REPUBLIC OF THE PHILIPPINES
COURT OF APPEALS
MANILA

SPECIAL FORMER SPECIAL FORMER
SECOND DIVISION

REPUBLIC OF THE PHILIPPINES, **Petitioner,**	**CA-G.R. SP No. 70014**
	Members:
-versus-	**ABDULWAHID,** **Chairman,** **DE LEON,**
REGIONAL TRIAL COURT OF PASAY CITY, BRANCH 111, NOW PRESIDED BY THE HON. ERNESTO A. REYES, ANACLETO MADRIGAL ACOPIADO, ANACLETO MADRIGAL ACOP, JULIAN M. TALLANO, REGISTER OF DEEDS OF THE PROVINCE OF RIZAL and REGISTER OF DEEDS OF THE PROVINCE OF BULACAN IN GUIGUINTO, BULACAN, **Respondents.**	**PERLAS-BERNABE, *JJ.***
ERNESTO SOLIS, SR., TEODORO TAHANLANGIT, BERNADETTE BASS, FREDESVINDA MARCOS, FLORENTINO ABAYA, JR., ET AL., **Petitioners,**	**CA-G.R. SP No. 104604**
-versus-	
MANILA INTERNATIONAL AIRPORT AUTHORITY, LAND TRANSPORTATION OFFICE and PASAY CITY GOVERNMENT, **Respondents.**	**Promulgated:** DEC 11 2009

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DECISION

DE LEON, M.M. *J.*:

Trial courts should exercise extreme caution in granting petitions for reconstitution of land titles, lest they become unwitting accomplices in the reconstitution of questionable land titles, instead of being instruments in promoting the stability of our system of land registration.[1] Strict compliance with the jurisdictional requirements of the law in the reconstitution of a title is vital, especially when the titles sought to be reconstituted purportedly cover vast tracts of land, as in the instant case.[2] Absent compliance with these mandatory requirements for reconstitution, jurisdiction over the petition is not acquired. Consequently, when a court lacks jurisdiction to take cognizance of a case, it lacks authority over the whole case and all its aspects[3] and any proceeding had or any judgment, order, writ, or process emanating from said court is null and void and of no force and effect.

Nature of the Consolidated Cases

CA-G.R. SP No. 70014 is a petition[4] under Section 9(2) of the Judicial Reorganization Act of 1980[5] and Rule 47 of the Rules of Court, filed by the Republic of the Philippines ("Republic") through the Office of the Solicitor General ("OSG"), seeking the annulment of the following alleged decisions/ orders/ writs/ other documents which were ordered reconstituted and, subsequently,

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[1] *Republic of the Philippines vs. Planes*, G.R. No. 130433, April 17, 2002, 382 SCRA 215.
[2] In this case, TCT No. 408 alone, which was reconstituted by the Deputy Register of Deeds of Rizal Province on December 14, 2001, purportedly covers **1,252,763,700 (ONE BILLION TWO HUNDRED FIFTY-TWO MILLION SEVEN HUNDRED SIXTY-THREE THOUSAND SEVEN HUNDRED) square meters** of Metro Manila.
[3] *Pinza vs. Aldovino*, No. L-25226, September 27, 1968, 25 SCRA 220.
[4] Also known as "OSG Petition."
[5] B.P. 129, as amended.

are sought to be implemented by respondents in LRC/ Civil Case No. 3957-P, to wit:

1. *Decision with Compromise Agreement* dated February 4, 1972[6] consisting of 139 pages;

2. *Clarificatory Order* dated March 21, 1974[7] consisting of 30 pages;

3. *Decision* dated November 4, 1975[8] consisting of 44 pages; and

4. *Clarificatory Decision* dated January 19, 1976[9] consisting of 60 pages.

The petition also seeks to declare as null and void the following writs, titles, and other documents purportedly issued pursuant to the aforementioned assailed decisions and/or order:

5. Alleged *Entry of Judgment* dated June 14, 1972[10] consisting of 7/ 6[11] pages;

6. Alleged *Writ of Execution, Demolition and Possession* dated September 10, 1974[12] consisting of 14 pages;

7. Alleged *Certificate of Sheriff's Return* dated November 17, 1974;[13]

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[6] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 192-331; Annex A of OSG Petition; allegedly rendered by Judge Enrique A. Agana.
[7] Id. at. 332-361; Annex B of OSG Petition; allegedly issued by Judge Enrique A. Agana.
[8] Id. at 362-405; Annex C of OSG Petition; allegedly rendered by Judge Enrique A. Agana.
[9] Id. at 406-461; Annex D of OSG Petition; allegedly rendered by Judge Enrique A. Agana; also referred to in some pleadings as "*Clarificatory Order*" dated January 19, 1976.
[10] Id. at 462-473; Annex E/ E-1 of OSG Petition.
[11] There are two versions - one, typewritten and the other, computerized - of what purports to be the same document, hence, the disparity in the number of pages.
[12] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 474-486; Annex F of OSG Petition.
[13] Id. at 487-493; Annex G of OSG Petition.

8. Alleged *Letters of Administration* dated July 7, 1976;[14]

9. Alleged *Certified True Photocopy of Judicial Form No. 140, G.L.R.O. Form No. 68, Book No. 34 of TCT No. T-408*[15] consisting of 7 pages;

10. Alleged *Certified True Photocopy of TCT No. T-498*[16] consisting of 7 pages; and

11. Alleged *Order of Third Alias Writ of Execution, Possession and Demolition* dated May 28, 1989[17] consisting of 55 pages.

Finally, the petition seeks the nullification of the *Orders* of the Regional Trial Court, Branch 111, Pasay City dated July 7, 1997[18] and July 11, 2001,[19] both of which ordered the reconstitution of said alleged decisions/ orders/ writs/ other documents, and the *Order* dated October 8, 2001,[20] which denied petitioner's motion for reconsideration.

Meanwhile, ***CA-G.R. SP No. 104604*** is a petition for indirect contempt filed by petitioners Ernesto Solis, et. al. against respondents Manila International Airport Authority, Land Transportation Office and Pasay City Government for acts which allegedly violated the writ of preliminary injunction We issued in CA-G.R. SP No. 70014 on June 25, 2002.

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[14] CA-G.R. SP No. 70014, Rollo, Vol. I, page 494; Annex H of OSG Petition.
[15] Id. at 495-501; Annex I of OSG Petition.
[16] Id. at 502-505; Annex J of OSG Petition.
[17] Id. at 506-560; Annex K of OSG Petition; allegedly issued by Judge Sofronio C. Sayo.
[18] Id. at 561-562; Annex L of OSG Petition; issued by Judge Ernesto A. Reyes.
[19] Id. at 563-568; Annex M of OSG Petition; issued by Judge Ernesto A. Reyes.
[20] Id. at 569-572; Annex N of OSG Petition; issued by Judge Ernesto A. Reyes.

The Facts

The factual antecedents of these two consolidated cases are ensconced in an aggregate of twelve (12) volumes of records,[21] the bulk of which may be attributed in part to the vastness of the claims involved, but more significantly, to the tremendous number of pleadings filed and documents introduced by various counsels, individuals, or entities professing an interest in the instant proceedings, which pleadings and documents only served to convolute the facts and muddle the issues involved herein.

Thus, to see Our way through this daunting and seemingly labyrinthine task, We shall narrate only such relevant and material facts and antecedent proceedings which are necessary and essential to the resolution of these cases.

CA-G.R. SP No. 70014

On July 1, 1997, Robert M. del Rio, representing himself as attorney-in-fact of private respondents Anacleto Madrigal Acopiado ("**AM Acopiado**") and Julian M. Tallano ("**JM Tallano**"), filed before the Regional Trial Court of Pasay City a Petition for Reconstitution[22] ("**Del Rio Petition**") of an alleged *Decision* dated November 4, 1975[23] which was supposedly lost/ destroyed by the fire which gutted the Pasay City Hall on January 18, 1992. The petition, docketed as Civil Case No. 3957-P,[24] was raffled to Branch 111 of the Regional Trial Court. Pasay City ("respondent Court"). Said *Decision* dated November 4, 1975 was purportedly promulgated by Branch XXVIII of the Court of

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[21] CA-G.R. SP No. 70014 consists of 11 volumes, while CA-G.R. SP No. 104604 is contained in one volume.
[22] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 586-588; Annex P of OSG Petition.
[23] *Supra*, note 9.
[24] Curiously, the docket number of the **Del Rio Petition** is exactly the same as the docket number of the original petition for reconstitution whose records the former petition seeks to reconstitute.

First Instance of Rizal,[25] then presided by Judge Enrique Agana ("Judge Agana"), in Civil Case No. 3957-P.[26]

Civil Case No. 3957-P was allegedly for "*Reconveyance of Real Property with Reconstitution of TCT No. 408 in accordance with Republic Act No. 26 in the name of Gregorio Madrigal Acopiado.*" The alleged TCT No. 408[27] supposedly covers four (4) large parcels of land,[28] with a total area of more than **1.2 Billion square meters**,[29] encompassing lands situated in Paraňaque, Las Piňas, Muntinlupa, Pasay, San Juan, Taguig, Pateros, Cavite, Laguna, and Batangas. The parties in said case were:

> "Wilson Orfinada, et. al., *Plaintiffs*, *vs*. Macario J. Rodriguez, Delfin and Aquilana Rodriguez, The Heirs of Hermogenes and Miguel A. Rodriguez, Felimon Aguilar and the Heirs of Fortunato Santiago and Maria Pantanilla P. Santiago and Heirs, Perpetua Vda. De Aquino and Heirs, Pedro Gregorio/ Agapito Bonson and Heirs, Teodoro Lim/ Feliz Baez and Heirs, Administrator of Fort William McKinley, Fort Bonifacio, The Hon. Solicitor General, The Director of Bureau of Forestry, The Director of Bureau of Lands, The Commission of Land Registration Commission and To All Whom It May Concern, *Defendants*; Anacleto Madrigal Acopiado (*herein private respondent* **AM Acopiado**), Julian M. Tallano (*herein private respondent* **JM Tallano**), *Intervenors*." (*Editing supplied.*)

The alleged *Decision* dated November 4, 1975 rendered judgment in favor of therein intervenors – and herein private respondents – **AM Acopiado** and **JM Tallano**. In its lengthy dispositive portion, said *Decision* ordered all occupants/ claimants – government, individual, or private entity – to reconvey the land to **AM Acopiado** and **JM Tallano** and to pay

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[25] Now Branch 111, Regional Trial Court of Pasay City ("respondent Court").
[26] *Supra*, note 23.
[27] Certified true copy of which, as reconstituted by the Deputy Register of Deeds of Rizal Province on December 14, 2001, was attached as Annex Q of OSG Petition (CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 592-594).
[28] Also known as Parcel I-Lot 1, Parcel II-Lot 2, Parcel III-Lot 3, and Parcel IV-Lot 4.
[29] The lots correspond to the following areas: Parcel I-Lot 1 (Plan II-69) – **140,000,000 square meters**; Parcel II-Lot 2 (Plan II-69) – **122,000,000 square meters**; Plan III-Lot 3 (Plan II-69) – **44,100,000 square meters**; Parcel IV-Lot 4 (Plan II-69) – **946,663,700 square meters**.

said prevailing parties monthly rental based on one's length of occupation of the lands, at the rate of PhP50,000.00 for agricultural lands and PhP100,000.00 for residential and commercial buildings.

Significantly, said *Decision* dated November 4, 1975 also ordered the Register of Deeds of the Province of Rizal to reconstitute administratively the lost owner's and duplicate copies of said TCT No. 408, for and in the name of Gregorio Madrigal Acopiado,[30] in accordance with Republic Act No. 26[31] ("R.A. No. 26").

Accordingly, several annotations were ordered to be "carried over" at the back of the reconstituted title, namely:

1) Deed of Absolute Sale on April 7, 1937 executed by Gregorio Madrigal Acopiado in favor of **AM Acopiado**, covering an area of 29,151.768 hectares in consideration of PhP100,000.00;[32]

2) Deed of Absolute Sale on December 9, 1937, executed by Don Hermogenes Antonio Rodriguez and Don Miguel Antonio Rodriguez in favor of the Insular Government of the Philippines (now Republic of the Philippines) and the United States Government, covering 3,271.232 hectares and 100 hectares, in consideration of PhP450,000.00 and PhP15,000.00 respectively, with amounts fully paid

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[30] Although the Acopiados, Acops, and Tallanos sometimes have the title "Don" appended to their names in some documents which form part of the records of this case, We deemed it best to remove said titles for simplicity and uniformity. However, the titles have been retained when quoting portions of documents where the title "Don" is affixed to their names.

[31] "*An Act Providing a Special Procedure for the Reconstitution of Torrens Certificate of Title Lost or Destroyed*;" approved September 25, 1946.

[32] Entered in the Notarial Registry of Juan Estrada de Figueroa on April 7, 1937, 2:00 PM, in the municipality of Pasig, under Doc. No. 224, Page No. XXXIX, Book No. VII, Series of 1937.

by the People of the United States of America in behalf of the Republic of the Philippines;[33]

3) Deed of Absolute Sale on December 2, 1953, executed by **AM Acopiado** in favor of Benigno Toda, general manager-owner of Philippine Airlines and Manila International Airport, covering 75 hectares, in consideration of PhP1,250,000.00, paid in the form of a donation by the Office of the President of the Philippines through the mediation of then President Ramon F. Magsaysay;[34]

4) Deed of Absolute Sale on December 17, 1971, executed by **AM Acopiado** in favor of **JM Tallano**, covering an area of 15,192.9338 hectares, in consideration of PhP8,000,000.00.[35]

Further, the *Decision* dated November 4, 1975 declared all occupants and those in adverse possession of the areas covered by TCT No. 408 as illegal squatters who were "punishable under P.D. 772[36] with full force of the law."[37] Consequently, it directed law enforcement authorities (1) to immediately arrest any occupant/ claimant who obstructs or intends to obstruct the administration of justice and who continuously denies, defies, or delays the implementation of the decision[38] and (2) to "clear, demolish, and remove" any form of structure/ building, either government or privately owned, that may be found as "an obstruction to the purpose" of **AM Acopiado** and **JM Tallano**. Moreover, it authorized the imposition of severe penalties for

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[33] Entered in the Notarial Registry of Juan Estrada de Figueroa on December 9, 1937, 9:45 AM, in the municipality of Manila, under Doc. No. 77, Page No. XC, Book No. XII, Series of 1937.
[34] Entered in the Notarial Registry of Atty. Jose Fernandez on December 2, 1953, in the City of Manila, under Doc. No. XXI, Page No. XXXIX, Book No. XIV, Series of 1953.
[35] Entered in the Notarial Registry of Atty. Felipe Abrajano on December 20, 1971, in the municipality of Pasig, province of Rizal, under Doc. No. 57, Page 87, Book No. 7, Series of 1971.
[36] "*Anti-Squatting Law*"; approved August 20, 1975.
[37] CA-G.R. SP No. 70014, Rollo, Vol. I, page 400.
[38] Id. at 404.

violation of said decision, allegedly in accordance with P.D. 772 and the Revised Penal Code.[39]

More significantly, the *Decision* dated November 4, 1975 declared private respondent **JM Tallano** as the lawful owner of 15,192.9338 hectares of land embraced in Parcels I and IV,[40] and private respondent **AM Acopiado** as the lawful owner of 14,433.1418 hectares of land embraced in Parcels II and III,[41] all of TCT No. 408. Accordingly, it ordered the municipal assessors of the localities embraced by the aforesaid parcels of land to declare and register the same in the names of **JM Tallano** and **AM Acopiado** for taxation purposes.[42]

On July 4, 1997, a hearing was conducted by respondent Court on the **Del Rio Petition**. Solicitor Dominador G. Cariaso ("Solicitor Cariaso"), who was then handling the case, appeared for the Republic. The following exchange occurred during said hearing:

> "Solicitor Cariaso: Appearing for the government, Your Honor.
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> Atty. Rivera: For the petitioners, Your Honor. This is a petition for reconstitution of the records in Civil Case No. 3957-P which was promulgated way back in… by the then Judge Enrique Agana, presiding over Branch XXVIII which is now Branch 111. The records of this case were burned during the fire which gutted the City Hall including this Court on January 19, 1992.[43] We have attached to the petition certified true copies of the decision which was obtained from the Office of the Solicitor General and also the affidavits of the employees of the court from the year 1975, 1973, respectively, to the

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[39] CA-G.R. SP No 70014, Rollo, Vol. I, pp. 404-405.
[40] Allegedly encompassing a portion of Paraňaque, the whole of Muntinlupa, Las Piňas, Zapote, Bacoor, Carmona, General Mariano Alvarez, Dasmarinas, Imus, and Tanza in Cavite, and Pedro Tunasan in Laguna.
[41] Allegedly encompassing Pateros, Taguig, and portions of Makati, Pasay, and Paraňaque.
[42] CA-G.R. SP No. 70014, Rollo, Vol. I, page 405.
[43] Should be January **18**, 1992.

present attesting to the fact that they were employees of the court when the decision was promulgated by the then Judge Enrique A. Agana, presiding over said court which is now Regional Trial Court, Branch 111 of this court (*sic*). We respectfully pray that after this hearing, the attached documents be admitted in lieu of the originals which were lost and destroyed and that the records of this case be reconstituted.

Court: From the Office of the Solicitor General?

Solicitor Cariaso: We have examined the documents that were attached to the petition for reconstitution and we find them to be accurate copies of the documents that were received by the Office of the Solicitor General. It is (sic) being the case, we offer no objection to the reconstitution of the lost or burned documents.

Court: Okay. Submitted."[44] (*Underscoring and editing supplied.*)

On July 7, 1997, respondent Court, through Presiding Judge Ernesto A. Reyes ("Judge Reyes"), issued an *Order*[45] declaring the copy of the alleged *Decision* dated November 4, 1975 appended to the **Del Rio Petition** as a reconstituted copy of the decision allegedly rendered in Civil Case No. 3957-P. The dispositive portion of the said *Order* reads:

"WHEREFORE, in view of the above, the decision appended to the petition is hereby considered and declared as a reconstituted copy of the decision rendered in Civil Case No. 3957-P and shall be accorded the same force, effect, and consequence as the lost/ destroyed original.

SO ORDERED."

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[44] CA-G.R. SP No. 70014, Rollo, Vol. II, pp. 1294-1295.
[45] *Supra*, note 17.

In a Motion for Substitution dated November 25, 1997,[46] the heirs of private respondent **AM Acopiado** ("**Heirs of Acopiado**"), assisted by Atty. Melecio V. Emata ("Atty. Emata"), informed respondent Court of, *inter alia*, the death of **AM Acopiado** on November 27, 1994, and manifested the appointment of Roberto P. Acopiado ("**RP Acopiado**") as their representative.

Thereafter, the **Heirs of Acopiado** filed two motions for partial titling[47] of lands located in Almanza, Las Piňas City[48] and Ibayo, Paraňaque,[49] both of which were allegedly covered by TCT No. 408 in the name of **AM Acopiado**.

The OSG opposed the motions for partial titling,[50] citing the opinion of the Land Registration Authority ("LRA")[51] that the *Decision* dated November 4, 1975 cannot be implemented by the Register of Deeds of Rizal. The LRA mentioned three grounds to support its opinion, thus: *first*, there is no law authorizing the administrative reconstitution of a lost owner's copy of title, since the process must be judicial under the Land Registration Act[52] as amended by the Property Registration Decree;[53] *second*, even assuming that TCT No. 408 may be reconstituted administratively, the same cannot be given due course because of the dubious origin of said title;[54] and *third*, the revived *Decision* dated November 4, 1975 cannot be enforced by

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[46] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 613-616; Annex T of OSG Petition.
[47] Id. at 595-602 and 603-612; Annexes R and S, respectively, of OSG Petition.
[48] Lots 12 and 15, Parcel I, PSD-3411, 11-69.
[49] Lots 1, 2, and 3, Parcel I, PSU-2031.
[50] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 617-619; Annex U of OSG Petition.
[51] Id. at 620-621; Annex V of OSG Petition.
[52] Act No. **496**; approved November 6, 1902.
[53] P.D. 1529; approved June 11, 1978.
[54] The LRA notes: "a) Plan II as mentioned in the face of the title has not yet been applied for original registration as appearing in our Survey Book; b) Decree No. 297 covers a parcel of land in Cavite and not in Paraňaque as per our records; c) The alleged derivative title of TCT No. 408 which is OCT No. 01-4 is a well-known Spanish title; d) Plan PSU-2031 mentioned at the back of the title is the same private survey number involved in the survey in the so-called "Hacienda de Maricaban" which supposedly covered large tracts of land, including portions of Taguig, Paraňaque and Pasay City, registered in the name of the Republic of the Philippines."

execution pursuant to Section 6, Rule 39[55] of the 1997 Rules of Civil Procedure. These grounds were reiterated by the LRA in another Indorsement to the OSG dated December 5, 1997.[56]

In response,[57] the **Heirs of Acopiado** raised the following arguments:

1. The non-existence of a law requiring reconstitution of a duplicate certificate of title is a defense that has become moot and academic;

2. The dubious character of TCT No. 408 was never raised at the trial or in a motion for reconsideration;

3. The new procedural time limitation on the execution of a decision does not apply to land registration cases;

4. No less than LRC Commissioner Bilog confirmed the authenticity of the title of **AM Acopiado**'s predecessor-in-interest;

5. After judgment has become final and executory, no question assailing it may be raised to render it ineffective; and

6. The case partakes of the nature of a land registration proceeding and is thus unaffected by the ordinary rules of procedure.

Elucidating on the last argument, the **Heirs of Acopiado** admitted that the present action was "commenced as an ordinary civil case" but that "the appearance and participation of the

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[55] "**SECTION 6.** *Execution by motion or independent action.* – A final and executory judgment may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations."

[56] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 622-623; Annex W of OSG Petition.

[57] Id. at 644-648 and 649-655; Annexes Z and AA, respectively, of OSG Petition.

intervenors[58] changed the nature of the action by converting it into a land registration case."[59] Thus, the **Heirs of Acopiado** still moved for the execution[60] of the *Decision* dated November 4, 1975 and prayed for the issuance of an order which will (1) allow law enforcers to effect the arrest of those who will obstruct the enforcement of the writ of execution and (2) authorize the sheriff to break and destroy any locked gate, door, or enclosure, which shall hamper the coercive power of the writ.

On February 2, 1998, respondent court issued an *Order*[61] denying the motions for partial titling and motion for execution of the **Heirs of Acopiado**. The *Order*, which noted the statements of the OSG and the LRA, reads in part:

> "Until and after the Register of Deeds of Pasig, Rizal (now Pasig City) reconstitute administratively the owners' duplicate (*Transfer*) Certificate of Title No. 408, pursuant to par. 2 of the dispositive portion of the judgment, the Decision of November 4, 1975 sought to be implemented cannot be enforced in the meantime by writ of execution." (*Word in italics supplied.*)

Then, on September 22, 1998, the OSG received a Motion for the Issuance of an Alias Writ of Execution[62] filed by Atty. Martiniano A. Valdisimo ("Atty. Valdisimo"), representing private respondent **JM Tallano** and a certain "Anacleto Madrigal Acop" ("**AM Acop**").

The aforesaid motion presented a number of oddities. *First*, while bearing the same docket number – i.e., Civil Case No. 3957-P – as the **Del Rio Petition**, the motion indicated a certain "**Anacleto Madrigal Acop**" as intervenor, instead of "**Anacleto Madrigal Acopiado**," the name specified in the alleged *Decision* dated November 4, 1975. *Second*, it prayed for the issuance of

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[58] Herein private respondents **JM Tallano** and **AM Acopiado**.
[59] CA-G.R. SP No. 70014, Rollo, Vol. I, page 653.
[60] Id. at 624-633 and 634-643; Annexes X and Y, respectively, of OSG Petition. Annex Y, which is the Supplemental Motion for Execution dated November 28, 1997, sought the inclusion of the Bases Conversion Development Authority, being an occupant of the area allegedly covered by alleged TCT No. 408.
[61] Id. at 659-660; Annex CC of OSG Petition.
[62] Id. at 661-662; Annex DD of OSG Petition.

an alias writ of execution to reconstitute not just TCT No. 408, but also TCT No. 498. *Third* but not least, it mentioned as basis for its prayer, not just the alleged *Decision* dated November 4, 1975, but also a previously unheard of alleged *Clarificatory Order* dated January 19, 1976,[63] and an alleged *Decision* dated January 19, 1979.[64]

On September 28, 1998, the OSG filed an Opposition[65] to the above motion, invoking the same grounds discussed in its opposition[66] to the **Heirs of Acopiado**'s motions for partial titling.[67]

In their Reply to Opposition dated October 12, 1998,[68] private respondents **JM Tallano** and **AM Acop** again made reference to the following documents: (1) an alleged *Clarificatory Order* dated January 19, 1976[69] and (2) an alleged *Decision* dated January 19, 1979. They also introduced, yet again, a previously unheard of *Sheriff's Return* (also referred to in subsequent pleadings as "*Sheriff's Certificate of Writ of Execution*") dated May 4, 1979.[70]

Thereafter, private respondent **JM Tallano**, this time through Atty. Paulino M. Ejercito ("Atty. Ejercito"), filed a Motion to Admit *Clarificatory Order* dated January 19, 1976 and *Sheriff's Certificate of Writ of Execution* dated May 4, 1979[71] ("Motion to Admit") alleging that these two documents were inadvertently excluded from the **Del Rio Petition**.

Private respondent **JM Tallano**'s Motion to Admit contains, *inter alia*, the following averments:

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[63] *Supra*, note 9.
[64] No copy of this alleged *Decision* can be found in the records of the case.
[65] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 663-664; Annex EE of OSG Petition.
[66] *Supra*, note 50.
[67] *Supra*, note 47.
[68] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 665-668; Annex FF of OSG Petition.
[69] *Supra*, note 9.
[70] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 672-689; Annex B of Annex GG of OSG Petition.
[71] Id. at 669-671; Annex GG of OSG Petition.

> "4. The petition filed by Robert del Rio[72] inadvertently failed to include the Clarificatory Order dated January 19, 1976, which substantially revised, modified, and superseded the November 4, 1975 Decision[73] and the Sheriff's Certificate of Writ of Execution dated May 4, 1979 certifying that the decision in the case was duly executed. Parenthetically, one of the significant and material modifications in the Clarificatory Order (p. 49) is the statement that Don Juan Ejercito (grandfather of Pres. Joseph E. Estrada and undersigned counsel) is the owner of 1,040 hectares of land in San Juan and 2,600 hectares in Mandaluyong. x x x
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> 5. It is extremely necessary that these documents be admitted as part of the records of the case especially the Clarificatory Order because it not only substantially modified the Decision dated November 4, 1975 but also supplanted it."[74] (*Underscoring supplied.*)

The OSG opposed private respondent **JM Tallano**'s Motion to Admit. In its Comment dated November 17, 1998,[75] the OSG reasoned: (1) that before the subject documents may be admitted, it is incumbent upon private respondent **JM Tallano** to prove their existence by competent evidence especially since no other copy of these documents exists; (2) that compliance with the jurisdictional requirement of notice of initial hearing to all actual occupants of the subject property was unlikely, if not impossible, considering the vastness and the population density of the portions covered by the reconstituted titles; (3) that judicial notice must be taken of the notorious fact that the subject property is already covered by existing titles which must be cancelled before reconstitution can take place; and (4) that even assuming the intrinsic validity of the documents sought to be admitted, their admission would be a mere academic exercise because they can no longer be executed pursuant to Sec. 6, Rule 39[76] of the Rules of Court, since ten (10) years have already

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[72] *Supra*, note 22; also known as "**Del Rio Petition**."
[73] *Supra*, note 8.
[74] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 669-670.
[75] Id. at 690-693; Annex HH of OSG Petition.
[76] *Supra*, note 55.

elapsed from the promulgation of the alleged *Clarificatory Order* dated January 19, 1976. The OSG concluded:

> "Whether or not the subject clarificatory judgment and writ of execution are valid and/or can be executed is material to intervenor's (*herein private respondent* ***JM Tallano***) motion though on its face it merely seeks their admission into the records. It would be safe to assume that the admission of these documents is not solely for admission's sake. Intervenor (*herein private respondent* ***JM Tallano***) can certainly be expected to eventually seek execution of the subject court processes." (*Editing and underscoring supplied.*)

Meanwhile, the **Heirs of Acopiado** also vigorously objected to **JM Tallano**'s Motion to Admit, stating that they were not aware of the existence and rendition of the supposed *Clarificatory Decision* dated January 19, 1976.[77] They argued: (1) that the request for admission failed to comply with Rule 26[78] of the Rules of Court; (2) that unless a party's purpose for admission is to establish his cause of action or defense, the admission of the two documents[79] would be "useless, pointless, and a mere redundance;" (3) that the signatures of the certifying clerk of court on the pages of the *Decision* dated November 4, 1975[80] and the alleged *Clarificatory Decision* dated January 19, 1976,[81] while allegedly belonging to the same person, were different; (4) that the supposed official receipts accompanying the two documents[82] were full of alterations and erasures, casting doubts on their integrity and truthfulness; and (5) that the Sheriff's Return was not signed and reported by the proper deputy sheriff of respondent Court.

Private respondent **JM Tallano** filed a Reply dated November 27, 1998,[83] defending his previous Motion to Admit.

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[77] *Supra*, note 9.
[78] "Admission by Adverse Party."
[79] *Clarificatory Decision* dated January 19, 1976 and *Sheriff's Certificate of Writ of Execution* dated May 4, 1979.
[80] *Supra*, note 3.
[81] *Supra*, note 9.
[82] *Supra*, note 79.
[83] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 699-722; Annex KK of OSG Petition.

He averred that the arguments advanced by the OSG in its Comment dated November 17, 1998[84] have neither relevance nor propriety because he is merely seeking the admission – and not the execution – of the *Clarificatory Order* dated January 19, 1976 and the *Sheriff's Certificate of Writ of Execution* dated May 4, 1979.

On July 7, 1999, respondent Court issued an Order[85] denying, inter alia, private respondent **JM Tallano**'s Motion to Admit. Respondent Court ruled:

> "The *Clarificatory Order* of January 19, 1976, assuming it validly exists and attained finality, is a judgment independently (*sic*) by itself(,) notwithstanding the fact that it was rendered precisely to modify and revise the (*D)ecision* of November 4, 1975. As such, and under the Rules (Sec. 6 of Rule 39, Rules of Civil Procedure(,) (a)s (a)mended (*in*) 1997) it can no longer be enforced by a mere motion for more than five (5) years had already elapsed from the time it supposedly attained finality. Definitely, this court had ceased to have jurisdiction to execute by mere motion the dormant judgment assuming it validly exists (*Vda. De Decena vs. Delos Angeles, 39 SCRA 94*).
>
> It cannot also be revived by a new action because under Section 6 of Rule 39, the judgment sought to be revived must not be barred by prescription. Considering that more than ten (10) years had already elapsed counted from the date (January 19, 1976) said judgment becomes (*sic*) final, the right to enforce the judgment had already prescribed (Art.1144(8), Civil Code) and any action which may be instituted to revive or enforce the said judgment is dismissible (*PNP vs. Pacific Commission House, 27 SCRA 766*)." (*Underscoring and editing supplied.*)

Notwithstanding the aforesaid denial, private respondent **JM Tallano** filed an Urgent Motion for the Issuance of a Fourth Alias Writ of Execution, Possession and Demolition.[86]

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[84] CA-G.R. SP No. 70014, Rollo, Vol. II, pp. 690-693; Annex HH of OSG Petition.
[85] See CA-G.R. SP No. 70014, Rollo, Vol. II, pp. 1175 and 1177.
[86] CA-G.R. SP No. 70014, Rollo, Vol. II, pp. 956-974; Annex HHH of OSG Petition.

On August 22, 2000, the OSG received a letter[87] from Romeo C. Campos, who represented himself as attorney-in-fact of private respondent **JM Tallano**, requesting a certified photocopy of an alleged "Order of Third Alias Writ of Execution, Possession and Demolition with Dismissal to Motion for Relief of the National Government." Said order was supposedly promulgated on May 28, 1989[88] and penned by Judge Sofronio C. Sayo ("Judge Sayo"), a former presiding judge of respondent Court.

The OSG denied the request on September 8, 2000,[89] on the ground that the alleged order did not emanate from its office. A second request for other documents, dated September 15, 2000,[90] was also denied by the OSG for the same reason.[91]

Thereafter, the **Heirs of Acopiado**, through Atty. Emata and Atty. Eddie Tamondong ("Atty. Tamondong") filed a Motion for Execution dated January 18, 2001,[92] seeking the issuance of multiple writs of execution covering the different areas subject of the alleged *Decision* dated November 4, 1975.

On April 18, 2001, Romeo C. Campos, as attorney-in-fact of private respondents **JM Tallano** and **AM Acop**, through Atty. Teresito Abella ("Atty. Abella") filed a Petition for Reconstitution with Motion for the Issuance of an Alias Writ of Execution Possession and Demolition[93] ("**Tallano-Acop Petition**"). Noticeably, the docket number and case description of what may be considered as a *second* petition for reconstitution indicated "LRC/ Civil Case No. 3957-P" for "*Quieting of Titles/ Reconveyance of TCT No. 408 and TCT No. T-498 in accordance with Republic Act No. 26 in the name of Prince Lacan Tagean Tallano, Don Gregorio Madrigal Acop, and Don Esteban Benitez Tallano.*"

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[87] CA-G.R. SP No. 70014, Rollo, Vol. II, pp. 978-979; Annex JJJ of OSG Petition.
[88] Records show that the alleged Order is dated "May **23**, 1989."
[89] CA-G.R. SP No. 70014, Rollo, Vol. II, page 983; Annex KKK of OSG Petition.
[90] Id. at 984; Annex LLL of OSG Petition.
[91] Id. at 985; Annex MMM of OSG Petition.
[92] Id. at 986-993; Annex NNN of OSG Petition.
[93] Id. at 1032-1048; Annex RRR of OSG Petition.

The **Tallano-Acop Petition** made the following allegations:

> "5. On November 4, 1975, a Decision was rendered by Hon. Enrique A. Agana in the case at bar which, however, due to the manipulation by some court clerical staff, the caption and the title were incorrectly typewritten such that the name of one of the intervenors, DON ANACLETO MADRIGAL ACOP, was erroneously substituted with the name "ANACLETO MADRIGAL ACOPIADO." This error was systematically carried over in the body of said decision."[94]
>
> x x x
>
> 12. Neither intervenors Don Anacleto Madrigal Acop and/ or Julian M. Tallano, their common administrator Don/ Prince Julian M. Tallano, or their counsel of record, were notified of the destruction/ burning of the records of the case at bar as required in Sections 1 and 2 of R.A. No. 3110. It was only very recently that the judicial administrator Don/ Prince Julian M. Tallano and his Attorney-in-Fact Romeo Cervantes Campos have ascertained that the records of the present case were totally destroyed by the January 18, 1992 fire.[95]
>
> 13. The case at bar was still pending and active when the January 18, 1992 fire broke out and continues to be active and pending up to the present since the Decision with Compromise Agreement dated February 4, 1972 together with the Clarificatory Order of March 1, 1974 and the Clarificatory Decision of January 19, 1976 have not yet been fully executed, implemented and satisfied to date.[96]
>
> x x x
>
> 16. Aside from the imprescriptibility clause embodied in the Decision with Compromise Agreement of February 4, 1972 against five (5) years prescription period of execution, it must be pointed out that the case at bar is not a purely civil proceeding but a mixture or combination of both civil and land registration proceedings as it prays for the reconstitution of OCT

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[94] CA-G.R. SP No. 70014, Rollo, Vol. II, page 1035.
[95] Id. at 1038.
[96] Id.

No. T-01-4, TCT No. T-408, TCT No. T-498."[97] (*Underscoring supplied.*)

Consonant to the above allegations, the **Tallano-Acop Petition** sought the reconstitution and execution of: (a) a previously unheard of *Decision with Compromise Agreement* dated February 4, 1972,[98] supposedly rendered by Judge Agana; (b) a previously unheard of *Clarificatory Order* dated March 21, 1974,[99] supposedly rendered by Judge Agana; (c) the alleged *Clarificatory Decision* dated January 19, 1976,[100] supposedly rendered by Judge Agana; (d) the alleged *Third Alias Writ of*

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[97] CA-G.R. SP No. 70014, Rollo, Vol. II, page 1039.

[98] *Supra*, note 6. The parties to this alleged *Decision* were:"Wilson P. Orfinada, *Plaintiffs* vs. Macario Rodriguez and Heirs, The Heirs of Don Miguel and Hermogenes Antonio Rodriguez, Doňa Aurora Fabela Y Cardona, Patricial Tiongson and Heirs, Ponciano Padilla and Heirs, Felimon Aguilar and the Heirs, Fortunato Santiago and Maria Pantaleona P. Santiago and Heirs, Marcos Estanislao and Mauricio de los Santos/ Blas and Sebastian Fajardo/ Antonio/ Dulalia Ragua, Don Mariano San Pedro Y Esteban and Maria Socorro Conrado Heirs, The Heirs of Florencia Rodriguez, Esteban Benitez Tallano, et.al., Engracio San Pedro and Heirs, The Administrator of Bicutan/ Market/ Maysilo Estate, et.al., Pedro Gregorio/ Agapito Bonson and Heirs/ Balbino Francisco, Pedro Rojas Estate and Heirs, Eugenio Marcelo/ Juan Josef Santiago Garcia and Heirs, Ortigas and Company Partnership, The Administrator of Pasay and Triple Estates/ and the Maricaban Estate/ Perpetua and Perfecto Aquino, et.al., Antonio Fael, The Administrator of San Pedro Estate/ Jose Salvador/ Magno Fernandez/ Dona Lourdes Ochoa Y Casal, 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, Francisco and Antonio Cruz, 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, Dr. Nicanor Jacinto, et.al., Fernando Jacinto Steel Mills, Inc., Felix and Claudio Osorio and Heirs, Regino dela Cruz/ Gil Santiago, Bonifacio Regalado and Heirs, Marciano Tuazon and Tuazon Company, Julian and Juan Francisco, Sarao Motors/ Francisco Motors Corp., Philippine Share Company, Pilar Development Corporation, Teodoro Lim, Felix Baez and Heirs, Valintino Gajudo/ Candido Cleofas, Fort William McKinley and the Manila Railroad Company, University of the Philippines, thru Honorable Solicitor General, The Commissioner of Land Registration Commission, The Honorable Director of Bureau of Lands, The Republic of the Philippines and To All Whom It May Concern, *Defendants*; Benito A. Tallano, *Intervenor*."

[99] *Supra*, note 7; said *Clarificatory Order* allegedly ordered the Register of Deeds of Rizal and Bulacan to issue owner's and duplicate reconstituted copies of TCT No. T-408 and TCT No. T-498 in favor of **JM Tallano** and **AM Acop**.

[100] *Supra*, note 9; previously referred to and introduced in **JM Tallano**'s and **AM Acop**'s "Motion for the Issuance of an Alias Writ of Execution" and in the "Reply to Opposition," dated October 12, 1998.

Execution, Possession and Demolition dated May 23, 1989,[101] supposedly rendered by Judge Sayo; and (e) all other pertinent documents connected to LRC/ Civil Case No. 3957-P. It also prayed for an order directing the LRA and/ or the Register of Deeds of Rizal and Bulacan to reconstitute TCT Nos. T-408 and TCT No. T-498 respectively, in favor of Gregorio Madrigal Acop or Esteban Benitez Tallano, both of whom are allegedly predecessors-in-interest of private respondent **JM Tallano**.

An examination of the documents sought to be reconstituted by the **Tallano-Acop Petition** reveals several interesting facts. Among others, the alleged *Decision with Compromise Agreement* dated February 4, 1972 embodied an imprescriptibility clause, which allegedly exempted said decision from the five-year period of execution for the issuance of lost original and owner's duplicate copies of OCT No. No. 01-4, TCT No. T-408, and TCT No. T-498.[102] Interestingly, it also contained an alleged waiver of rights by the Republic over the lands covered by said titles, with the exception of lands given to farmers-beneficiaries of the land reform program of the government and lands occupied by government structures.[103] Said waiver was allegedly made in favor of Julian Macleod Tallano, private respondent **JM Tallano**'s predecessor-in-interest, by no less than President Diosdado M. Macapagal[104] and allegedly "adopted" by then President Ferdinand E. Marcos. Meanwhile, the alleged *Clarificatory Order* dated March 21, 1974 included a declaration to the effect that starting January 1, 1999, the Philippine government must pay PhP2 Billion in damages to the heirs of **AM Acop** and Julian Macleod Tallano.

Thereafter, in a pleading dated May 22, 2001, Atty. Abella, on behalf of **JM Tallano** and **AM Acop**, moved for the taking of the deposition of retired Judge Sayo,[105] who allegedly issued the

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[101] *Supra*, note 17; previously referred to and introduced in Romeo C. Campos's letter to the OSG, dated August 21, 2000.
[102] CA-G.R. SP No. 70014, Rollo, Vol. I, page 322.
[103] Id. at 309.
[104] Allegedly with the assistance of then Secretary of Justice Salvador Mariño.
[105] CA-G.R. SP No. 70014, Rollo, Vol. II, pp. 1049-1053; Annex SSS of OSG Petition.

purported *Order of Third Alias Writ of Execution*, *Possession and Demolition* dated May 23, 1989.[106] The motion was granted.[107]

On July 11, 2001,[108] respondent Court issued an *Order* allowing the reconstitution of the following documents, to wit:

> "WHEREFORE, premises considered, the following documents duly appended to the petition are hereby reconstituted as integral part of the records of this case and shall carry the same force, validity and effect as that of the destroyed original copy. In particular, these documents are:
>
> 1. Decision with Compromise Agreement dated February 4, 1972; consisting of 139 pages (Exh. "F" and its submarkings);
>
> 2. Clarificatory Order dated March 21, 1974 consisting of 30 pages (Exh. "H" and its submarkings);
>
> 3. Clarificatory Decision dated January 19, 1976 consisting of 60 pages (Exh. "I"; sic 58 pages);
>
> 4. Third Alias Writ of Execution, Possession and Demolition dated May 23, 1989 consisting of 55 pages (Exh. "A");
>
> 5. Writ of Execution, Demolition and Possession dated September 10, 1974 consisting of 14 pages (Exh. "J" and its submarkings);
>
> 6. Certification of Sheriff(')s Return dated November 17, 1974 consisting of 7 pages (Exh. "K" and its submarkings);
>
> 7. Certified True Photocopy of TCT No. T-408 marked as Exh. "L", consisting of 7 pages;
>
> 8. Certified True Photocopy of TCT No. T-498 and marked as Exh. "M" consisting of 7 pages;

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[106] *Supra*, note 17.
[107] CA-G.R. SP No. 70014, Rollo, Vol. II, pp. 1054-1055; Annex TTT of OSG Petition.
[108] *Supra*, note 19.

9. Letters of Administration dated June 14, 1972 marked as Exh. "E";

10. Entry of Judgment dated June 14, 1972 marked as Exh. "G" and its sub-markings consisting of 7 pages."

Said *Order* further commanded, thus:

> "Accordingly, the concerned government agencies particularly the Land Registration Administration and the Registry of Deeds mentioned in the Third Alias Writ of Execution are hereby directed to comply with the decretal pronouncements of the executory judgments and orders of the Court previously issued and which were specifically set forth and embodied in the Third Alias Writ of Execution, Possession and Demolition dated May 23, 1989."[109] (*Underscoring supplied.*)

The OSG moved for reconsideration[110] of the above *Order*, but this was denied in an *Order* dated October 8, 2001,[111] thus:

> "In view of the foregoing, the instant Motion for Reconsideration of the July 11, 2001 Order[112] is hereby DENIED.
>
> SO ORDERED."

On April 9, 2002, the Republic, through the OSG, filed the instant petition for annulment of judgment,[113] with application for a temporary restraining order and a writ of preliminary injunction against respondent Court, **AM Acopiado**, **AM Acop**, **JM Tallano**, and the Register of Deeds of the Province of Rizal and the Province of Bulacan in Guiguinto, Bulacan. This was docketed as CA-G.R. SP No. 70014.

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[109] CA-G.R. SP No. 70014, Rollo, Vol. I, page 538.
[110] CA-G.R. SP No. 70014, Rollo, Vol. II, pp. 1085-1090; Annex VVV of OSG Petition.
[111] *Supra*, note 20.
[112] *Supra*, note 19.
[113] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 1-179; also known as "OSG Petition."

Antecedent Proceedings in this Court

On April 16, 2002,[114] We gave due course to the Republic's petition for annulment of judgment, after finding it to be *prima facie* meritorious.

In a Resolution dated June 25, 2002,[115] We then issued a writ of preliminary injunction[116] with the following rationale:

> "Considering that the petition for annulment of judgment is based on the alleged nullity of the proceedings, decisions, and orders in Civil Case No. 3957-P on the ground of lack of jurisdiction and non-compliance with the jurisdictional requirements for the reconstitution of OCT No. T-01-4 and TCT Nos. 408 and 498 and of the court records, the issuance of a writ of preliminary injunction is necessary to preserve or maintain the *status quo* of things and to prevent actual or threatened acts until the merits of the case can be fully heard."

The decretal portion of the writ of preliminary injunction states:

> "NOW THEREFORE, YOU, the Respondents, are hereby ENJOINED from enforcing the Orders dated July 7, 1997, July 11, 2001, and October 8, 2001, in Civil Case No. 3957-P and from conducting further proceedings in said case until further orders from this Court."

On February 20, 2003, We issued a Resolution[117] stating the necessity of examining the records of Civil Case No. 3957-P and of conducting hearings for said purpose to determine whether or not respondent Court acquired jurisdiction over said case. Citing *Arcelona vs. Court of Appeals*,[118] We held that "the nullity of a judgment grounded on lack of jurisdiction may be shown not only by what patently appears on the face of such decision but also by such documentary and testimonial evidence

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[114] CA-G.R. SP No. 70014, Rollo, Vol. III, pp. 1654-1655.
[115] Id. at 1668-1669.
[116] Id. at 1670-1671.
[117] CA-G.R. SP No. 70014, Rollo, Vol. V, pp. 2575-2581.
[118] G.R. No. 102900, October 2, 1997, 280 SCRA 20.

found in the records of the case and upon which such judgment is based."[119]

On March 3, 2004, a preliminary conference was held. The Republic was represented by Solicitor Thomas M. Laragan ("Solicitor Laragan"). Atty. Jacoba and Atty. Pacifico Yadao ("Atty. Yadao") assisted **JM Tallano**, while Atty. Emata assisted Roberto P. Acopiado, the sole representative of the **Heirs of Acopiado**. Meanwhile, despite objections from Atty. Jacoba, Atty. Benigno M. Puno ("Atty. Puno") entered his appearance for the Tallano-Acop estate, justifying his participation thereat by arguing that Civil Case No. 3957-P was an *in rem* action, being a land registration case.

During the course of the proceedings, the identities of "**Julian Morden Tallano**", "**Anacleto Madrigal Acopiado**" and "**Anacleto Madrigal Acop**" were put in question. Private respondent **JM Tallano** made two claims: *first*, that he was the "Prince Julian Morden Tallano," one of the heirs of the registered owners of OCT No. T-01-4, TCT No. T-408, and TCT No. T-498; and *second*, that it was a certain "Anacleto Acop," and **not** "Anacleto Madrigal Acopiado" who had an interest over the properties covered by the aforementioned titles. On the other hand, Atty. Puno alleged that private respondent **JM Tallano**, who claims to be "Prince Julian Morden Tallano," was an impostor.

In a Resolution dated March 10, 2004,[120] this Court made the following observations:

> "Thus, if Julian M. Tallano is not the Prince Julian Morden Tallano that he claims he is and, therefore, an impostor, then he had no right to intervene in LRC/ Civil Case No. 3957-P. There is likewise a need to determine whether Anacleto Madrigal Acopiado or Anacleto Madrigal Acop had the personality to intervene in said case. It is interesting to note that in the Clarificatory Order dated March 21, 1974, the court a quo directed the Register of Deeds of Rizal and Bulacan to issue both

[119] CA-G.R. SP No. 70014, Rollo, Vol. V, page 2580.
[120] CA-G.R. SP No.70014, Rollo, Vol. VII, pp. 4125-4129.

> owner's and duplicate reconstituted copies of TCT No. T-408 and TCT No. T-498 in favor of intervenors **Julian M. Tallano and Anacleto Madrigal Acop** (*herein private respondents* **JM Tallano** *and* **AM Acop**). However, in the Decision dated November 4, 1975, the court a quo ordered the Register of Deeds of Rizal to reconstitute the lost owner's and duplicate copies of TCT No. 408 administratively in the name of Gregorio Madrigal Acopiado, with an annotation of a deed of sale executed by the latter in favor of his son, **Anacleto Madrigal Acopiado** (*herein private respondent* **AM Acopiado**). **Anacleto Madrigal Acopiado** was also an intervenor in the petition for reconstitution of the Decision dated November 4, 1975, in view of the burning of the records of LRC/ Civil Case No. 3957-P when the Pasay City Hall was gutted by fire on January 18, 1992, which petition was granted in an Order dated July 7, 1997. On the other hand, **Anacleto Madrigal Acop and Julian M. Tallano** were the intervenors in the reconstitution of the other portions of the records of said case, which was granted in an Order dated July 11, 2001."[121] (*Underscoring and editing supplied.*)

Owing to the foregoing peculiarities and inconsistencies, this Court was constrained to direct the National Bureau of Investigation ("NBI") to conduct a fact-finding investigation to determine the true identities of "**Julian M. Tallano**," "**Anacleto Madrigal Acopiado**," and "**Anacleto Madrigal Acop**." By agreement of the parties, the proceedings on the petition for annulment of judgment were suspended pending the termination of the NBI fact-finding investigation.[122]

In its Disposition Form dated May 24, 2005,[123] the NBI made the following recommendation based on its findings:

> "…(B)ased on the above findings, subject JULIAN MORDEN TALLANO (*herein private respondent* **JM Tallano**), the intervenor in the case of *Republic of the Philippines vs. Regional Trial Court, Pasay City, Branch 111, et. al.*, and Prince JULIAN MORDEN TALLANO, the alleged (r)eal-(p)arty-in-interest in the above case, are one and the same person.

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[121] CA-G.R. SP No. 70014, Rollo, Vol. VII, pp. 4127-4128.
[122] Id. at 4129.
[123] CA-G.R. SP No. 70014, Rollo, Vol. IX, pp. 5053-5055.

> As to the identity of ANACLETO MADRIGAL ACOPIADO (*herein private respondent* **AM Acopiado**), the only available evidence to establish his alleged existence is the altered Death Certificate issued by the Local Civil Registrar of Taguig, Metro Manila on 28 November 1994."[124] (*Editing supplied.*)

On March 2, 2006, the pretrial conference was held. The following appearances were made: Solicitor Laragan for petitioner Republic; Atty. Jacoba as lead counsel for private respondent **JM Tallano**, with Atty. Manuel Natividad, Jr., Atty. Virgilio C. Papa, and Atty. Vicente Tagoc, Jr., as collaborating counsels; and Atty. Emata and Atty. Tamondong for the **Heirs of Acopiado**.

Atty. Puno manifested that he was appearing for the Tallano-Acop Estate, which is represented by Romeo C. Campos as attorney-in-fact. However, Atty. Puno failed to produce proof of his authority to represent Romeo C. Campos, as well as proof of the latter's appointment as attorney-in-fact of the alleged estate. Nevertheless, upon motion of Solicitor Laragan, Atty. Puno was allowed to appear on his own behalf as an interested party inasmuch as the case before respondent Court may be construed as an action *in rem* when it previously directed the reconstitution of a title.[125]

During the pretrial conference, Solicitor Laragan proposed for stipulation that the requirements of Act No. 3110[126] for

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[124] In the *Final Report* dated December 12, 2004, signed by SA Florencio C. Canlas and noted by HA Olivo A. Ramos, the former made the following declaration: "*Considering the above-mentioned findings, it is the undersigned's honest opinion that there is no such person in the name of ANACLETO MADRIGAL ACOPIADO but only ANACLETO MADRIGAL ACOP.*" (CA-G.R. SP No. 70014, Rollo, Vol. IX, page 5097) However, any statement/ recommendation to this effect was not included/ carried over in the *Disposition Form* dated May 24, 2005, signed by Ma. Christina N. Sanchez and noted by Roberto S. de Alban. (CA-G.R. SP No. 70014, Rollo, Vol. IX, pp. 5053-5055).

[125] CA-G.R. SP No. 70014, Rollo, Vol. IX, pp. 5421-5422; see also TSN, March 2, 2006, page 27.

[126] "*An Act to Provide an Adequate Procedure for the Reconstitution of the Records Pending Judicial Proceedings and Books, Documents, and Files of the Office of the Register of Deeds, Destroyed by Fire or Other Public Calamities, and for Other Purposes*;" approved March 19, 1923.

reconstitution of court records and R.A. No. 26[127] for reconstitution of land titles were not complied with in LRC/ Civil Case No. 3957-P, such that respondent Court could not have acquired jurisdiction over said case. Only Atty. Puno admitted the stipulation.[128]

On the other hand, Atty. Jacoba proposed for stipulation that the OSG participated and did not raise the question of jurisdiction in the proceedings before respondent Court. Solicitor Laragan admitted that the OSG participated and received related pleadings, but qualified that this was only from the filing of the **Del Rio Petition** in July 1, 1997. Solicitor Laragan also admitted that Solicitor Cariaso, who appeared in some stages of LRC/ Civil Case No. 3957-P, did not raise the issue of jurisdiction of respondent Court.[129]

Upon motion of Solicitor Laragan, We issued a Resolution dated March 9, 2006,[130] which ordered the issuance of a subpoena *duces tecum* to the branch clerk of court of respondent Court, to bring the entire records of LRC/ Civil Case No. 3957-P for examination by the parties, to determine compliance or noncompliance with the jurisdictional requirements of Act No. 3110 and R.A. No. 26.

On April 7, 2006, Ricardo R. Adolfo, branch clerk of court of respondent Court, brought 21 volumes of records of LRC/ Civil Case No. 3957-P, which, he certified, constitute the entire records of the case.[131] During the examination of records, Atty. Jacoba manifested, duly seconded by Atty. Emata, that they need not examine the records one by one for compliance with Act No. 3110 and R.A. No. 26 because what were reconstituted were not records of a pending case but rather, a finished case.[132]

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[127] *Supra*, note 31.
[128] CA-G.R. SP No. 70014, Rollo, Vol. IX, page 5422; see also TSN, March 2, 2006, page 45.
[129] Id. at 5422-5423; see also TSN, March 2, 2006, pp. 50-54.
[130] Id. at 5427-5430.
[131] Id. at 5741-5742.
[132] Id. at 5743-5744.

On the other hand, Solicitor Laragan made a repeated manifestation that there was no compliance with Act No. 3110 and R.A. No. 26. Later, Atty. Jacoba, seconded by Atty. Emata and Atty. Puno, made a repeated counter-manifestation that the OSG had actively participated in the proceedings in LRC/ Civil Case No. 3957-P and as such, was estopped from questioning the validity and legality of the proceedings in respondent Court under the presumption of regularity.[133]

Thereafter, the parties were directed to file their respective memoranda.[134]

On November 15, 2006, a Memorandum[135] for private respondent **JM Tallano** was filed by Atty. Jacoba. On November 28, 2006, a Memorandum[136] for proponents Romeo C. Campos, et. al. was filed by Atty. Puno, which memorandum stated that it was adopting the Memorandum filed by said counsel in SC Admin. Case No. 6512.[137]

On December 22, 2006, a Memorandum[138] for the **Heirs of Acopiado** was filed by Atty. Dean Jaime F. Bautista ("Atty. Bautista"). On January 11, 2007, a Memorandum[139] was filed by the OSG. On February 7, 2007, a Reply Memorandum[140] was filed for the **Heirs of Acopiado** by Atty. Bautista.

On October 10, 2007, a Memorandum[141] for the **Heirs of Acopiado** was filed by Atty. Emata. On December 7, 2007, a

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[133] CA-G.R. SP No. 70014, Rollo, Vol. IX, pp. 5729-5789; TSN, April 7, 2006. Secs. 3(m) and 3(ff) of Rule 131, Rules of Court provide the disputable presumptions that official duty has been regularly performed, and that the law has been obeyed, respectively.
[134] CA-G.R. SP No. 70014, Rollo, Vol. X, page 6382.
[135] Id. at 6414-6445.
[136] Id. at 6741-6742.
[137] No copy of the alleged Memorandum in SC Admin. Case No. 6512 is found in the records of CA-G.R. SP No. 70014.
[138] CA-G.R. SP No. 70014, Rollo, Vol. X, pp. 6752-6819.
[139] Id. at 7269-7390.
[140] Id. at 7401-7410.
[141] CA-G.R. SP No. 70014, Rollo, Vol. XI, pp. 7750-7789.

Memorandum[142] for **JM Tallano** was filed by Atty. Homobono A. Adaza ("Atty. Adaza"). On February 19, 2008, a Rebuttal Memorandum[143] for the **Heirs of Acopiado** was filed by Atty. Bautista.

On November 18, 2008, We issued a *Resolution*[144] accepting the consolidation of CA-G.R. SP No. 104604 with CA-G.R. SP No. 70014.

CA-G.R. SP No. 104604

Meanwhile, on September 6, 1999, petitioners Ernesto Solis, Sr., Teodoro Tahanlangit, Bernadette Bass, Fredesvinda Marcos, Florentino Abaya, Jr., et. al. ("petitioners Solis, et. al.") filed before the Regional Trial Court, Branch 112, Pasay City a complaint for interpleader against the Pasay City Government, the Pasay City Engineer, the Manila International Airport Authority ("MIAA"), the Heirs of the Intestate Estate of the late Julian Tallano, and the Heirs of the Intestate Estate of Don Anacleto Madrigal Acopiado. The interpleader case, docketed as Civil Case No. 99-0763, sought to litigate therein defendants' respective claims of ownership over an alleged portion of the real property subject of litigation in Civil Case No. 3957-P.

As previously mentioned, the Republic filed a petition for annulment of judgment with application for a temporary restraining order and a writ of preliminary injunction on April 9, 2002, docketed as CA-G.R. SP No. 70014, before this Court.

Upon learning of the filing of the above petition for annulment of judgment, respondent MIAA, through the OSG, moved to suspend the proceedings[145] in Civil Case No. 99-0763. To justify its motion, respondent MIAA averred that the resolution of Civil Case No. 99-0763 "depends largely on the final

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[142] CA-G.R. SP No. 70014, Rollo, Vol. XI, pp. 7820-7833.
[143] Id. at 7895-7913.
[144] Id. at 8333-8334.
[145] CA-G.R. SP No. 104604, Rollo, pp. 179-187; Annexes C and D of Solis Petition.

ruling of the Court of Appeals and the Supreme Court on the existence, validity, and enforceability of the alleged November 4, 1975 Decision[146] in Civil Case No. 3957-P."[147] The motion was granted in an *Order* dated May 23, 2002,[148] the dispositive portion of which reads:

> "As prayed for by (d)efendant Manila International Airport (Authority), there being a case filed by the Republic of the Philippines, filed with the Court of Appeals, under CA-G.R. SP No. 70014, this court is constrained to suspend the proceedings in this case.
>
> So ordered." (*Editing supplied.*)

On June 25, 2002, this Court issued a *Resolution*[149] granting the application for a writ of preliminary injunction in CA-G.R. SP No. 70014, thus:

> "WHEREFORE, let a writ of preliminary injunction issue enjoining respondents from enforcing the Orders dated July 7, 1997, July 11, 2001, and October 8, 2001 in Civil Case No. 3957-P and from conducting further proceedings in said case.
>
> So ordered."

Much later, on July 25, 2007 and August 9, 2007, while CA-G.R. SP No. 70014 was still pending before this Court, respondent MIAA, claiming to be the owner a part of the real property under litigation in Civil Case No. 3957-P, issued notices to vacate[150] to some persons residing along Ninoy Aquino Avenue, Atayde Road, and Domestic Road, all in Pasay City.

Respondent MIAA also entered into a Memorandum of Agreement with respondent Land Transportation Office ("LTO"), allowing the latter to claim the lawful use of the LTO compound, which is allegedly part of the real property subject of litigation in

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[146] *Supra*, note 8.
[147] CA-G.R. SP No. 104604, Rollo, pp. 180, 184-185.
[148] Id. at 191; Annex F of Solis Petition.
[149] Id. at 192-194; Annex G of Solis Petition.
[150] Id. at 195-199; Annexes H, I, J, K, and L of Solis Petition.

LRC/ Civil Case No. 3957-P. Prompted by such agreement, respondent LTO sent on May 23, 2008 and June 13, 2008, two formal demands to vacate[151] to Police Supt. Pedro Soliba, Station Head of the PNP Traffic Management Group. Shortly after sending the second demand to vacate, respondent LTO demolished and subsequently built structures, including the LTO district building office, within the compound. According to petitioners Solis, et. al., no requisite building permit was issued by the Pasay City Engineer/ Building Official before the LTO structures were built.

Believing that the foregoing acts interfered with the property subject of LRC/ Civil Case No. 3957-P and thus deliberately contravene the writ of preliminary injunction We have issued on June 25, 2002 in CA-G.R. SP No. 700114, petitioners filed the instant petition for indirect contempt[152] before this Court on July 31, 2008. The petition for indirect contempt was later docketed as CA-G.R. SP No. 104604.

On November 18, 2008, CA-G.R. SP No. 104604 was ordered consolidated with CA-G.R. SP No. 70014, the Republic's petition for annulment of judgment.

Antecedent Proceedings in this Court

On December 9, 2008, petitioners Solis, et. al. moved to implead the Pasay City Government as additional respondent[153] in CA-G.R. SP No. 104604, on the ground that said local government had supervision over the Pasay City Legal Office and the Office of the City Engineer/ Building Official, both of which facilitated the issuance of a building permit to respondent LTO. For petitioners Solis, et. al., the act of approving said building permit induced the LTO to carry out acts of ownership/ possession in the property subject of the injunctive writ, and

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[151] CA-G.R. SP No. 104604, Rollo, pp. 200-201; Annexes M and N of Solis Petition.
[152] Id. at 2-12.
[153] Id. at 216-224.

thus, constituted disobedience to the writ of preliminary injunction We have issued in CA-G.R. SP No. 70014.

On April 16, 2009,[154] We granted the motion to implead the Pasay City Government. Subsequently, respondents MIAA, LTO, and Pasay City Government were directed to file their respective Comments. We received the Comment of the Pasay City Government[155] on June 15, 2009, and the Comment jointly filed by respondents MIAA and LTO,[156] through the OSG, on July 6, 2009.

In compliance with the requirements of Rule 71 of the Rules of Court on indirect contempt, a hearing on CA-G.R. SP No. 104604 was held on September 17, 2009. In said hearing, appearances were made by the following counsels: Atty. Reynaldo L. Bagatsing ("Atty. Bagatsing") for petitioners Ernesto Solis, et. al.; City Legal Officers Atty. Phydias Emmanuel R. Ramos, Atty. Mary Grace S. Bonsol, and Atty. Filipina T. Ribaya-Geronimo ("Atty. Geronimo") for respondent Pasay City Government; and Assistant Solicitor General Thomas M. Laragan ("ASG Laragan") of the OSG for respondents MIAA and LTO.[157] The following also appeared to represent their respective interests in CA-G.R. SP No. 70014: Janel B. Frianeza, as executive administrator of the Acopiado estate; Atty. Puno, as counsel for the **Heirs of Acopiado**; Atty. Cesar Anthony S. Solis, as counsel for the Estate of Don Anacleto Madrigal Acopiado; and Atty. Adaza, as counsel for **JM Tallano**.[158]

During the hearing, the parties in CA-G.R. SP No. 104604 were given the opportunity to argue their respective positions. Atty. Bagatsing manifested that he had nothing more to add to the arguments interposed in their petition. Similarly, Atty. Geronimo and ASG Laragan merely reiterated the stance laid out in their respective Comments. In view of the foregoing

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[154] CA-G.R. SP No. 104604, Rollo, pp. 237-239.
[155] Id. at 266-292.
[156] Id. at 302-314.
[157] Id. at 328.
[158] Id.

manifestations, the parties agreed that the consolidated cases be submitted for decision.

The Issues

Thus, the crucial questions in this controversy are:

CA-G.R. SP No. 70014

1. Whether or not respondent Court acquired jurisdiction over the **Del Rio Petition** and/ or the **Tallano-Acop Petition**;

2. Whether or not the decisions/ orders/ writs/ and other documents issued in connection with the "original" LRC/ Civil Case No. 3957-P are valid and enforceable;

3. Whether or not the Republic is estopped and/ or barred by laches from filing the instant petition; and

4. Whether or not a petition for annulment of judgment under Rule 47 of the Rules of Court is the proper remedy; and

CA-G.R. SP No. 104604

5. Whether or not indirect contempt was committed by respondents MIAA, LTO, and/or Pasay City Government.

The Arguments

The following are the respective relevant arguments of the parties:

CA-G.R. SP No. 70014

Petitioner Republic's Arguments

Preliminarily, the OSG argues that its petition for annulment of judgment is the proper remedy under the circumstances. It claims that it was filed within the four-year period provided under Rule 47 of the Rules of Court, counted from the denial of its motion for reconsideration of the *Order* dated October 8, 2001.

As a first line of offense, the OSG posits that the assailed alleged decisions/ orders/ writs/ and other documents in Civil Case No. 3957-P are void because respondent Court had no jurisdiction to order the reconstitution of the alleged OCT No. T-01-4, TCT Nos. 408, and TCT No. 498, because said case was an ordinary civil action for quieting of title or recovery of ownership and possession and not a land registration proceeding where a reconstitution of title can be validly ordered. Besides, to order such reconstitution would constitute a collateral attack on virtually all of the Torrens titles existing all over the country.

Even assuming that respondent Court had jurisdiction to order the reconstitution of a Torrens title in Civil Case No. 3957-P, the OSG reasons that the assailed decisions/ orders/ writs/ and other documents are still void because respondent Court did not acquire jurisdiction over the petition due to non-compliance with the mandatory and jurisdictional requirements of notice and publication in accordance with Act No. 3110 and R.A. No. 26.

Further, the OSG contends that the assailed decisions/ orders/ writs/ and other documents in Civil Case No. 3957-P are void because they were obtained through extrinsic fraud and are intrinsically void and spurious on their faces.

Finally, the OSG asserts that even assuming *arguendo* that there was valid reconstitution of the alleged decisions/ order/ writs/ other documents, the same can no longer be enforced on account of prescription.

Private respondent JM Tallano's Arguments

Private respondent JM Tallano attacks the resort to Rule 47 of the Rules of Court, based on the absence of either of only two grounds which can support the same – extrinsic fraud and lack of jurisdiction.

First, private respondent **JM Tallano** argues that there is no extrinsic fraud. For one, Solicitor Cariaso's manifestation to the effect that the documents attached to the **Del Rio Petition** are "accurate copies of the documents that were received by the Office of the Solicitor General,"[159] in the hearing of July 7, 1997, belies the OSG's stand that the **Del Rio Petition** was the first document they received in connection with LRC/ Civil Case No. 3957-P. This is bolstered by the absence of any criminal case filed by petitioner Republic against Solicitor Cariaso, whom the former accuses of "fraudulent conspiracy" with the private respondents in LRC/ Civil Case No. 3957-P. Moreover, despite being notified of the hearing on the **Tallano-Acop Petition**, the OSG failed to appear at said hearing or file any opposition on the petition. For another, private respondent **JM Tallano** claims that the Republic allegedly initiated a compromise agreement with his predecessors-in-interest, which culminated in the issuance and approval of the alleged *Decision with Compromise Agreement* dated February 4, 1972.[160] Said *Decision with Compromise Agreement* became final and executory, as well as executed more than thirty years ago.

Second, private respondent **JM Tallano** negates the alleged lack of jurisdiction of respondent Court in issuing the assailed decisions/ orders/ writs and other documents in LRC/ Civil Case No. 3957-P. He argues that the 21 volumes of records in LRC/ Civil Case No. 3957-P, brought during the hearing on April 7, 2006 and certified as complete by Ricardo R. Adolfo, branch clerk of court of respondent Court, are positive proof that the latter

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[159] CA-G.R. SP No. 70014, Rollo, Vol. II, page 1295.
[160] *Supra*, note 6.

court had jurisdiction to hear and decide said case. For private respondent **JM Tallano**, said 21 volumes are assumed to be valid and legal unless shown to be spurious, and should prevail over the affidavits of employees of the OSG, who can be "easily manipulated" by the latter. Speaking of the 21 volumes, private respondent **JM Tallano** states in his Memorandum:

> "1. Twenty-one (21) volumes of Court documents encompassing thousands of pages involving minute details cannot be a product of fabrication even by the most brilliant mind this country can ever produce. It cannot be a work of fiction because it defies even the deftly written works of James Joyce such as Ulysses or the mainstream consciousness style of Marcel Proust in Remembrance of Things Past. This is so because the Tallano Story deals with facts not fiction."[161] (*Underscoring supplied.*)

Then, narrating his story, private respondent **JM Tallano** avers that long before the Spaniards came to the Philippines, it was already ruled by a certain King Luisong Tagean Tallano, who incidentally, was not just his ascendant but was also the father of Rajah Lapu-Lapu and Rajah Soliman. Allegedly, when the British defeated the Spaniards in 1764, the British Royal Government issued Royal Decree Protocol 01-4, "amending the property rights of King Philip of Spain over the Philippines and granting ownership of the Philippine archipelago to (the) Tagean Tallano clans." Allegedly, after the signing of the peace accord between the Spanish and British governments, the Queen of Spain recognized the property rights of the Tagean Tallano clans over the Philippine archipelago based on the Maura Law.[162]

Tracing the origins of his title, private respondent **JM Tallano** further claims that when the Philippines was sold in the Treaty of Paris, it was his predecessor-in-interest, Don Esteban Benitez Tallano, who paid the US$20,000,000.00 in gold coins to the Spanish government. Allegedly, by virtue of said payment,

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[161] CA-G.R. SP No. 70014, Rollo, Vol. XI, page 7830.
[162] Id. at 7836-7837. The facts are culled from "*The True Story of the Tallano (Tala) Estate*," appended as "Annex 1-PJMT" of private respondent **JM Tallano**'s Memorandum.

the Oficina de Cabildo recognized and affirmed Royal Decree Protocol 01-4 and the same was registered as Titulo de Compra in favor of Prince Lacan Acuna Ulrijal Bolkiah Tallano, another of his predecessors-in-interest.[163]

When the Torrens system of titling was introduced in the Philippines, with the passage of Act No. 496, land registration proceedings were allegedly undertaken by the Tallano clan. On October 3, 1904, Original Certificate of Title 01-4 ("OCT 01-4") was allegedly issued, affirming their ownership and title over the Philippine archipelago. This affirmation was allegedly replicated with the passage of Cadastral Act 2259 of 1913.[164]

Incidentally, private respondent **JM Tallano** claims that OCT 01-4 is the oldest title issued in the Philippines, from which title two Transfer Certificates of Title (TCT) were supposedly derived, namely: TCT No. 498 and TCT No. 408, both issued on June 7, 1932, in the names of Esteban Benitez Tallano and Gregorio Madrigal Acop, respectively.[165]

Finally, private respondent **JM Tallano** cites Sec. 3 (m), (n), and (o) of Rule 131[166] and Sec. 5 (h) of Rule 135[167] of the Rules of Court, arguing that doubts as to the regularity of

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[163] CA-G.R. SP No. 70014, Rollo, Vol. XI, page 7837.
[164] Id.
[165] Id. at 7841.
[166] "SEC. 3. *Disputable presumptions*. – The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

x x x

(m) That official duty has been regularly performed;

(n) That a court, or judge acting as such, whether in the Philippines or elsewhere, was acting in the lawful exercise of jurisdiction;

(o) That all the matters within an issue raised in a case were laid before the court and passed upon by it; and in like manner that all matters raised within an issue raised in a dispute submitted for arbitration were laid before the arbitrators and passed upon by them."

[167] "SEC. 5. *Inherent powers of courts*. – Every court shall have the power:

x x x

(h) To authorize a copy of a lost or destroyed pleading or other paper to be filed and used instead of the original, and to restore, and supply deficiencies in its records and proceedings."

proceedings in respondent Court should be resolved in his favor and that courts have the inherent power to authorize copies of lost records to be used instead of the original to supply deficiencies in their proceedings.

Private respondents Heirs of Acopiado's Arguments

For the **Heirs of Acopiado**, the Republic's four-year period to file a petition for annulment of judgment has long prescribed, more so since such recourse is available only where the ordinary remedies of new trial, appeal, or petition for review are no longer available through no fault of petitioner. They suggest that if anything, the Republic's invocation of either grounds of lack of jurisdiction and/ or extrinsic fraud is already barred by laches.

The following are allegedly antithetical to the Republic's arguments: *first*, the OSG was supposedly furnished a copy of an alleged Entry of Judgment dated February 4, 1972, which became final and executory on April 4, 1972; *second*, the Republic, allegedly represented by no less than then President Ferdinand E. Marcos and then Solicitor General Felix Makasiar, entered into a *Decision with Compromise Agreement* dated February 4, 1972[168] with Gregorio Madrigal Acopiado; *third*, Solicitor Cariaso made an admission in the hearing of July 4, 1997 that the OSG received a copy of the *Decision* dated November 4, 1975;[169] and *fourth*, the OSG allegedly received a copy of the *Order* dated July 7, 1997 on July 16, 1997, through its representative, a certain Bartolome Villareal, as evidenced by a registry return card of even date.

Besides, unlike private respondent **JM Tallano** who claims practically the entire archipelago, the **Heirs of Acopiado** aver that they only lay claim to 29,151.768 hectares of land as embodied in TCT No. 408. This land was allegedly awarded by

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[168] *Supra*, note 6.
[169] *Supra*, note 8.

the Supreme Court in "R.G. 571"[170] in 1911, to their predecessor-in-interest, Gregorio Madrigal Acopiado.

Relying on *Palomo vs. Court of Appeals*,[171] the **Heirs of Acopiado** assert that in the beginning, all lands in the whole archipelago were privately owned.[172] Tracing their entitlement to a substantial portion of the Philippines, they claim that on January 7, 1864, land title over the archipelago was issued by the Spanish government for and in the name of Don Hermogenes Antonio Rodriguez, under OCT No. 01-4, which allegedly embraced 7,134 islands of around 503,877 square nautical miles.[173]

In 1891, King Alfonso XII allegedly ordered the grant of Royal Decree No. 01-4 Protocol, Titulo de Propriedad de Terrenos of 1891 to Don Hermogenes Antonio Rodriguez and Don Miguel Antonio Rodriguez.[174] According to the **Heirs of Acopiado**, said OCT No. 01-4 "underwent appropriate judicial process requirement" under the Maura Law or the Royal Decree of February 17,[175] 1894.[176]

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[170] No authentic copy of such document exists.
[171] G.R. No. 95608, January 21, 1997, 266 SCRA 392.
[172] The foregoing interpretation of the **Heirs of Acopiado** may have been a misreading of *Palomo vs. Court of Appeals*, *supra*. No categorical statement to that effect was made therein. However, the following excerpt from said case may be instructive:

> "The Philippines passed to the Spanish Crown by discovery and conquest in the 16th Century. Before the Treaty of Paris in April 11, 1899, our lands, whether agricultural, mineral, or forest were under the exclusive patrimony and dominion of the Spanish Crown. Hence, private ownership of land could only be acquired through royal concessions which were documented in various forms, such as (1) *Titulo Real* or Royal Grant, (2) *Concesion Especial* or Special Grant, (3) *Titulo de Compra* or Title by Purchase, and (4) *Informacion Posesoria* or Possessory Information Title obtained under the Spanish Mortgage Law or under the Royal Decree of January 26, 1889."

[173] CA-G.R. SP No. 70014, Rollo, Vol. XI, page 7775.
[174] Note that in the account of the **Heirs of Acopiado**, the issuance of an alleged "OCT No. 01-4" in 1864 preceded the issuance of a supposed "Royal Decree No. 01-4 Protocol," in 1891.
[175] Should be "February **13**, 1894."
[176] CA-G.R. SP No. 70014, Rollo, Vol. XI, page 7775.

Subsequently, Don Hermogenes Antonio Rodriguez obtained an adjustment title over four parcels of land covered by OCT No. 01-4. Allegedly, on October 3, 1904, Don Hermogenes Antonio Rodriguez's ownership registration of the subject lands was settled by the Land Registration Court under CLRO Case No. 475. On October 4, 1904, OCT No. 01-4 allegedly "completed its legalization and registration under R.A. No. 496[177] of November 6, 1902," which also allegedly made said title incontrovertible.[178]

On October 14, 1913, Don Hermogenes Antonio Rodriguez and Don Miguel Antonio Rodriguez allegedly executed a Deed of Absolute Sale, transferring all of their landholdings covered by Royal Decree No. 01-4 in favor of Gregorio Madrigal Acopiado, father of **AM Acopiado**.[179] On March 14, 1914, plans for the entire Philippine archipelago were allegedly approved as Plan II-69 and Plan II-668 in favor of Gregorio Madrigal Acopiado and **AM Acopiado**,[180] the **Heirs of Acopiado**'s predecessors-in-interest.

Eventually, with OCT No. 01-4 as the mother title, four derivative titles were issued on the following dates, namely: TCT No. 408 on June 7, 1932; TCT No. 498 on August 10, 1934; TCT No. 407 on July 5, 1936; and TCT No. 409 on April 20, 1937.

CA-G.R. SP No. 104604

Petitioners Solis, et. al.'s Arguments

Petitioners Solis, et. al. contend that respondents MIAA, LTO and the Pasay City Government must be punished with indirect contempt for deliberately violating the writ of preliminary

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[177] The **Heirs of Acopiado** must be referring to "**Act No.** 496," otherwise known as the "*Land Registration Act of November 6, 1902*," instead of R.A. No. 496, which is "*An Act to Prohibit Labor on Sunday, Christmas Day, New Year's Day, Holy Thursday, and Good Friday.*"
[178] CA-G.R. SP No. 70014, Rollo, Vol. XI, page 7776.
[179] Id. at 7781.
[180] Id.

injunction this Court has issued on June 25, 2002 in CA-G.R. SP No. 70014. As basis, petitioners Solis, et. al. cite Secs. 3 (b) an (d) of Rule 71 of the Rules of Court, thus:

> "SEC. 3. *Indirect contempt to be punished after charge and hearing.* – x x x (A) person guilty of any of the following acts may be punished for indirect contempt:
>
> (b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;
>
> x x x
>
> (d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice."

Specifically, petitioners Solis, et. al. reprove the following acts of respondents: MIAA, for sending notices to vacate to some residents of Pasay City and for entering into a Memorandum of Agreement with the LTO in respect of the subject real property; LTO, for sending notices to vacate to the PNP Traffic Management Group stationed in Pasay City and for demolishing and subsequently building structures in the LTO compound; and the Pasay City Government, for facilitating the issuance of a building permit in favor of the LTO.

Respondents MIAA's and LTO's Arguments

Respondents MIAA and LTO contend that their challenged acts have no nexus whatsoever with the writ of preliminary injunction issued in CA-G.R. SP No. 70014.[181] In fact, they claim that their acts are consistent with their property rights and with their being instrumentalities of the Republic, which filed CA-G.R. SP No. 70014. Respondents MIAA and LTO emphasize that since they have not been named respondents in CA-G.R. SP No. 70014 and since the subject writ of preliminary injunction relates solely to the enforcement of the *Orders* dated July 7, 1997,[182] July 11, 2001,[183] and October 8, 2001[184] in said case, then they cannot be held liable for indirect contempt.[185]

Respondent Pasay City Government's Arguments

Echoing the line of reasoning of its fellow respondents, the Pasay City Government argues that since it is not among those specifically enjoined by the writ of preliminary injunction issued in CA-G.R. SP No. 70014, it cannot be cited for indirect contempt. Succinctly, respondent Pasay City Government posits that a person cannot be held liable for contempt in violation of an injunction or of any judicial order unless the act which is forbidden or required to be done is clearly and exactly defined, so as to leave no reasonable doubt or uncertainty as to what specific act or thing is forbidden or required.[186]

This Court's Ruling

We resolve the issues *in seriatim.*

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[181] *Supra*, note 116.
[182] *Supra*, note 18.
[183] *Supra*, note 19.
[184] *Supra*, note 20.
[185] CA-G.R. SP No. 104604, Rollo, pp. 302-314.
[186] Id. at 266-278.

CA-G.R. SP No. 70014

First Issue: *Whether or not respondent Court acquired jurisdiction over the* ***Del Rio Petition*** *and/or the* ***Tallano-Acop Petition****.*

We rule in the NEGATIVE.

At the outset, We note that there are not just two, but in fact, **three** petitions for reconstitution involved in CA-G.R. SP No. 70014. The *first* is the **Del Rio Petition**, while the *second* is the **Tallano-Acop Petition**. Meanwhile, the *third* petition for reconstitution pertains to the "original" LRC/ Civil Case No. 3957-P, the records of which are the objects of reconstitution of the **Del Rio Petition** and the **Tallano-Acop Petition**.

We are behooved to make such distinctions because these are crucial in determining the applicable laws to the instant case. In turn, these applicable laws shall provide the threshold premise on the issue of acquisition of jurisdiction of respondent Court.

To recapitulate, the **Del Rio Petition** is a petition for reconstitution of the alleged *Decision* dated November 4, 1975,[187] which included in its lengthy dispositive portion, a directive to the Register of Deeds of the Province of Rizal, to reconstitute administratively the lost owner's and duplicate copies of TCT No. 408, for and in the name of Gregorio Madrigal Acopiado, and to carry over thereon the annotations at the back of said title.

On the other hand, the **Tallano-Acop Petition** sought the reconstitution of: (a) an alleged *Decision with Compromise Agreement* dated February 4, 1972; (b) an alleged *Clarificatory Order* dated March 21, 1974; (c) an alleged *Clarificatory Decision* dated January 19, 1976; (d) an alleged *Third Alias Writ of Execution, Possession, and Demolition* dated May 23, 1989; and (e) all other pertinent documents connected to LRC/ Civil Case No. 3957-P, inclusive of TCT No. T-408.

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[187] *Supra*, note 8.

Meanwhile, the original LRC/ Civil Case No. 3957-P refers to the "original" reconstitution case, the twenty-one (21) volumes of which were subpoenaed by this Court for examination by the parties in CA-G.R. SP No. 70014.

Both the **Del Rio Petition** and the **Tallano-Acop Petition** overtly sought to reconstitute judicial records in LRC/ Civil Case No. 3957-P which were burned during the fire which gutted the Pasay City Hall on January 18, 1992. However, a perspicacious examination of both petitions for reconstitution show that these petitions do not merely desire the reconstitution of decisions/ orders/ writs/ other court records relating to LRC/ Civil Case No. 3957-P. Rather, both the **Del Rio Petition** and the **Tallano-Acop Petition** also seek the reconstitution of certain alleged TCTs – implicitly in the former petition, as a consequence of the reconstitution of the *Decision* dated November 4, 1975, and explicitly in the latter petition, as evident in its prayer.

Thus, to determine whether or not respondent Court acquired jurisdiction over the **Del Rio Petition** and the **Tallano-Acop Petition**, We need to look into both Act No. 3110[188] and R.A. No. 26.[189]

The pertinent portions of Act No. 3110 provide:

> "SECTION 1. As soon as practicable after the occurrence of any fire or other public calamity resulting in the loss of all or part of the records of judicial proceedings on file in the office of the clerk of a Court of First Instance, said officer shall send a notice by registered mail to the Secretary of Justice, the Attorney-General, the Director of Lands, the Chief of the General Land Registration Office, the clerk of the Supreme Court, the judge of the province, the register of deeds of the province, the provincial fiscal, and all lawyers who may be interested, stating the date on which such fire or public calamity occurred and whether the loss or destruction was total or

[188] S*upra*, note 126.
[189] *Supra*, note 31.

partial, and giving a brief list of the proceedings not affected in case the loss or destruction was partial.

SECTION 2. Upon receipt of the notice mentioned in the preceding section, the court shall issue or cause to be issued a general notice which shall be addressed and sent by registered mail to the lawyers and officers mentioned in the preceding section, and to such other persons as might be interested, advising them of the destruction of the records, with a brief list of the proceedings not affected in case the destruction was partial, and of the time fixed by this Act for the reconstitution of the destroyed records.

The notice **shall** also be published in the Official Gazette **and** in one of the newspapers most widely read in the province, once a week, for four consecutive weeks.

SECTION 3. The parties to civil cases, or their counsels, shall appear and file, within thirty days after having been notified in accordance with the next preceding section, an application for the reconstitution of the records in which they are interested, and the clerk of court, upon receiving such application, shall send notice to all parties interested, or their counsels, of the day, hour, and place when the Court will proceed to the reconstitution, requesting them to present, on said day and hour, and at said place, all copies of motions, decrees, orders, and other documents in their possession, having reference to the record or records to be reconstituted.

x x x

SECTION 29. In case the parties interested in a destroyed record fail to petition for the reconstitution thereof within the six months next following the date in which they were given notice in accordance with section two hereof, they shall be understood to have waived the reconstitution and may file their respective actions anew without being entitled to claim the benefits of section thirty-one[190] hereof." (*Emphasis and underscoring supplied.*)

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[190] "For all legal effects, the time that has elapsed from the institution of the destroyed record until the date when its reconstitution was declared impossible, shall not be counted against the interested party or his heirs and other successors-in-interest."

It has been held that the requirements set forth in this Act are mandatory and jurisdictional before a court may take cognizance of the petition for reconstitution. Failure to comply with its express provisions shall vitiate the reconstitution proceedings and shall render the order declaring the records reconstituted ineffective.[191]

In this case, there were manifest and fatal breaches of the requirements laid out in Act No. 3110 and R.A. No. 26. For instance, the records of both the **Del Rio Petition** and the **Tallano-Acop Petition** do not show that the required notices under Secs. 1 and 2 have been issued. In fact, if only to emphasize such noncompliance, even private respondent **JM Tallano** alleged the following in the **Tallano-Acop Petition**:

> "12. Neither intervenors Don Anacleto Madrigal Acop and/ or Julian M. Tallano, their common administrator Don/ Prince Julian M. Tallano, or their counsel of record, were notified of the destruction/ burning of the records of the case at bar as required in Sections 1 and 2 of R.A. No. 3110. It was only very recently that the judicial administrator Don/ Prince Julian M. Tallano and his Attorney-in-Fact Romeo Cervantes Campos have ascertained that the records of the present case were totally destroyed by the January 18, 1992 fire."[192] (*Underscoring supplied.*)

Moreover, even assuming that notices have been sent, these have not been published in the Official Gazette, as mandated by law. Indeed, while it appears that the **Tallano-Acop Petition** was published in the Philippine Reporter, no proof was adduced that it was published in the Official Gazette, the only newspaper in which publication is regarded as compliance with the law. We emphasize that the use in Act No. 3110 of the imperative "shall" – instead of the permissive "may" – and the conjunctive "and" – instead of the disjunctive "or" – in prescribing the required manner and form of publication of the notices cannot be ignored.

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[191] *Reyes vs. Pecson*, G.R. No. L-2879, April 21, 1950, 86 Phil. 181.
[192] CA-G.R. SP No. 70014, Rollo, Vol. II, page 1038.

Atty. Jacoba, duly seconded by Atty. Emata, contends that the requirements under Act No. 3110 do not apply since said Act only applies to pending cases, whereas LRC/ Civil Case is already a finished case. This contention was made despite the following statement in the **Tallano-Acop Petition** by private respondent **JM Tallano** – whom Atty. Jacoba represents:

> "13. The case at bar was **still pending and active** when the January 18, 1992 fire broke out and continues to be active and pending up to the present since the Decision with Compromise Agreement dated February 4, 1972 together with the Clarificatory Order of March 1, 1974 and the Clarificatory Decision of January 19, 1976 have not yet been fully executed, implemented and satisfied to date."[193] (*Emphasis and underscoring supplied.*)

Their inconsistent declarations notwithstanding, We believe that there is no need to make such distinction following *Feria vs. Court of Appeals, et. al.*[194] (quoting *Erlanger & Galinger vs. Exconde*), which has squarely settled the issue.[195] We quote:

> "**Judicial records are subject to reconstitution without exception, whether they refer to pending cases or finished cases.** There is no sense in limiting reconstitution to pending cases; finished cases are just as important as pending ones, as evidence of rights and obligations finally adjudicated." (*Underscoring and emphasis supplied.*)

More to the point, if Act No. 3110 did not intend reconstitution of finished cases, the existence of Section 7 thereof, specifically referring to decided civil cases, would have been mere surplusage. Said section states:

> "SECTION 7. If a civil case has already been decided, the decision shall be reconstituted by means of an authentic copy. In case an authentic copy cannot be found, the Court shall make a new decision, as if the case had never been decided." (*Underscoring supplied.*)

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[193] CA-G.R. SP No. 70014, Rollo, Vol. II, page 1038.
[194] G.R. No. 122954, February 15, 2000, 325 SCRA 525.
[195] G.R. No. L-4792-95, September 30, 1953, 93 Phil. 894.

We now proceed to examine R.A. No. 26. The following provisions thereof are pertinent:

> "SECTION 12. Petitions for reconstitution from sources enumerated in Sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and/ or 3(f) of this Act, shall be filed with the proper Court of First Instance, by the registered owner, his assigns, or any person having an interest in the property. The petition shall state or contain, among other things, the following: (a) the owner's duplicate copy of the certificate of title had been lost or destroyed; (b) that no co-owner's, mortgagee's, or lessee's duplicate had been issued, or, if any had been issued, the same had been lost or destroyed; (c) the location, area, and boundaries of the property; (d) the nature and description of the buildings or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements; (e) the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and all persons who may have an interest in the property; (f) a detailed description of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the property have been presented for registration, or, if there be any, the registration thereof has not been accomplished, as yet. All the documents, or authenticated copies thereof, to be introduced in evidence in support of the petition for reconstitution shall be attached thereto and filed with the same: Provided, that in case the reconstitution is to be made exclusively from sources enumerated in Section 2(f) or 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration Office, or with a certified copy of the description taken from a prior certificate of title covering the same property.
>
> SECTION 13. The court shall cause a notice of the petition, filed under the preceding section, to be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the provincial building and of the municipal building of the same municipality or city in which the land is situated, at least thirty days prior to the date of hearing. The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein whose address is known, at least thirty days prior to the date of

> hearing. Said notice shall state, among other things, the number of the lost or destroyed certificate of title, if known, the name of the registered owner, the names of the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area, and boundaries of the property, and the date on which all persons having any interest therein must appeal and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of the publication, posting, and service of the notice as directed by the court." (*Underscoring supplied.*)

Like Act No. 3110, compliance with the foregoing provisions is mandatory and jurisdictional. This is because in all cases where the authority to proceed is conferred by statute and the manner of obtaining jurisdiction is mandatory, the same must be strictly complied with, or the proceedings will be utterly void.[196] In the case of R.A. No. 26, strict compliance is designed to prevent the misuse and abuse of reconstitution proceedings as a means of divesting a property owner of title to his property.

Thus, it has been held that the requirements in Section 12 of R.A. No. 26 on the contents of a petition for reconstitution of title and in Section 13 of the same Act on publication, posting, and sending by mail are mandatory and jurisdictional, non-observance of which fatally affects the whole proceedings in all its aspects.[197] As such, the court upon which the petition for reconstitution of title is filed is duty-bound to examine thoroughly said petition and to review the record and the legal provisions laying down the germane jurisdictional requirements.[198] While it is true that courts have the inherent power to reconstitute judicial records, it does not mean that they can exercise this power at will in disregard of the reasonable requirements of the law on the same matter.[199]

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[196] *Dordas vs. Court of Appeals*, G.R. No. 118836, March 21, 1997, 270 SCRA 328.
[197] See *Ortigas & Co. Ltd. Partnership vs. Velasco*, G.R. No. 109645, July 25, 1994, 234 SCRA 455.
[198] *Bernardo vs. Court of Appeals*, G.R. No. 111715 & 112876, June 8, 2000, 333 SCRA 135.
[199] *Commodities Sales Corporation vs. La Suerte Bus Co., Inc.*, G.R. No. 55952, March 31, 1989, 171 SCRA 509.

In this case, respondent Court, again, did not acquire jurisdiction over the **Del Rio Petition** and the **Tallano-Acop Petition** because both failed to comply with the provisions of R.A. No. 26. The records will show, among others, that: (1) the jurisdictional averments of both petitions are woefully inadequate, (2) the notices have not been published in the Official Gazette, and (3) the notices have not been sent to all persons identified by law to receive the same. Since respondent Court did not acquire jurisdiction over the **Del Rio Petition** and the **Tallano-Acop Petition**, it follows that it had no authority to issue the *Orders* dated July 7, 1997,[200] July 11, 2001,[201] and October 8, 2001,[202] which ordered the reconstitution of the assailed decisions/ orders/ writs/ other documents.

To erase whatever lingering doubts on this case, We also rule that jurisdiction over the "original" LRC/ Civil Case No. 3957-P was not acquired either. Suffice it to say that the presumption of regularity in the reconstitution of records of LRC/ Civil Case No. 3957-P was successfully overcome when the records of said records were examined on April 7, 2002. We quote the following exchange between ASG Laragan and private respondents' counsels Atty. Jacoba and Atty. Emata during said examination, thus:

> "ATTY. LARAGAN: I would like to manifest, your Honor, that upon examination of this Volume 1 of the Record of Civil Case No. 3957-P, consisting of 182 pages, there is nothing contained therein the following: notice sent by the Office of the Clerk of Court to the officials mentioned in Section 1 of Act No. 3110, informing them of the fire or public calamity that resulted in the total or partial destruction of the records of Civil Case No. 3957-P. No. 2, the lower court did not issue or send a general notice to the officials mentioned in the same Section 1 of Act No.

[200] *Supra*, note 18.
[201] *Supra*, note 19.
[202] *Supra*, note 20.

> 3110 as well as to all interested parties advising them of the destruction of the records in the prescribed period for each reconstitution. No. 3, the general notice referred to in the preceding paragraph was not published in the Official Gazette and in newspapers widely read in Pasay City once a week, for four (4) consecutive weeks. No. 4, there was no posting in conspicuous public places of the notice of the initial hearing relative to the reconstitution of the alleged OCT No. T-01-4 and TCT Nos. 408 and 498. No. 5, there was no notice to the occupants of the property/ properties covered by the alleged… and the adjoining owners. And LASTLY, the notice, if there was any, was not published in the Official Gazette.

ATTY. CERVANTES:[203] Any comment?

ATTY. JACOBA: We will state again and repeat without tiring that those requirements are not necessary for judicial records because these were already terminated cases, your Honor.

ATTY. CERVANTES: Atty. Emata?

ATTY. EMATA: I adopt the same manifestation of counsel, your Honor."[204] (*Underscoring supplied.*)

The absence of the requisites pointed out by ASG Laragan have been highlighted in all 21 volumes of LRC/ Civil Case No. 3957-P and repeated manifestations to that effect have been made. The non-compliance by all the petitions for reconstitution – namely, the **Del Rio Petition**, the **Tallano-Acop Petition**, and the "original" petition for reconstitution – with the requirements of Act No. 3110 and R.A. No. 26 means that the questioned decisions/ orders/ writs/ other documents emanating from, and reconstituted in, all the petitions for reconstitution are void.

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[203] Then Division Clerk of Court, Second Division, Court of Appeals.
[204] CA-G.R. SP No. 70014, Rollo, Vol. IX, pp. 5746-5747; TSN, April 7, 2006, pp. 18-19.

Basic is the doctrine that a void judgment or order has no legal and binding effect, force, or efficacy for any purpose. In contemplation of law, it is non-existent.[205] It never acquires finality and any action to declare its nullity does not prescribe.[206] In fact, it is not even necessary to take any steps to vacate or avoid such judgment or final order; it may simply be ignored.[207]

Second Issue: *Whether or not the decisions/ orders/ writs/ other documents issued in connection with LRC/ Civil Case No. 3957-P are valid and enforceable.*

We rule in the NEGATIVE.

The assailed decisions/ orders/ writs/ and other documents are apocryphal, to say the least. Even on their faces, they are, in the words of the OSG, "replete with statements and representations that are patently ridiculous, absurd, and preposterous." If We may say so, the web of bafflements would have been amusing were it not so brazenly calculated to trifle with the dignity of the judicial process.

In Our jurisdiction, there are matters of which We must take judicial notice and concepts of which We may take judicial notice. Thus, Secs. 1 and 2 of Rule 129 of the Rules of Court provide:

> "SECTION 1. *Judicial notice, when mandatory.* – A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the

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[205] *People vs. Court of Appeals*, G.R. No. 144332, June 10, 2004, 431 SCRA 610; see also *Carloto vs. Commission on Elections*, G.R. No. 174155, January 24, 2007, 512 SCRA 542, where it was held that "a void judgment can never be validly executed."
[206] *National Housing Authority vs. Commission on the Settlement of Land Problems*, G.R. No. 142601, October 23, 2006, 505 SCRA 38.
[207] *Guevarra, et. al. vs. The Honorable Fourth Division of the Sandiganbayan*, et.al., G.R. Nos. 138792-138804, March 31, 2005, 454 SCRA 372.

> law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of the legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions.
>
> SECTION 2. *Judicial notice, when discretionary*. – A court may take judicial notice of matters which are of public knowledge, or are capable of unquestionable demonstration, or ought to be known to judges because of their judicial functions."

Judicial notice, in its appropriate field, displaces evidence since as it stands for proof, it fulfills the object which evidence is designed to fulfill and makes evidence unnecessary.[208] For instance, courts have always and without exception taken judicial cognizance without proof of those great historical events which have affected the destiny of our nation or of other nations. The grounds of their notice are the common knowledge and open frame of such events.[209]

In the assailed decisions in the instant case, there are allegations of fact, the falsity of which We take judicial notice. For example, in the alleged *Decision with Compromise Agreement* dated February 4, 1972[210] which the Republic allegedly initiated and to which it was supposedly a party, declarations to the effect that private respondent **JM Tallano**'s alleged forebear, a certain King Luisong Tagean, lived to be 270 years old[211] and that the latter allegedly sired both Rajah

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[208] *Chiulla De Luca vs. Hartford Park Com'rs*., 94 Conn. 7, 107 A. 611, as cited in FRANCISCO, RICARDO J., "Evidence: Rules of Court in the Philippines," 3rd Edition, 1996, page 22.

[209] 1 Jones on Evidence, Sec. 435.

[210] The following excerpt, unedited to retain the tenor of the text, is culled from the *Decision with Compromise Agreement* dated February 4, 1972: "The second eldest son of King Luisong Tagean was named Rajah Soliman, the one who controlled the entire area of Manila and its suburbs including the Provinces of Rizal, Cavite, Batangas, Laguna, and the Kaliraya Province (now Quezon), x x x and Rajah Lapulapu, the eldest son of King Luisong Tagean, took over the area of Mactan Island." (*Undercoring supplied.*)

[211] The following excerpt, unedited to retain the tenor of the text, is culled from the *Decision with Compromise Agreement* dated February 4, 1972: "The Noble King Luisong Tagean, almost nine (9) months after the issuance of the Declaration of the said Treaty, died in peace with happiness in heart could be reflected therein on

Soliman and Rajah Lapu-lapu, making both brothers. The same decision also stated that prior to 1761, the Spanish government had allegedly mortgaged the Philippine archipelago to the U.S. government, even when the United States of America declared its independence from the British Empire only in 1776.[212]

The *Decision* dated November 4, 1975[213] is not spared from fantastic claims either. We quote the following glaring and bizarre inconsistencies in said decision, as observed by the Republic, to wit:

> "x x x (T)he alleged Decision dated November 4, 1975 states that, based on the records, the instant case originated from a petition for reconveyance which was filed on January 4, 1972 and which was later succeeded by a second amended petition filed on February 4, 1972 in the name of Gregorio Madrigal Acopiado:
>
> > Going over the record of the case, it appears the case originated from a "PETITION OF RECONVEYANCE" which was afiled on January 4, 1972, and later the **Plaintiff filed a "SECOND AMENDED PETITION" on February 4, 1972**, which was recorded as "PETITION FOR ANNULMENT AND QUIETING OF TITLES, RECONVEYANCE WITH RECONSTITUTION OF LOST OWNER'S AND DUPLICATE COPIES OF TCT 408 ADMINISTRATIVELY IN ACCORDANCE WITH REPUBLIC ACT 26" for and in the name of **Don Gregorio Madrigal Acopiado** in this Honorable

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December 17, 1764, exactly at 270 years of age upon learning the positive fruits of his efforts which has the issuance of Land Title over the archipelago in his honor issued by the British government embracing 7,134 islands embracing around 503,877 square nautical miles under OCT No. T-01-04 for and in the name of his grandson, Prince Lacan Tagean on December 17, 1764 and later to 16 years old Prince Julian Macleod Tallano in 1864." (*Underscoring supplied.*)

[212] The following excerpt, unedited to retain the tenor of the text, is culled from the *Decision with Compromise Agreement* dated February 4, 1972: "To augment the efforts in rebellion successfully, Prince Julian Macleon Tagean (Tallano) x x x redeemed the island from the U.S. government in the amount of US$20 million mortgaged by Spanish government and sought succor from British empire in the year 1761 that resulted into a Military siege over the Islands by the British dominion in honor of the Noble clan, the Tagean-Tallano family had resulted for a period of seven (7) years British occupation in the archipelago." (*Underscoring supplied.*)

[213] *Supra*, note 8.

> Court, Seventh Judicial District, Branch 28, CFI, PASAY CITY, lodged under Civil Case No. 3957-P, against the respondents-plaintiffs and to all whom it may concern. (pp. 9-10)
>
> (emphasis supplied)
>
> The fact that the alleged Decision with Compromise Agreement dated February 4, 1972, inexplicably coincides with the exact date of the filing of the alleged amended petition simply betrays reason and logic, thereby lending credence to the fact that these alleged Decisions are indeed spurious. What is more, the alleged Decision with Compromise Agreement dated February 4, 1972 involved a certain Gregorio Madrigal Acop, while the alleged Decision dated March 4, 1975 involved a certain Gregorio Madrigal Acopiado."[214] (*Underscoring supplied.*)

The whimsical tenor of the questioned decisions/ orders/ writs/ other documents has been carried over to private respondents' Memoranda. In fact, We have observed that in their Memorandum,[215] the **Heirs of Acopiado** have weaved a narration of alleged facts from the very assailed decisions and orders, the spuriousness of which We have already taken judicial notice. Moreover, We note that even as they beg to be differentiated from the preposterous claims of private respondent **JM Tallano**, the **Heirs of Acopiado** heavily rely on the validity of the alleged *Decision with Compromise Agreement* dated February 4, 1972,[216] which has been introduced by private respondent **JM Tallano**.

We feel no need to refute, lest We dignify, the fascinating accounts of alternative history of private respondents **JM Tallano** and **Heirs of Acopiado** since the inconsistencies and absurdity of their claims speak for themselves. For being spurious on their faces, said decisions/ orders/ writs/ other documents are void. Consequently, said void decisions/ orders/ writs/ other documents are not entitled to enforcement and are,

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[214] CA-G.R. SP No. 70014, Rollo, Vol. X, pp. 7376-7377.
[215] *Supra*, notes 138 and 140.
[216] *Supra*, note 6.

ordinarily, no protection to those who seek to enforce the same. All proceedings founded on the void judgment are themselves regarded as invalid.[217]

And yet, even assuming that the assailed decisions/ orders/ writs/ other documents are not spurious on their faces and therefore valid, still, these can no longer be executed on account of prescription. Sec. 6 of Rule 39 of the Rules of Court is clear:

> "SECTION 6. *Execution by motion or by independent action.* – A final and executory judgment or order may be executed on motion within five (5) years from the date of its entry. After the lapse of such time, and before it is barred by the statute of limitations, a judgment may be enforced by action. The revived judgment may also be enforced by motion within five (5) years from the date of its entry and thereafter by action before it is barred by the statute of limitations."

In the instant case, the decisions/ orders/ writs/ other documents date as far back as the early 1970s to the late 1980s. Without need of elaboration, these dates are simply way beyond the prescriptive period allowed by law for executing a judgment, either by motion or by independent action.

Third Issue: *Whether or not petitioner Republic is estopped and/ or barred by laches from filing the instant petition.*

We rule in the NEGATIVE.

Much has been said about the manifestation made by Solicitor Cariaso on the hearing on the **Del Rio Petition** on July 4, 1997. For purposes of Our discussion, We quote Solicitor Cariaso's "controversial" statement to appreciate its full import:

> "Solicitor Cariaso: We have examined the documents that were attached to the petition for reconstitution

[217] *Metropolitan Waterworks & Sewerage System vs. Sison*, G.R. No.L-40309, August 31, 1983, 124 SCRA 394, citing 31 Am. Jur., 91-92.

> and we find them to be accurate copies of the documents that were received by the Office of the Solicitor General. It is (sic) being the case, we offer no objection to the reconstitution of the lost or burned documents."[218]

To Our mind, Solicitor Cariaso's manifestation is clear on two respects: first, that he has examined the documents attached to the petition, and second, that these documents are accurate copies of the documents received by the OSG. However, We note that no mention was made as to the date of receipt of said documents.

Private respondents **JM Tallano**, **AM Acop**, and **Heirs of Acopiado** conclude that Solicitor Cariaso's manifestation can only mean that the subject documents were received by the OSG within a reasonable time from their promulgation, i.e. circa 1970s and 1980s. The OSG, meanwhile, states through the affidavits of former Assistant Solicitor General Nestor Ballacillo[219] ("ASG Ballacillo") and Docket Division Chief Rizalina Tiongson,[220] that prior to their receipt of the **Del Rio Petition** on June 30, 1997, it had no records whatsoever of Civil Case No. 3957-P and that the alleged decisions/ orders/ writs/ other documents sought to be reconstituted were received by the OSG only after June 27, 2007.[221]

Thus We are faced with the situation where We have one group which asserts presumption of regularity of proceedings and another group which negates said assertion. Fortunately, We can rest on the established doctrine that the Republic is not estopped by mistake or error on the part of its officials or agents, of which Solicitor Cariaso is one.[222]

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[218] CA-G.R. SP No. 70014, Rollo, Vol. II, page 1195.
[219] CA-G.R. SP No. 70014, Rollo, Vol. I, pp. 573-585; Annex O of OSG Petition.
[220] CA-G.R. SP No. 70014, Rollo, Vol. II, pp. 1211-1215; Annex FFFF of OSG Petition.
[221] CA-G.R. SP No. 70014, Rollo, Vol. I, page 77 and Vol. II, page 1214.
[222] *Luciano vs. Estrella*, G.R. No. L-31622, August 31, 1970, 34 SCRA 769.

Simply, the doctrine of estoppel or laches does not apply against the government suing in its capacity as sovereign.[223] In this case, it is beyond dispute that the Republic, through Solicitor Cariaso, was acting in its sovereign capacity when it appeared in the hearing of the **Del Rio Petition**. The issue of reconstituting a title of dubious provenance and covering vast tracts of land, necessarily called for the Republic's assertion of its territorial integrity and dominion. Surely, the doctrine of estoppel cannot be applied to the extent of impairing the sovereign powers of a State.

Fourth Issue: *Whether or not a petition for annulment of judgment under Rule 47 of the Rules of Court is the proper remedy.*

We rule in the AFFIRMATIVE.

The provisions of Rule 47 relevant to Our inquiry are as follows:

> "SECTION 1. *Coverage*. – This Rule shall govern the annulment by the Court of Appeals of judgments or final orders and resolutions in civil actions of Regional Trial Courts for which the ordinary remedies of new trial, appeal, petition for relief or other appropriate remedies are no longer available through no fault of the petitioner.
>
> SECTION 2. *Grounds for annulment.* – The annulment may be based only on the grounds of extrinsic fraud and lack of jurisdiction.
>
> Extrinsic fraud shall not be a valid ground if it was availed of, or could have been availed of, in a motion for new trial or petition for relief.
>
> SECTION 3. *Period for filing action*. – If based on extrinsic fraud, the action must be filed within four (4) years from the discovery; and if based on lack of jurisdiction, before it is barred by laches or estoppel."

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[223] *Republic vs. Go Bon Lee*, G.R. No. L-11499, April 29, 1961, 1 SCRA 1166.

Note that there are three requirements that dictate the propriety of the availment of the remedy of annulment of judgment: 1) the ground/s, which are restricted to extrinsic fraud and lack of jurisdiction; 2) the timeliness of the filing, which is four years from discovery if based on extrinsic fraud or before it is barred by laches/ estoppel if based on lack of jurisdiction; and 3) the non-availability of other appropriate remedies through no fault of petitioner. All were satisfactorily discharged by the Republic.

In the instant case, the first requirement was satisfied when jurisdiction over the **Del Rio Petition**, the **Tallano-Acop Petition**, and even the "original" petition for reconstitution was not acquired for non-compliance with Act No. 3110 and R.A. No. 26. Meanwhile, We have also established that estoppel/ laches does not run against the Republic, acting in its sovereign capacity. Nor can the mistakes of its agents prejudice the Republic. These take care of the second requirement. As regards the third requirement, We find enlightenment and thus accord merit in the explanation of ASG Ballacillo on the OSG's choice of remedy. We quote relevant portions of his affidavit,[224] to wit:

> "8. It was only in 1997, when the Petition for Reconstitution dated June 27, 1997 of judicial records/ title (herein **Del Rio Petition**) was filed with the Regional Trial Court of Pasay City that the OSG received copies of the alleged decisions, orders, titles, and related documents sought to be reconstituted.
>
> 9. Prior to June 30, 1997, no notices, court rulings, or papers were received by the OSG from the court or the parties in connection with the alleged proceedings in Civil Case No. 3957-P. The alleged decisions, orders, writs and related documents sought to be reconstituted in 1997 were never received by the OSG at the time they were allegedly issued by or submitted to the court.
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> x x x

[224] *Supra*, note 216.

13. When Branch 111, Regional Trial Court of Pasay City (herein **respondent Court**) issued the Orders dated July 7, 1997, July 11, 2001 and October 8, 2001, Solicitor Tomas M. Navarro and I took the position that neither appeal from said orders, nor a petition for certiorari, nor a petition for relief from judgment was adequate, because said orders merely reconstituted the decisions, orders, or writs, allegedly issued prior to 1997. There is a more basic need to seek the annulment of the alleged decisions, orders, titles or writs earlier issued, and which were allegedly burned in 1992. There is a compelling necessity to once and for all, bar any subsequent attempt to reconstitute them in the future.

14. An appeal, petition for certiorari or petition for relief from judgment from the 1997 and 2001 orders would have merely annulled said orders but not the alleged titles directed to be reconstituted and the alleged decisions, order and writs allegedly issued by the trial court before the burning of the records of Branch 111, Regional Trial Court of Pasay City on January 18, 1992. Furthermore, appeal and petition for relief from judgment are not the proper remedies to assail said orders issued in 1997 and 2001 because they are void due to utter lack of jurisdiction and these orders, though may be considered judgments, never gain finality.

x x x

16. For the foregoing reasons, the Republic of the Philippines can only avail of the petition for annulment of judgment of the Regional Trial Court under Section 9(2) of the Judicial Reorganization Act and Rule 47 of the 1997 Rules of Court to secure complete relief for the Republic. Thus, the ordinary remedies of new trial, appeal, petition for relief and other appropriate remedies are either not available or no longer available through no fault of petitioner Republic of the Philippines." (*Underscoring and editing supplied.*)

Also, it is well to remember that where a petition for annulment of a judgment or final order is grounded on lack of jurisdiction over the nature or subject of the action, as in this

case, the petitioner need not allege in the petition that the ordinary remedies of new trial, motion for reconsideration, or appeal are no longer available through no fault of its own. This is so because a judgment rendered or a final order issued by a court without jurisdiction is null and void and may be assailed any time either collaterally or in a direct action or by resisting such judgment/ final order in any action/ proceeding whenever it is invoked unless barred by laches.[225]

CA-G.R. SP No. 104604

Fifth Issue: *Whether or not indirect contempt was committed by respondents.*

We rule in the NEGATIVE.

The power to punish for contempt is inherent in all courts and is essential to the preservation of order in judicial proceedings and to the enforcement of judgments, orders, and mandates of the court, and consequently, to the due administration of justice.[226] However, such power should be exercised on the preservative and not on the vindictive principle. Only occasionally should the court invoke its inherent power in order to retain that respect without which the administration of justice must falter or fail. Only in cases of clear and contumacious refusal to obey should the power be exercised. Such power being drastic and extra-ordinary in its nature should not be resorted to unless necessary in the interest of justice.[227]

In this case, petitioners Solis, et. al. aver that respondents MIAA, LTO, and Pasay City Government committed indirect contempt when they facilitated the issuance of a building permit, leading to the eventual construction of building within the area which is allegedly part of the real property subject of LRC/ Civil

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[225] See *Ancheta vs. Ancheta*, G.R. No. 145370, March 4, 2004, 424 SCRA 725.
[226] *Heirs of De Leon Vda. De Roxas vs. Court of Appeals*, G.R. No. 138660, February 5, 2004, 422 SCRA 101.
[227] *Abad vs. Somera*, G.R. No. 82216, July 2, 1990, 187 SCRA 75.

Case No. 3957-P, the records of which are in turn, the subject of CA-G.R. No. 70014. Petitioners Solis, et.al. then allege that respondents' acts violated the writ of preliminary injunction[228] We issued in CA-G.R. SP No. 70014.

The writ of preliminary injunction was worded in this wise:

> "NOW THEREFORE, YOU, the Respondents, are hereby ENJOINED from enforcing the Orders dated July 7, 1997, July 11, 2001, and October 8, 2001, in Civil Case No. 3957-P and from conducting further proceedings in said case until further orders from this Court."

Clearly, said writ was directed against the respondents of CA-G.R. SP No. 70014 and no other. To recapitulate, the respondents in CA-G.R. SP No. 70014 are: Regional Trial Court, Branch 111, Pasay City, **AM Acop**, **AM Acopiado**, **JM Tallano**, and the Registers of Deeds of the Provinces of Rizal and Bulacan. Evidently, MIAA, LTO, and the Pasay City Government were never made respondents therein.

Reasons of fair play and common sense, thus, dictate that respondents MIAA, LTO and Pasay City Government cannot be held liable for indirect contempt. Simply, it would be the height of injustice to punish MIAA, LTO, and the Pasay City Government for violating a writ of injunction not directed against them, in a case to which they were never made parties.

An act to be considered contemptuous must be clearly contrary or prohibited by the order of the Court. A person cannot, for disobedience, be punished for contempt unless the act which is forbidden or required to be done is clearly and exactly defined, so that there can be no reasonable doubt or uncertainty as to what specific act or thing is forbidden or required.[229]

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[228] *Supra*, note 116.
[229] *Lu Ym vs. Mahinay*, G.R. No. 169476, June 16, 2006, 491 SCRA 253.

Indeed, the propriety of the issuance of a restraining order and the writ of preliminary injunction is but a mere incident to the actual controversy which is rooted in the assertion of the conflicting rights of the parties.[230] It is not a cause of action in itself but merely a provisional remedy, an adjunct to a main suit. Thus, a person who is not a party in the main suit cannot be bound by an ancillary writ. He cannot be affected by any proceeding to which he is a stranger.[231]

Epilogue

A final note. Like a malignant tumor that innocuously began as a mere growth, this long drawn-out case has maliciously spread and spawned a host of complications, in the process posing serious threats to our system of land registration and land ownership and causing inconveniences to many. The following disquisition from *Ortigas & Company Limited Partnership vs. Velasco*[232] is apt:

> "We can take judicial notice of innumerable litigations and controversies that have been spawned by the reckless and hasty grant of such reconstitution of alleged lost or destroyed titles as well as of the numerous purchasers who have been victimized by forged or fake titles or their areas simply 'expanded' through 'table surveys' with the cooperation of unscrupulous officials. So, too, this Court has stressed 'that lands already covered by duly issued existing Torrens titles (which become incontrovertible upon the expiration of one year from their issuance under section 38 of the Land Registration Act) cannot be the subject of petitions for *reconstitution* of allegedly lost or destroyed titles filed by *third parties without first* securing by final judgment the cancellation of such existing titles. (And as this Court reiterated in the recent case of Silvestre vs. Court of Appeals [G.R. Nos. L-32694 and L-33119, July 16, 1982], 'in cases of annulment and/ or reconveyance of title, a party seeking it should establish not merely by a preponderance of

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[230] *Estate or Heirs of the Late Justice Jose B. L. Reyes vs. City of Manila*, G.R. No. 132431, February 13, 2004, 422 SCRA 551.
[231] *Mabayo Farms, Inc. vs. Hon. Court of Appeals*, G.R. No. 140058, August 1, 2002, 386 SCRA 110.
[232] *Supra*, note 197.

> evidence but by clear and convincing evidence that the land sought to be reconveyed is his') **** ('considering the ease and facility with which documents are made to appear as official and authentic' e.g., 'from mere xerox copies and certifications of officials supposedly signed with the seals of their office affixed therein.')"

WHEREFORE, premises considered, We render judgment as follows:

As to ***CA-G.R. SP No. 70014***:

(1) The reconstitution proceedings in LRC/ Civil Case No. 3957-P in respondent Court are **DECLARED VOID** for lack of jurisdiction.

(2) The following decisions/ orders/ writ/ and other documents are **ANNULLED** and **DECLARED VOID** and of no force and effect:

a. *Decision With Compromise Agreement* dated February 4, 1972[233] consisting of 139 pages;

b. *Clarificatory Order* dated March 21, 1974[234] consisting of 30 pages;

c. *Decision* dated November 4, 1975[235] consisting of 44 pages;

d. *Clarificatory Decision* dated January 19, 1976[236] consisting of 60 pages;

e. *Entry of Judgment* dated June 14, 1972[237] consisting of 7/ 6 pages;

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[233] *Supra*, note 6.
[234] *Supra*, note 7.
[235] *Supra*, note 8.
[236] *Supra*, note 9.
[237] *Supra*, note 10.

f. *Writ of Execution*, *Demolition and Possession* dated September 10, 1974[238] consisting of 14 pages;

g. *Certificate of Sheriff's Return* dated November 17, 1974;[239]

h. *Letters of Administration* dated July 7, 1976;[240]

i. *Certified True Photocopy of Judicial Form No. 140*, *G.L.R.O. Form No. 68*, *Book No. 34 of TCT No. T-408*[241] consisting of 7 pages;

j. *Certified True Photocopy of TCT No. T-498*[242] consisting of 7 pages;

k. *Order of Third Alias Writ of Execution*, *Possession and Demolition* dated May 28, 1989[243] consisting of 55 pages;

l. *Order* dated July 7, 1997;[244]

m. *Order* dated July 11, 2001;[245] and

n. *Order* dated October 8, 2001.[246]

(3) TCT No. T-408 and TCT No. T-498, which were reconstituted pursuant to the *Order* dated July 11, 2001, are **DECLARED VOID**. Accordingly, the Registers of Deeds of the Provinces of Rizal and Bulacan (in Guiguinto, Bulacan) are **DIRECTED** to **CANCEL** TCT No. T-408 and TCT No. T-498.

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[238] *Supra*, note 12.
[239] *Supra*, note 13.
[240] *Supra*, note 14.
[241] *Supra*, note 15.
[242] *Supra*, note 16.
[243] *Supra*, note 17.
[244] *Supra*, note 18.
[245] *Supra*, note 19.
[246] *Supra*, note 20.

(4) The writ of preliminary injunction issued by this Court on June 25, 2002 is made **PERMANENT**.

(5) The heirs, agents, privies, or anyone acting for and in behalf of **JM Tallano**, **AM Acopiado** and **AM Acop** are **ENJOINED** from representing or exercising any acts of possession/ ownership or from disposing in any manner, portions of the land covered by alleged TCT No. 408, TCT No. T-408, and TCT No. T- 498.

As to ***CA-G.R. SP No. 104604***:

(6) Respondents Manila International Airport Authority, Land Transportation Office and Pasay City Government are declared **NOT GUILTY** of indirect contempt. Consequently, the petition for indirect contempt against them is **DISMISSED** for lack of merit.

SO ORDERED.

MAGDANGAL M. DE LEON
Associate Justice

WE CONCUR:

HAKIM S. ABDULWAHID
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

HAKIM S. ABDULWAHID
Associate Justice
Chairman – Special Former Special Former Second Division