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REPUBLIC OF THE PHILIPPINES
NATIONAL CAPITAL JUDICIAL REGION
REGIONAL TRIAL COURT
 Branch (C X I) 111
 Pasay City, Metro Manila



IN THE MATTER OF ESCHEAT PROCEEDINGS)	
OF THE ESTATE OF THE DECEASED)	
SPOUSES: PRINCE LACAN ACUNA	)	SPECIAL PROCLAMATION
ULRIJAL BOLKIAH TAGEAN TALLANO	)	No.997 for ESCHEATMENT
AND HIS WIFE, PRINCES ROWENA	)	In consolidation
MA. OBERVECK, AND PRINCE	)	with LCR Case No.Q 117
JULIAN MCLEOD TALLANO	)	For Quieting of Titles of OCT
AND HIS WIFE	)	No.4136, OCT No.240, OCT No 333
QUEEN LILIELOU KALANI KAMEHA MEHA	)	OCT No.543 OCT No 0-245, OCT No
THE LAST MONARCH OF HAWAII	)	614, OCT No730 and OCT No.735 for
REPUBLIC OF THE PHILIPPINES REPRESENTED	)	Registered owners namely:
BY HIS EXCELLEDNCY PRESIDENT F.E. MARCOS	)	PRINCE LACAN ACUNA
AND HON. OSG. ANTONIO BARREDO	)	ULRIJAL BOLKIAH
PETIONER	)	TAGEAN TALLANO,
BENITO AGUSTIN TALLANO	)	DON GREGORIO MADRIGAL
Third Party Plaintiff	)	ACOP AND in the name of
	)	DON ESTEBAN BENITEZ
	)	TALLANO, with Reconveyance
	)	in the name of the REPUBLIC OF
	)	THE PHILIPPINE ISLAND

X--X

**SPECIAL WRIT OF POSSESSION
 WITH ORDER OF DEMOLITION**

ATTY. JOSE E ORTIZ JR.
EX OFFICIO SHERIFF/
AND FISCAL VIDAL TUMBO
SPECIAL COURT APPOINTED
SHERIFF, Branch 111
Regional Trial Court
Pasay City

GREETINGS:

On the 28th of July 1969 a DECISION was rendered by HON.JUDGE ENRIQUE A. AGANA, my predecessor and Presiding Judge to this Court. And after the Writ of Execution with Order of Demolition was issued, which has not been fully satisfied it caused this court to issue a SECOND ALIAS WRIT OF POSSESSION on the 28th of November, 1988, where some of the listed realties in the recent writ were unable to restore by the enforcing Sheriff to the physical possession of the TALA ESTATE OWNERS HEIRS, not due to SHERIFF's negligence but due to larger magnitude of the



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land subject of the above entitled Case, that made the 27TH July 1989 turned over unsatisfied to the winning litigant, the TALA ESTATE OWNERS' HEIRS, Represented by COURT APPOINTED JUDICIAL ADMINISTRATOR, PRINCE JULIAN MORDEN TALLANO.

It was followed by another SPECIAL WRIT OF POSSESSION, which was issued and implemented on the 10th of August 1989, the same where there were several haciendas and land that were not yet covered by the enforcement due to longer distance from each other.

The judgment in favor of the winning litigants, the heirs of the owners of the TALA ESTATE, headed by their COURT APPOINTED JUDICIAL ADFMINISTRATOR, PRINCE JULIAN MORDEN TALLANO, did not resort yet to fully satisfy him being the deserving litigant which much be attained now in your proceedings in compliance to the recommendation of HER EXCELLENCY, PRESIDENT CORAZON C. AQUINO, as a consequence of equitable distribution of said estate in favor of the landless/farmless Filipino farmers, legitimate residents, particularly those actually tilling the area of HACIENDA DIORA GONZAGA DE TALA, located in Diora, Gonzaga, Cagayan, now, STA. ANA, CAGAYAN, specifically, 16 hectares of rice land, identified under H.A. No.97350-E-75291 portion of the afore named HACIENDA containing an area 794 hectares of rice farm but not to exempt the heirs of AGRIFINO MALABED from civil and criminal liabilities whom I confirmed their participation to the crime of falsification of public documents by making it appear in the name of AGRIFINO ECHIVERRI instead in the name of the principal holder of LEASEHOLD AND TENANCY AGREEMENT in the matter of preventing to undertake the payment of their yearly religious obligation of ten (10) cavans of palay at 50 kilos per cavan every harvesting year, in compliance with the AGRICULTURAL AND URBAN LAND REFORM PROGRAM, which is now pushing by the NEWLY ELECTED PRESIDENT, MADAME CORAZON C. AQUINO, mandating the national government to be obliged to respect the SPECIAL WRIT OF POSSESSION AND DEMOLITION without further depriving the constitutional rights of IRENEO MALABED and his heirs, who happened to undertake the LEASE HOLD TENANCY AGREEMENT.

As it was mentioned earlier, by the recommendation of HER EXCELLENCY, PRESIDENT CORAZON AQUINO Administration, the tillers/farmers are entitled on their right to acquire said farm



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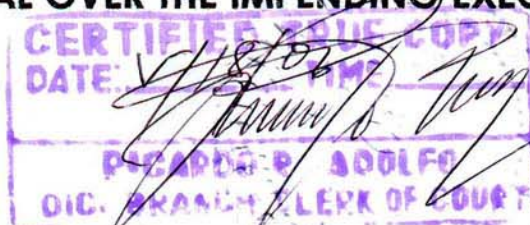
consisting 16 hectares of land in accordance with the LAND REFORM PROGRAM of the GOVERNMENT through 15 years equal yearly instalment at zonal value, payable yearly, without preventing the due compensation of the Land owners, the TALLANO CLAN, headed by their former Judicial Administrator, BENITO AGUSTIN TALLANO, who has been Administering the HACIENDA as owner since the beginning.

Now, by the virtue of the LETTER OF ADMINISTRATION issued by this Court, his position has been assumed by his son, PRINCE JULIAN MORDEN TALLANO recently to comply with the government demand for equitable distribution of farm lands.

Whereas, an urgent MOTION TO THIS COURT was filed by RAMONA RAMOS, the STEP DAUGHTER of AGRIFINO MALABED, who defied the LEASEHOLD TENANCY AGREEMENT with BENITO AGUSTIN TALLANO, on April 21, 1976, covering a parcel of land containing an area 16 hectares, more or less, located in the area of HACIENDA DIORA GONZAGA DE TALA, Diora, Gonzaga Cagayan, now, STA. ANA, CAGAYAN, opposing the issuance of another SPECIAL WRIT OF POSSESSION, specifically, embracing the identified land under H.A. No. 97350-E-75291 and his heirs GREGORIA CAOILI ECHIVERRI, and other HEIRS but time and again the action were merely dilatory tactics without supportive and convincing evidence to their claims.

This only clearly shows their blatant cover up from their misdeeds wherein they had jointly and severally falsified the name of AGRIFINO MALABED into AGRIFINO ECHIVERRI affecting subject 16 hectares of rice farm, which is a portion of the afore named HACIENDA containing an area 794 hectares of rice farm to and in favor of the false claimants against the legitimate tenants/farmers of the OWNERS, headed by movant himself, BENITO AGUSTIN TALLANO and/ or to his successor in interest, now, the COURT APPOINTED JUDICIAL ADMINISTRATOR, PRINCE JULIAN MORDEN TALLANO, a matter that can not be tolerated by the Court when such action is merely to employ treachery in this proceedings toward commission of travesty of justice. (Article 14 of the Revised Penal Code).

Whereas, the heirs of AGRIFINO MALABED, namely RAMONA RAMOS and GREGORIA CAOILI ECHIVERRI did not filed any opposition neither comment, except, the MOTION FOR SPEEDY TRIAL OVER THE IMPENDING EXECUTION OF SPECIAL WRIT



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OF POSSESSION for and in favour of THE NOW COURT APPOINTED JUDICIAL ADMINISTRATOR which the same has been submitted on February 28, 1989, through his Counsel, ATTY FERNANDO DOMNINGO, formerly of TANADA, TEHANKEE AND PELAEZ LAW OFFICE and similarly this ancillary action was also submitted for RESOLUTION and has been granted.

The Honorable Court resolved the judicial query and had issued the following ORDER, the dispositive portion and salient conclusion of which reads, as follows:

" WHEREFORE, PREMISES CONSIDERED, finding the MOTION of the MOVANT, the HEIRS OF TALA ESTATE with cogent reason to enjoy the physical possession of the subject land, not only to ward TALA ESTATE OWNERS HEIRS's un-restrain enjoyment of their propriety rights, but as well as, with the maintenance of SOCIAL JUSTICE, the PEACE, ORDER and Security on the occupied land and possessed by the members of the NATIONAL CULTURAL MALAYS, the ALIANCE OF KALINGA MINORITIES AND INDIGENOUS TRIBES (AKMAIN TRIBES) headed by said COURT APPOINTED JUDICIAL ADMINISTRATOR himself, which their presence in this area are ahead even prior to the inception of this very Republic, while the status of the land is clearly falling within the restrictions prescribed by Sec.75 of Presidential Decree No.389 as REVISED by PD 705.

I'm appeased by this circumstances where travesty of justice turns rampant which is an eminent danger to the just stabilizing Democratic Society that was restored recently by this administration that guides the virtue of this court for resolving the movants' ancestral lawful rights over the land in dispute. This circumstance has been recognized as a landmark of modern jurisprudence upholding the rights of natives to their ancestral land which had rendered a precedent case appearing in the U.S Supreme Court decision, the Carino v. Insular Government of the Philippine Islands, 212 U.S. 449 (1909); 212 U.S. 449, Mateo Carino, P.I. In the case of Insular Government of the Philippine Islands. It was Argued on January 13, 1909 and decided on February 23, 1909 by clinging to the same nature of land controversy in the above entitled case.

This was the basis of this court to grant the motion for the issuance of SPECIAL WRIT OF POSSESSION AND DEMOLITION which was granted in favor of the movants and their tenants,

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and the heirs of IRENEO MALABED who have been almost evicted from the premises by the allege heirs of GREGORIA CAOILI ECHIVERRI and ROMANA RAMOS who just took the law with their hand by taking advantage of former President's Marcos influence in grabbing such subject hacienda against the legitimate land owners, the TALA ESTATE OWNERS HEIRS, the FARMERS and the heirs of IRENEO MALABED.

That made the rights of the TALA ESTATE OWNERS HEIRS secured by our constitution and relative laws entitled to be well respected beyond coercion against them, being lawful occupants and tenants, free from disturbance or suppression by any government authority, PNP, Army and or by the Officials of the DENR, DAR and or their Deputized Law Enforcement Authority, considering that the Republic of the Philippines, through the Office of SOLICITOR GENERAL, has lost its legal rights in favor of the movant, where the enforcement of the SPECIAL WRIT by this Court would be issued can not be ignored in term of the highest degree of justice in accord to the rights of the oppressed winning litigants, the TALA ESTATE TENANTS and FARMERS.

This is also in relation to their claims of whatever legal rights embodied in the subject realties, in as much as, Sec. C of Article 36 of our constitution do not admonished to enforce such vested rights incumbent to the movants, The TALA ESTATE OWNERS HEIRS/THIRD PARTY PLAINTIFF as it has been ratified by this Court through its Writ of Preliminary, Prohibitory and Mandatory Injunction to implement the SPECIAL WRIT OF POSSESSION WITH DEMOLITION which embodied the corresponding mandates, inter alia, that you ought to implement it accordingly.

Whereas, the subject land covered by this controversy which its possession needs to be delivered to the winning litigant, PRINCE JULIAN MORDEN TALLANO, for him to turn over to the heirs of IRENEO MALABED, the sixteen (16) hectares of rice farm upon amending the LEASEHOLD AGREEMENT TO A DEED OF ABSOLUTE SALE WITH REAL ESTATE MORTGAGE, are as follows:

- 1) A parcel of land containing an area 16 hectares, more or less, located in the area of HACIENDA in the name of DIORA GONZAGA TALLANO which is in short has been called as HACIENDA DIORA GONZAGA DE TALA located



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in Diora, Gonzaga Cagayan, now, STA. ANA, CAGAYAN, specifically, 16 hectares of rice land, identified under H.A. No.97350-E-75291 and his heirs hectares, more or less, which covered unconstitutionally by Presidential Decree No.705 and of PD No.1559, located inside the HACIENDA.

- 2) A parcel of LAND, which the OWNER has been confronting from the deceptive skirmish of their FARM CARE TAKERS, PEDRO ANGELES AND MARIANO DAEZ clandestinely availing the titling of the 109 hectares of RICE AND MANGO FARM located in Sitio BIGNAY, Bo Quebega, Polo, Bulacan, now Bo. Bignay, Valenzuela, Bulacan Province.
- 3) A piece of land, commercial lot containing 2,500,000 square meters, located in Sitio San Roque, Barrio Pag-Asa (formerly portion of Barrio Pinahan, Caloocan City before, now Quezon from point 1, corner of Road Lot, North Avenue, from point 2 to point 3 bounded on the North by Quezon City Circle from point 3 to point 4 bounded on the East is East Avenue, from point 4 to point 5 bounded on the South is by EDSA (Epifanio delos Santos Avenue), from point 5 to point 1 point of the beginning containing an area of 2,500,000 square meters, more or less, bounded on the Northwest by North Avenue, which said lot was illegally occupied by Barangay Pag ASA Officials with the coddling of some conspiring NHA Officials and the Officials of Quezon City Government later by Barangay Officials of Barangay Magsaysay, Quezon City, using FRANCISCO H. FRANCISCO CLAIMS but were declared mere usurpers and their title OCT No.735 was null and void rendering their claim lost to the heirs of TALA ESTATE OWNERS HEIRS, as mere usurpers.

In the case of TOMAS RIVERA, who has been a care taker of the PALAY AND MANGO FARM facilitated by highly fertile ground with abundant freely flowing natural spring water through Irrigating Channels built by the COURT APPOINTED JUDICIAL ADMINISTRATOR, PRINCE JULIAN MORDEN TALLANO's predecessor, DON ESTEBAN BENITEZ TALLANO to supply water to the HACIENDA, known as HACIENDA QUEBEGA, where the 109 HECTARES OF PALAY AND ORCHARD FARM apportioned as part and parcels of MALINTA ESTATE with TORRENTS TITLE, TCT No.374,



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duly registered in the name of DONA EUGENIA TALLANO MALINTA, who was married to RAJA VALENZUELA MALINTA. Moreover, several farmers of the TALLANO CLAN in the premises who were tilling the land were massacred by some Municipal Government Officials in conspiracy with the former caretakers, PEDRO ANGELES, JUANING GATCHALIAN and MARIANO DAEZ. That the others were victims of summary disappearance committed by the same group during Martial Law years for grabbing other land portion of the HACIENDA QUEBEGA, and the MANGO and PALAY FARM which rendered the area empty of farmers except, their new CARE TAKER, now, in the person of TOMAS RIVERA.

Mr. TOMAS RIVERA has been placed by the father of the JUDICIAL ADMINISTRATOR, BENITO AGUSTIN TALLANO, on the strength of their TITLE TCT No.374 which has been affirmed under the ADMINISTRATION PROCEEDINGS Case, docketed under the above entitled Case, upon implementation of the COURT SHERIFF, ATTY. JOSE E. ORTIZ, JR. for repossession from usurpers, MACARIO TRINIDAD, JUANING GATCHALIAN, DENCIO SANTIAGO and MARIANO P. DAEZ, who connived with the FILIPINO LAND GRABBERS funded by some CHINESE businessmen through availing real estate mortgage from the LAND BANK OF THE PHILIPPINES that pursued the acceptance of granting loan to MACARIO TRINIDAD AND JESUS TANCHANGCO using fake land titles.

Like what have been committed many times in the area of HACIENDA DIORA GONZAGA DE TALA where some farmers were rendered in summary dis-appearance committed by the Groups, pointed many eye witnesses, which there were, as well, perpetuation of mass killings that likewise almost killed the remaining farmers; TOMAS RIVERA and his relatives PEDRO CASIMIRO AND ARCADIO CASIMIRO, in HACIENDA QUEBEGA particularly in Bo. Bignay, Valenzuela, Bulacan, a portion of MALINTA ESTATE;

Whereas, during the implementation of the SPECIAL WRIT OF POSSESSION pursuant to the ORDER of the COURT, a resistance arose from some invaders at the influence of the usurpers, the DAR'S LESSEES and the DENR itself, accompanied by the military from unknown origin but with powerful influence of such government officials whose identities are hid by their dummies in order to be freed from criminal liabilities, for



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massacring several farmer/tenants of the TALA ESTATE OWNERS HEIRS with the attempt of fencing the premises to the disadvantage of the occupants-movants.

Whereas, I mandated to implement the SPECIAL WRIT OF POSSESSION besides exercising the true norms of the judicial court with attainment of the fullest force of the law to be served against the mercenaries hired by the oppositor's lessees that gestured eminent danger and manifest obstruction of justice that have been instituted by several persons, like officials of the DAR AND LAND BANK OF THE PHILIPPINES, some OFFICIALS OF DENR, some officials of the local government of STA ANA, Cagayan, who do not abide to the virtue of the DUE PROCESS CLAUSE in our constitution, but adapting the Magellan like manner.

More over the Court denies for lack of merit, the opposition of the Counsel of GREGORIA CAOILI ECHIVERRI, dated 23 August 1990.

NOW THEREFORE, you are hereby commanded to cause the execution of the said DECISION with respect to the restoration of possession of the subject property in favor of the movant-Third Party Plaintiff including the payment of your lawful fees for the service of this writ.

You are likewise commanded to religiously implement the mandates hereunder and submit the result of your proceedings within ninety (90) days from enforcement of issued SPECIAL WRIT OF POSSESSION and upon receipt of possession of the real properties you turned it over to the successful litigants, the heirs of the owners of the TALA ESTATE, which said mandates to abide are as follows, to wit:

1) You cause Republic of the Philippines, the Department of Environment and Natural Resources, the DEPT. OF AGRARIAN RELATION (DAR) and governing agencies and instrumentalities and all persons claiming rights under them to vacate the subject real properties and to surrender possession thereof to movants/THE TALA ESTATE OWNERS HEIRS;

2) You cause GREGORIA CAOILI ECHIVERRI AND HEIRS, ROMANA RAMOS, AND HEIRS, particularly the false claimants under the pretext of EMANCIPATION FREE PATENT APPLICANTS namely;



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GREGORIA C. ECHIVERRI, ANTONIO MAGUIGAD, MARCELIA RECOLIZADO, NORA ELIZAGA, HENRY ECHIVERRI, FERNANDO PIRA, LORNA SIANOR, MACARIO RAMIREZ, SHARON CORTEZ, SERAFICA RECOLIZADO, AIRENE BEE Q. CAOILI, NEMECIO RAMIREZ, CLARITA PIRA, DOMINGO, DIZA JOWARD, HAROLD AND ARTEMEO GUITTAP Groups, and its lessee, if ever there be, jointly and severally mandated to pay as reasonable disturbance fees and compensation for the use and occupation of the subject land and its perimeter premises for a period of Forty (40) YEARS at P5.00 per square meter to cover the damages of million pesos that specifically lost from yearly crop harvest and yield of other domestic fruits that were seeded and groomed by the PRINCE LACAN ULRIJAL BOKIAH TAGEAN TALLANO heirs until full possession of the property is restored to movant/Tala Estate Owners Heirs and;

3) You cause and charge the OCCUPANT in the area and the false claimants to jointly and severally, to pay the cost of damage the TALA ESTATE OWNER HEIRS had suffered together with the cost of the suit.

Moreover, you are reminded that several farmers of the TALLANO CLAN in the premises who were tilling the farms and the hacienda were massacred by some Municipal Government Officials of Valenzuela in conspiracy of the former caretakers, PEDRO ANGELES, JUANING GATCHALIAN and MARIANO DAEZ. That the others were victims of summary disappearance committed by the same group during Martial Law years for grabbing other land portion of the HACIENDA QUEBEGA, and the MANGO and PALAY FARM which rendered the area empty of farmers except, their new CARE TAKER, now, in the person of TOMAS RIVERA.

Whereas, during the implementation of the SPECIAL WRIT OF POSSESSION pursuant to the ORDER of the COURT, a resistance may arose from some invaders at the influence of the usurpers, the DAR'S LESSEES and the DENR itself, you may resort to request the assistance of the military and police to contain the powerful influence of such government officials whose identities are hided by their dummies in order to be freed from criminal liabilities, for massacring several farmer/tenants of the TALA ESTATE OWNERS HEIRS with the attempt of fencing the premises to the disadvantage of the occupants-movants.

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Whereas, you as well mandated to implement the SPECIAL WRIT OF POSSESSION besides exercising the true norms of the judicial court with attainment of the fullest force of the law to be served against the mercenaries hired by the oppositor's lessees that gestured eminent danger and manifest obstruction of justice that have been instituted by several persons, like officials of the DAR AND LAND BANK OF THE PHILIPPINES, some OFFICIALS OF DENR, some officials of the local government of STA ANA, Cagayan, who do not abide the virtue of the DUE PROCESS CLAUSE in our constitution, but adapting the Magellan like manner of invading such TALLANO CLAN'S dominion.

More over the Court denies for lack of merit, the opposition of the Counsel of GREGORIA CAOILI ECHIVERRI, dated 23 August 1990.

NOW THEREFORE, you are hereby commanded to cause the execution of the said DECISION with respect to the restoration of possession of the subject property in favor of the movant-Third Party Plaintiff including the payment of your lawful fees for the service of this writ.

You are likewise commanded to submit the result of your proceedings within ninety (90) days from enforcement of the issued SPECIAL WRIT OF POSSESSION and upon receipt of possession of the real properties you turned it over to the successful litigants, the heirs of the owners of the TALA ESTATE.

GIVEN UNDER MY HAND AND SEAL this 19th of March 1991.

(SGD.) SOFRONIO G. SAYO
PRESIDING JUDGE

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SGS/JEO

[Signature]
JOSE E. ORTIZ JR.
CLERK OF COURT
3-19-91

