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, and** ***VILLAMOR, *JJ*.**
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.**	
ERNESTO SOLIS, ET. AL., **Petitioners,**	**CA-G.R. SP No. 104604**
-versus-	
MANILA INTERNATIONAL AIRPORT AUTHORITY, LAND TRANSPORTATION OFFICE, and PASAY CITY GOVERNMENT, **Respondents.**	**Promulgated:** **20 JAN 12**

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* In lieu of Justice Estela M. Perlas-Bernabe, who has been appointed to the Supreme Court.

RESOLUTION

DE LEON, *J.*:

On December 11, 2009, We rendered a *Decision* in the above consolidated case, the dispositive portion of which reads:

> "**WHEREFORE**, premises considered, We render judgment as follows:
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> 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.
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> (2) The following decisions/ orders/ writ/ and other documents are **ANNULLED** and **DECLARED VOID** and of no force and effect:
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> a. *Decision With Compromise Agreement* dated February 4, 1972 consisting of 139 pages;
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> b. *Clarificatory Order* dated March 21, 1974 consisting of 30 pages;
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> c. *Decision* dated November 4, 1975 consisting of 44 pages;
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> d. *Clarificatory Decision* dated January 19, 1976 consisting of 60 pages;
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> e. *Entry of Judgment* dated June 14, 1972 consisting of 7/ 6 pages;
>
> f. *Writ of Execution, Demolition and Possession* dated September 10, 1974 consisting of 14 pages;
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> g. *Certificate of Sheriff's Return* dated November 17, 1974;

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

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

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

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

l. *Order* dated July 7, 1997;

m. *Order* dated July 11, 2001; and

n. *Order* dated October 8, 2001.

(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.

(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.**"

In support of Our ruling in CA-G.R. SP No. 70014, We declared: (1) that the Regional Trial Court, Branch 111, Pasay City ("RTC Branch 111") did not acquire jurisdiction over the **Del Rio Petition** and/or the **Tallano-Acop Petition** for non-compliance with the mandatory and jurisdictional requirements of Act No. 3110[1] and R.A. No. 26";[2] (2) that the decisions/ orders/ writs/ other documents issued in connection with LRC/ Civil Case No. 3957-P are (a) not valid for containing false allegations of facts and (b) not enforceable on account of prescription; (3) that the Republic is not estopped and/or barred by laches from filing the petition for annulment of judgment because (a) it cannot be estopped by the mistakes/errors of its officials and agents and (b) neither estoppel nor laches applies against the government suing in its sovereign capacity; and (4) that the Republic chose annulment of judgment under Rule 47 as the proper remedy.

Meanwhile, in dismissing the petition for indirect contempt in CA-G.R. SP No. 104604, We relied on the basic doctrine that a person/ entity who is not a party in the main suit cannot be bound by an ancillary writ.

While no motion for reconsideration was filed as regards CA-G.R. SP No. 104604, a number of motions were filed seeking a reevaluation of Our ruling with respect to CA-G.R. SP No. 70014. Significantly, **JM Tallano** appears to have filed multiple motions for reconsideration, signed by different counsels. In any case, We **NOTE** the following motions:

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[1] "*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.

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

(1) Motion for reconsideration signed by Atty. Romeo Alfredo,[3] purportedly in behalf of **JM Tallano**, arguing: (1) that this Court did not acquire jurisdiction over the Republic's petition; (2) that the notice and publication requirements of Act No. 3110 and R.A. No. 26 are "not reasonably applicable"[4] to the instant case and thus, RTC Branch 111 acquired jurisdiction over the **Del Rio Petition** and/or **Tallano-Acop Petition**; (3) that the decisions/ orders/ writs/ other documents issued with respect to LRC/ Civil Case No. 3957-P are valid and enforceable, although their execution "may have been barred by prescription;"[5] and (4) that an application of Act No. 3110 and R.A. No. 26 violates **JM Tallano**'s rights to substantive due process and equal protection.

(2) Motion for reconsideration signed by Atty. Pacifico Yadao,[6] purportedly for **JM Tallano**, arguing: (1) that the RTC Branch 111 acquired jurisdiction over LRC/ Civil Case No. 3957-P through the supposed participation of the Republic through the Office of the Solicitor General ("OSG"); (2) that the decisions/ orders/ writs/ other documents issued in connection with LRC/ Civil Case No. 3957-P are valid, legal, and enforceable; (3) that the Republic is bound under estoppel and barred by laches; and (4) that annulment of judgment is not a substitute to a lost appeal, review or certiorari.

(3) "Manifestation with Motion" signed by Atty. Homobono A. Adaza,[7] purportedly for **JM Tallano**, arguing: (1) that RTC Branch 111 acquired jurisdiction over the petition for reconstitution because (a) the Republic was a party to the Compromise Agreement which

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[3] Rollo, Vol. XII, pp. 533-543.
[4] Rollo, Vol. XII, page 538.
[5] Id. at 539.
[6] Id. at 746-769.
[7] Id. at 978-997.

became the basis of the Decision dated February 4, 1972 and (b) the presumption of regularity of the acquisition of jurisdiction of RTC Branch 111 was not overcome by the Republic; (2) that this Court should have dismissed the Republic's petition for annulment of judgment since it does not comply with the requisites of Rule 47, inasmuch as "three decades of inaction" of the Republic is inconsistent with the phrase "through no fault of the petitioner;" (3) that assuming that this Court had jurisdiction over the Republic's petition for annulment of judgment, it went beyond the bounds of its jurisdiction when it declared the Decision based on a Compromise Agreement and other decisions/ orders/ writs/ other documents null and void on the alleged basis of "judicial assumptions, not facts"[8] and without so much as ordering the reception of evidence pursuant to Sec. 6, Rule 47 of the Rules of Court; (4) that assuming again that this Court had jurisdiction over the Republic's petition for annulment of judgment, it has neither jurisdiction nor authority to declare OCT No. T-01-4 and TCT Nos. 408 and 498 void because all it can do is "void the reconstitution but not the titles;"[9] (5) that the Republic is estopped from disputing the validity of the reconstitution because a number of public officials participated in the preparation and signing of the documents leading to the issuance of the Compromise Agreement and hence, it cannot disclaim or disown its own actions; and (6) that a petition for annulment of judgment is not the proper remedy of the Republic.

(4) Motion for reconsideration signed by Atty. Melecio V. Emata,[10] purportedly for the Heirs of Don Anacleto Madrigal Acopiado, arguing: (1) that the order granting the **Del Rio Petition**, having acquired

[8] Rollo, Vol. XII, page 989.
[9] Id. at 991.
[10] Id. at 998-1035.

finality, can no longer be nullified; (2) that the decision/ order/ writs/ other documents attached to **JM Tallano**'s motion to admit, may be annulled; (3) that TCT 408 is genuine, although it assumed a suspicious – if not fraudulent – character after it was falsified by **JM Tallano** and **AM Acop**; and (4) that the Republic, having been represented in LRC/ Civil Case No. 3957-P, is in estoppel and is barred by laches from filing the petition for annulment of judgment.

(5) "Clarifications/ Arguments to Decision dated December 1, 2009" signed by Daniel Balmonte Frianeza,[11] claiming to be the executive administrator of the Acopiado Estate.

(6) Motion for reconsideration signed by Atty. Ceasar Anthony S. Solis,[12] purportedly for the Estate of Don Anacleto Madrigal Acopiado, as allegedly represented by Roberto Pudino Acopiado, praying that the assailed *Decision* be revised to the extent that the injunction be lifted as against the documents introduced by the Acopiados.

The Republic filed a Comment[13] praying for a denial of the motions for reconsideration.

Meanwhile, Atty. Benigno Puno also filed a "Motion and Manifestation,"[14] praying that "an Order be issued directing the appearance in person of the alleged Prince **JM Tallano** to be presented as a witness for himself or as 'hostile witness' for oppositor."[15] Subsequently, Atty. Benigno Puno filed a "Motion for Additional Relief or Reconsideration,"[16] praying that a

[11] Rollo, Vol. XIII, pp. 1162-1205.
[12] Id. at 1373-1414.
[13] Rollo, Vol. XII, pp. 1059-1073.
[14] Id. at 703-705.
[15] Id. at 704.
[16] Id. at 1047-1050.

resolution be issued directing the RTC Branch 111 to conduct an examination to determine the authenticity or genuineness of the decision/ orders in LRC/ Civil Case No. 3957-P.

After a careful review of the records of the case and the grounds alleged in support of the subject six motions for reconsideration, We find no new matter of substance which might justify and cause the reversal or modification of the *Decision* sought to be reconsidered. A scrutiny of the motions for reconsideration reveals that the grounds raised therein have been thoroughly discussed by this Court in the assailed *Decision*.

Hence, the *Motions for Reconsideration* enumerated above are all **DENIED** for lack of merit. Similarly, Atty. Benigno Puno's "Motion and Manifestation" and "Motion for Additional Relief or Reconsideration" are **DENIED** for lack of merit.

SO ORDERED.

ORIGINAL SIGNED
MAGDANGAL M. DE LEON
Associate Justice

WE CONCUR:

ORIGINAL SIGNED
HAKIM S. ABDULWAHID
Associate Justice

ORIGINAL SIGNED
ANTONIO L. VILLAMOR
Associate Justice