arciaga, L29207 and L-29222, July 31, 1974 The purpose of procedure is not to thwart justice. Its proper aim is ot facilitate the application of justice to the rival claims of contending parties. It was created not to hinder and delay but to facilitate and promote the admisnitration of justice. It does not constitute the thing itself which courts are always striving to secure to litigants. It is designed as the means best adopted to obtain tahat thing. In other words, it is a means to an end."

WHEREFORE, the motion of the Republic of the Philippines is DENIED. The Decision of the Court declaring null and void all the OCT that were issued other than that OCT No.T 01-4 dated February 4, 1972, is AFFIRMED

COMMANDING the party, heirs of TALA ESTATE, represented by PRINCE JULIAN MORDEN TALLANO to turn over the subject lots found along Michelle Highway in Balibago, Angeles City to said PABLO AGUSTIN, the successor in interest of ANTONIO ROMULO AGUSTIN. And commanding all occupang of those real property located in Bario Pinugay, Bosobos and Paenan, San Isidro of the Municipality of Baras and Antipolo, to likewise be turned over the same said real properties to and in favor of teh surviving party, the heirs of DON ESTEBAN BENITEZ TALLANO, represented by Court Appointed Judicial Administrator, PRINCE JULIAN MORDEN TALLANO, who succeeded the interest over the legitimate right of the land Owner aforementioned, evidenced by land title OCT No. T 01-4, TCT No. T 408 and TCT No. T 498.

COMMANDING, as well, the ENFORCING SHERIFF of this Court, his deputized members of PNP, Armies and other law Enforcement Authority to enforce the writ of mandamus its enforceability will be on April 8 2006 with fullest force of the law which pertains to the physical possession and turn over of the all the land aforementioned evidenced by land titles OCT No.T 01-4, TCT No. T 408 and of TCT No. T 498, except those real

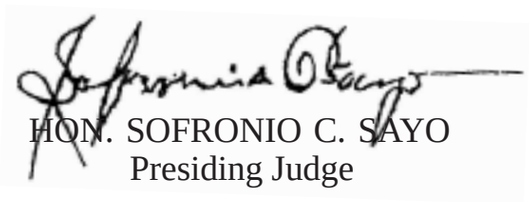
properties already committed to the designated parites as mentioned hereof.

Likewise commanding the concerned Hon. Register of Deeds of Angeles City to issue the required segregated land titles covering the area of 10.48 hectares, or around 104,800 square meters for and in favor of said Pable Agustin, whose title may be derived from said OCT No. 1460 and or OCT No. T 01-4. And all titles that were issued specifically TCT No. 18275-R, TCT No. 18276-R, TCT No. 18277, TCT No. 18278-R, TCT No. 18270-R, TCT No. 127549-R, should be nullified in as much as its OCT No. 1460 was quieted against said spouses ANICETO GUECO and Ursula Munoz, theie heirs, assigns and or successors in interest, who were charged for damages of Php 10.00 per square meter or around Php 100,000.00 per hectare monthly starting the year 1975 that caused them failed to appear, for which this Court, had issued a corresponding warrant of arrest against the spouses, their heirs or successors in interest with a penalty of 1 month imprisonment in every amount of Php10,000.00 of unpaid obligation to the beneficiary, MR. PABLO AGUSTIN, and in as much as this Case No.3957-P, of then CFI Branch 28, Pasay City, is an action in rem.

This WRIT OF MANDAMUS with its penal clause is enforceable agains the whole world and or against all person, who defy this ORDER regardless they are party to the case or not, which is its enforceablility is imprescriptbly in nature until full satisfaction of its judgment.

SO ORDERED.

Pasay City, Sept 19, 1991



HON. SOFRONIO C. SAYO
Presiding Judge

JEO/SCS