

File

- **versus** -

**JOHN TAN PAREDES, ET AL.,
Defendants.**

OMNIBUS MOTION

3. In addition, a case was subsequently filed by the herein defendants before Branch 49 of this Regional Trial Court

of Palawan. The Transcript of Records in the said case shows the knowledge by Defendant/Buyer Joel Gulane of the presence of the Plaintiffs on the subject lot when he and his family purchased the subject property from Defendant/Seller John Tan Paredes, is prayed to be included as our Exhibit "S (attached as Exhibit "S")."

4. The case before Branch 49 is now on Appeal before the Court of Appeals. Since both cases refer to the same plaintiffs and defendants in this case; concerning the same property; the subject matter of which pertains to possession, which is a part of the issue in this case as to who has the rightful ownership, and, possession arising from a lawful ownership, filed by the defendants after this case was filed by the plaintiffs, without properly informing this Honorable Court, an Order for the maintenance of the *status quo* as previously ordered by this Honorable Court is also prayed.

PRAYER

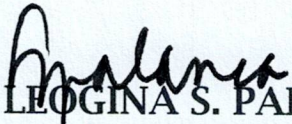
WHEREFORE, premises considered, Plaintiffs, by the undersigned counsel, respectfully pray of this Honorable Court to issue a Subpoena *Ad Testificandum* and *Duces Tecum* for the appearance of Provincial Agrarian Reform Program Officer Conrado S. Guevarra, or his representative, of the Department of Agrarian Reform, and bring the records used to secure the DAR Clearance for the registration of the subject property, including the Affidavit of Non-Tenancy, on March 16, 2022, either through Videoconference or In-Court Hearing, at the discretion of this Honorable Court.

It is also prayed that the Transcript of Stenographic Notes before Branch 49, be included as the Plaintiffs' Exhibit "S."

The maintenance of the *status quo*, as previously ordered, and, other reliefs, just and equitable, under the premises, are likewise prayed for.

RESPECTFULLY SUBMITTED.

City of Puerto Princesa, Palawan, March 10, 2022.


ATTY. LEOGINA S. PALANCA
Counsel for Plaintiffs

10 Old Buncag St., Puerto Princesa City, Palawan
IBP NO. 179578/Manila/01-25-2022
PTR NO. 0889447/PPCITY, PALAWAN/01-04-2022
ROLL NO. 60012; 03/22/12
MCLE Compliance No. VII-0005454; 10/26/2021
Email: chiepalanca@gmail.com
Landline: (048) 433-0679; Cellphone: 9199929400/09175044337

Copy furnished:

Atty. Marcelo C. Josue
Counsel for Joel N. Gulane, et al.
Bgy. Poblacion
Narra, Palawan

Municipal Assessor of Narra
Poblacion, Narra, Palawan

Register of Deeds
Provincial Capitol Compound
Rizal Avenue, Puerto Princesa City, Palawan

DENR MIMAROPA
Region 1515, L & S Building
Roxas Boulevard
Ermita Manila

Office of the Solicitor General
134 Amorsolo Street
Legaspi Village
Makati City 1229

Prosecutor Jhaciel S. Juanico-Quicho
Office of the City Prosecutor, Hall of Justice
Brgy. Sta. Monica, 5300 Puerto Princesa City

EXPLANATION

Due to time, distance and manpower constraints, and the COVID-19 pandemic, service by electronic mail and registered mail to some of the parties were availed of.


ATTY. LEOGINA S. PALANCA



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

Exh "R"

March 8, 2022

ATTY. LEOGINA S. PALANCA

Counsel for the Heirs of Quirino Acla

PALANCA LAW OFFICE

10 Old Buncag Street, Puerto Princesa City

(048) 433-0679; 09175044337; 09199929400

chiepalanca@gmail.com; chiepalanca@yahoo.com



Dear Atty. Palanca:

GREETINGS!

It is our pleasure to inform you that your requested document is now available. Attached is the photocopy of the Affidavit of Non-Tenancy concerning the transfer of Kaloob na Patente Blg. 045315-06-19375, OCT No. E-27617 located in Bgy. Taritien, Narra, Palawan.

Thank you for patiently bearing with us.

Very truly yours,

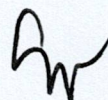

NOIDA R. LIBIRAN
Acting Records Officer

Noted by:


CONRADO S. GUEVARRA
Provincial Agrarian Reform Program Officer II

Cc:

Legal Division



REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)S.S.
MUNICIPALITY OF NARRA)

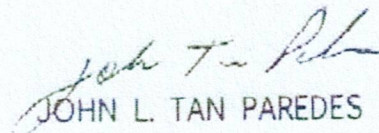
AFFIDAVIT OF NON-TENANCY

I, JOHN L. TAN PAREDES, of legal age, married to CHARO G. TAN PAREDES, Filipino, and a resident of Bgy. Poblacion, Narra, Palawan, after having been duly sworn on oath in accordance with law hereby voluntarily depose and say:


1. That I am the registered owner of a certain parcel of land, designated as Lot 855-C, CSD-4A-001234-D, covered by KATIBAYAN NG ORIHINAL NA TITULO Blg. E-27617, containing an area of 53,995 SQUARE METERS, located at Bgy. Taritien, Narra, Palawan, issued by the Register of Deeds of Palawan;
2. That the said parcel of land is not tenanted and being devoted to Agricultural land and not within the purview of PD 27 dated October 21, 1972;
3. That I am executing this affidavit as required by Circular No. 232 of the Land Registration Commission and the existing Comprehensive Agrarian Reform Program.

AFFIANT FURTHER SAYETH NAUGHT

IN WITNESS WHEREOF, I have set my hand this APR 25 2018, at Narra, Palawan.

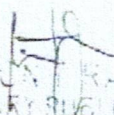

JOHN L. TAN PAREDES
Affiant

With my Marital Consent:


CHARO G. TAN PAREDES
Affiant's Wife

SUBSCRIBED AND SWORN to before me, this APR 25 2018, at Narra, Palawan.

Doc. No. 238
Page No. 49
Book No. 233
SERIES OF 2018


ATTY. MAUN KANIWA
NOTARY PUBLIC
Until December 31, 2019
IBP No 1025636 12-11-17 PALAWAN
PTR No 4960281 12-11-17 PALAWAN
Bar Roll No. 48818



REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
Fourth Judicial Region
BRANCH 49
Puerto Princesa City

JOHN TAN PAREDES, ET AL.,
Plaintiffs,

Civil Case No. 5986

-versus-

For:

HEIRS OF QUIRINO ACLA
NAMELY: LEONORLITA M.
ACLA, ET AL.,

Action for Revival of
Judgment

Defendants.

TRANSCRIPT

Of the stenographic notes of the proceedings taken down by the undersigned during the *ex-parte* hearing of the above-entitled case on 19 November 2020, at 2:00 o'clock in the afternoon, before the HON. PAZ SOLEDAD B. RODRIGUEZ-CAYETANO, Presiding Judge of this Branch of Court, Hall of Justice, Sta. Monica, Puerto Princesa City.

PRESENT:

HON. PAZ SOLEDAD B. RODRIGUEZ-CAYETANO
JANINE ANNE D. CANDELARIA
RHONER FELIZARTE
JULIUS M. BALMONTE

Presiding Judge
Acting Court Interpreter
Stenographer
Process Server

APPEARANCES:

ATTY. MARCELO JOSUE
ATTY. LEOGINA PALANCA

for the Plaintiffs
for the Defendants

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EVIDENCE FOR THE PETITIONER
DIRECT EXAMINATION
BY ATTY. JOSUE
Testimony of Plaintiff Joel N. Gulane

ACTING INTERPRETER:

Case Number 3, Civil Case No. 5986, JOHN TAN PAREDES, ET AL.,
Plaintiffs, versus HEIRS OF QUIRINO ACLA NAMELY:
LEONORLITA M. ACLA, ET AL., Defendants, Action for Revival of
Judgment, for *ex-parte* hearing.

ATTY. JOSUE:

Good afternoon, Your Honor!

COURT:

Good afternoon, Attorney!

ATTY. JOSUE:

Respectfully appearing as counsel for the plaintiffs.

COURT:

Do you have your clients with you?

ATTY. JOSUE:

My witness is here, Your Honor.

COURT:

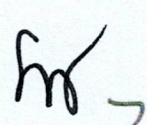
You call your witness. Proceed, Atty. Josue.

ATTY. JOSUE:

I would like to call my witness, Your Honor, in the person of Mr. Joel
Gulane.

COURT:

Swear in the witness.



EVIDENCE FOR THE PETITIONER
DIRECT EXAMINATION
BY ATTY. JOSUE
Testimony of Plaintiff Joel N. Gulane

ACTING INTERPRETER:
(to Witness)

Q: Sir, pakitaas po ang inyong kanang kamay po. Do you solemnly swear to tell the whole truth and nothing but the truth before this Honorable Court?

A: Yes, Your Honor.

Q: Paki-baba na po ang kamay po. Please state your name po.

A: I am Mr. Joel N. Gulane

Q: Ilang taon na po kayo, Sir?

A: I'm now 58 years old.

Q: Trabaho po?

A: Isa po akong school principal.

Q: Saan po kayo nakatira, Sir?

A: Now I'm residing at Antipuluan, Narra, Palawan.

Q: Married po?

A: Opo

COURT:

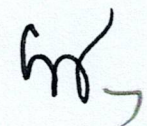

One moment, Atty. Josue. Anyway, Atty. Palanca is here. If I remember, I remember it now. Before, he sounds familiar but I remember it now, Sir, Attorney, you listen well, Atty. Palanca. Mr. Gulane, the principal, school teacher in Narra, Palawan?

WITNESS:

A: Formerly, yes, Your Honor, I was assigned in Narra, Palawan, and then, also I was assigned as school principal in Roxas National Comprehensive-

COURT:

I just would like to make it note, anyway, Atty. Palanca is here, Mr. Gulane was sued by a client of mine.



EVIDENCE FOR THE PETITIONER
DIRECT EXAMINATION
BY ATTY. JOSUE
Testimony of Plaintiff Joel N. Gulane

WITNESS:

A: Yes, Your Honor

COURT:

Many years, maybe more than 10 years ago.

WITNESS:

A: Yes, Your Honor

COURT:

But nothing happened in that case. I don't know what happened because I was no longer informed. So, with that, Atty. Palanca, ha?

(Off the record)

ATTY. PALANCA:

Your Honor, with that information, we trust this Honorable Court, Your Honor, and we submit it to the discretion of this Honorable Court on whether or not to continue with this case, Your Honor.

COURT:

I will continue.

ATTY. PALANCA:

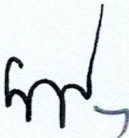

With us, Your Honor, we have no opposition as to that.

COURT:

Okay, thank you.

ATTY. PALANCA:

Thank you, Your Honor



EVIDENCE FOR THE PETITIONER
DIRECT EXAMINATION
BY ATTY. JOSUE
Testimony of Plaintiff Joel N. Gulane

COURT:

He was not my client, he was the opponent of my client.

ATTY. JOSUE:

Yes, Your Honor

COURT:

Okay, let us continue. Continue, Atty. Josue.

ATTY. JOSUE:

Yes, Your Honor

(to Witness)

Q: Mr. Witness, in connection with this case, do you remember having executed a Judicial Affidavit?

A: Yes, Your Honor

Q: If the same will be shown to you, will you recognize that Judicial Affidavit?

A: Yes, Your Honor

ATTY. JOSUE:

Your Honor, please, he will be testifying on this Judicial Affidavit.

COURT:

Yes

ATTY. JOSUE:

And the offer is likewise stated therein. This composed of three pages.

EVIDENCE FOR THE PETITIONER
DIRECT EXAMINATION
BY ATTY. JOSUE
Testimony of Plaintiff Joel N. Gulane

ATTY. JOSUE:
(to Witness)

Q: On the third page thereof, Mr. Witness, there is a signature of one Joel N. Gulane. Do you recognize that, Mr. Witness?

A: Yes, Your Honor

Q: Whose signature is that?

A: This is my signature, Your Honor

Q: And in this Judicial Affidavit, you have mentioned documents pertinent to this case. You have Exhibit A which is the Special Power of Attorney executed by John Tan Paredes. Do you have that, Mr. Witness?

A: Yes, Your Honor

Q: And our Exhibit B is a Special Power of Attorney executed by Josylyn P. Gulane and Joel P. Gulane, Jr. Do you likewise have the same, Mr. Witness?

A: I acknowledge this, Your Honor, these are the signatures of my co-owners, they are my children.

Q: And likewise, we have Exhibits C and D which is the Tax Declaration No. 18-18-020-1083 and TCT No. 065-2018001041 which is in your name together with Josylyn P. Gulane and Joel P. Gulane, Jr. Do you have that, Mr. Witness?

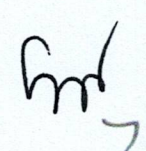

A: I have, Your Honor

COURT:

You show the original to the Court or are you submitting the originals, Atty. Josue?

ATTY. JOSUE:

Yes, Your Honor, aside from the title, the Deed of Absolute Sale and the Tax Declaration, we have here a copy to compare, Your Honor.



EVIDENCE FOR THE PETITIONER
DIRECT EXAMINATION
BY ATTY. JOSUE
Testimony of Plaintiff Joel N. Gulane

ATTY. JOSUE:
(to Witness)

Q: Mr. Witness, you also mentioned here Exhibit E which is the Deed of Absolute Sale dated March 8, 2018 in your favor executed by John Tan Paredes. Do you have a copy of that, Mr. Witness?

A: Yes, Your Honor, original- excuse me, a photocopy, Your Honor. I have a copy of this.

Q: Do you have with you the original? In this Deed of Absolute Sale, there is a signature above Joel Gulane, whose signature is this?

A: That's my signature, Your Honor. The other one is the signature of my son, my junior, Joel P. Gulane, Jr. and the signature of the former owner of the lot, that's John Tan Paredes and another signature of my daughter in the name of Josylyn P. Gulane, who is also my co-owner and the signature of Charo Tan Paredes, the wife of John Tan Paredes.

Q: Okay, Mr. Witness-

COURT:
(to Witness)

Q: How do you know these signatures? How do you know that those signatures which you identified are their signatures?

A: I was there when they signed the document, Your Honor.

COURT:

I did not ask you, Atty. Josue, I did not ask you, Mr. Gulane, if, also, you would like me to continue to hear the case, I only asked the defendants.

ATTY. JOSUE:

Yes, Your Honor, the same manifestation with the counsel of the defendants.

COURT:

Okay. Continue, Atty. Josue

EVIDENCE FOR THE PETITIONER
DIRECT EXAMINATION
BY ATTY. JOSUE
Testimony of Plaintiff Joel N. Gulane

ATTY. JOSUE:
(to Witness)

- Q: And we have Exhibit F which is the Decision of the Municipal Trial Court of Narra as regards the case filed by John Tan Paredes against the heirs of Quirino Acla. Do you have that Decision, Mr. Witness?
- A: Yes, I have, Your Honor.
- Q: Is that an original?
- A: This is a certified photocopy after paying the official receipt in the Clerk of Court. I have a copy, Your Honor.
- Q: And you have Exhibit G which is the Certification to File Action. Do you have that, Mr. Witness, with you?
- A: Yes, Your Honor.
- Q: That is original?
- A: This is original copy, Your Honor
- Q: And Exhibit H, which is the Decision of the Honorable Court of Branch 95 dated January 29, 2010. Do you have that with you, Mr. Witness?
- A: I have, Your Honor. This is a certified photocopy also, Your Honor, after paying certain amount in exchange of official receipt for this document, Your Honor.
- Q: And your Exhibit I which is the Certificate of Finality of the said Decision dated August 17, 2020. Do you have that document, Mr. Witness?
- A: I have, Your Honor, and this is with Official Receipt No. 41262400/4130737-E.
- Q: And the last exhibit is the copy of the Orihinal na Titulo Bilang E-27617 in the name of John Tan Paredes where you derived your title. Do you have that copy of title?
- A: Yes, I have, Your Honor.

EVIDENCE FOR THE PETITIONER
DIRECT EXAMINATION
BY ATTY. JOSUE
Testimony of Plaintiff Joel N. Gulane

ATTY. JOSUE:

That would be our Exhibit J composed of four pages, J-1, J-2 and J-3, Your Honor. Your Honor, please, Exhibit A, B, F, G, H, I and J are all original, Your Honor, we are submitting that to the Honorable Court and exhibits-

COURT:

In due time, Attorney, when you formally offer your evidence. Is he your last witness?

ATTY. JOSUE:

Yes, he's the only witness, Your Honor.

COURT:

You only have one witness.

ATTY. JOSUE:

One witness, Your Honor.

COURT:

You let him finish his testimony before you formally offer.

ATTY. JOSUE:
(to Witness)

Q: Mr. Witness, do you affirm and confirm the contents of you Judicial Affidavit?

A: I confirm, Your Honor

Q: The truthfulness of which, Mr. Witness?

A: Yes, the truthfulness of this Judicial Affidavit.



EVIDENCE FOR THE PETITIONER
CLARIFICATORY QUESTIONS
BY THE COURT
Testimony of Plaintiff Joel N. Gulane

ATTY. JOSUE:

Your Honor, please, this Judicial Affidavit will be the direct examination of this witness, Your Honor.

COURT:

Yes. So, you're done, Attorney. Let me ask. Considering that the defendants are declared in default, yes, Mr. Gulane.

(to Witness)

Q: Now, this is an Action for Revival of Judgment, correct?

A: Yes, Your Honor

Q: So, necessarily, there must be action or judgment has been rendered in order that you have to revive the judgment, correct?

A: Yes, Your Honor

Q: Yes. And that action, previous action where there is judgment, what action is that, what case is that?

A: Your Honor, I should recall that there is already a Decision.

Q: What action is that, what case?

A: The action is-

Q: What is that case?

A: The case of ejectment, Your Honor.

Q: Who filed that case?

A: In the record, Your Honor, Mr. John Tan Paredes.

Q: So, it is John Tan Paredes?

A: Yes, Your Honor

Q: And what, if you know, what is the case number of that?

A: If I could recall, Your Honor, it is Civil Case No. 4522.

Q: 4522. The original case because, if you remember, 4522, where was that file?

A: This was filed in the Municipal Trial Court of-

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EVIDENCE FOR THE PETITIONER
CLARIFICATORY QUESTIONS
BY THE COURT
Testimony of Plaintiff Joel N. Gulane

Q: Are you sure of that? So, when this case you're saying, this case where there is a final judgment, you were not yet a party to that?

A: I am not yet, Your Honor

Q: Why?

A: Because I'm not yet the owner of the lot that time.

Q: So, it was?

A: It was stil John Tan Paredes.

Q: So, how did it become that you're now the owner of the subject land?

A: In good faith, Your Honor, I have seen the title in the name of Mr. John Tan Paredes, the title is Katibayan ng Orihinal na Titulo-

Q: Bilang?

A: Excuse me, Your Honor, wala po ang aking salamin ano? Ito po ay may bilang E-27617, Your Honor.

Q: So, that is in the name of Mr. John-

A: Mr. John Tan Paredes, Your Honor.

Q: So, how did it become that you are now the owner?

A: By way of purchasing the lot, Your Honor.

Q: So, did you know at that time-

A: Meron pong Deed of Sale, Your Honor.

Q: Yes, yes. So, when you purchased that lot, did you come to know whether that land- because you premised your answer earlier that you bought it in good faith?

A: Yes, Your Honor

Q: So, when you purchased the land, did you come to know that there was a case involving that lot?

A: I know nothing about it, Your Honor.

Q: At the time of the purchase?

A: Yes, Your Honor

EVIDENCE FOR THE PETITIONER
CLARIFICATORY QUESTIONS
BY THE COURT

Testimony of Plaintiff Joel N. Gulane

Q: Did you go to, of course, if you're a buyer and you are parting with your sum of money, of course you make sure that you're not buying a problem, correct?

A: Yes, Your Honor

Q: So, did you not investigate about that property if, it is sold to you, you are not buying a problem as a prudent buyer?

A: Yes, Your Honor

Q: So, what did you do?

A: Well, I have looked at the documents they offered to me when the son of Mr. John Tan Paredes came to my house.

Q: What is that document?

A: Of course, the title, Your Honor

Q: The title. So, what did you see from the title?

A: The title is so clean, Your Honor.

Q: When you say clean?

A: There is no any remarks at the back whether it is-

Q: Even then, did you ask Mr. Paredes if outside that Certificate of Title, there is, if any, problem to that?

A: I know nothing about it, Your Honor.

Q: No, my question is, did you ask Mr. John Tan Paredes?

A: Your Honor, he was detained in the Municipal Jail, Your Honor, that time.

Q: So, who did you transact with?

A: With his son and his wife, Your Honor.

Q: So, considering that you were not transacting with Mr. John Tan Paredes, as a prudent buyer also, Mr. Gulane, did you go to the area that you were buying?

A: Yes, Your Honor, of course. Because the nearby lot of that lot owned by John Tan is my lot, Your Honor, my titled lot.

Q: Are they adjacent to each other?

A: They are adjacent, Your Honor

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EVIDENCE FOR THE PETITIONER
CLARIFICATORY QUESTIONS
BY THE COURT

Testimony of Plaintiff Joel N. Gulane

Q: So, what separates them?

A: Only the fence, Your Honor.

Q: The fence is made of what?

A: It's all temporary.

Q: Yes, what materials?

A: Piece of barbwire and some posts, Your Honor.

Q: So, you can see it through?

A: Yes, Your Honor

Q: ...the barbwire, ha?

A: It's no longer established, Your Honor, because-

Q: No, no, you understand the question. You can see through the barbwire. So, if you're in your property and would like to look at the property of John Tan-

A: Yes, Your Honor, you can see-

Q: Let me finish. If you want to look at the area you are buying, you can see though the area through the barbwire?

A: Yes, Your Honor

Q: How big is the property, what's the area?

A: The property is an open area.

Q: Yes, I'm asking you of the area. Anyway we can see this from the Transfer Certificate of Title. With an area of 53,995 square meters, more than 5 hectares.

A: Yes, Your Honor

Q: So, meaning to say, when you're saying that you're in your property, of course, if you will look at the area you are buying, even if you say that you can see through the barbwire, you cannot see the entire 5 hectares, correct? Yes or no?

A: Of course, Your Honor, yes, Your Honor

EVIDENCE FOR THE PETITIONER
CLARIFICATORY QUESTIONS
BY THE COURT
Testimony of Plaintiff Joel N. Gulane

Q: Yes. Now, since you cannot see the entire area, did you find out or did you go to the entire area to see that every nook and cranny of it is free from any encumbrance or anyone who might be staying there? Did you do that?

A: Actually, Your Honor, the area is not occupied by anybody.

Q: No, you answer me, answer my question. Pinuntahan mo ba bawat sulok ng lupa binibili mo para makita mo na wala kang binibiling problema?

A: Yes, Your Honor, I tried to go around and I saw the house of Mr. Acla inside the area, Your Honor.

Q: So you did that prior to the purchase?

A: I know that, Your Honor, before the purchase.

Q: Yes. Just yes or no, Mr. Gulane, para hindi tayo matagal.

A: Opo

Q: So, you knew already that Mr. Acla was there even before the purchase?

A: Yes, Your Honor

Q: And even then-

A: Because I-

Q: You still pursued the purchase of the land?

A: Yes, Your Honor

Q: So, did you not ask the parties from whom you bought the property why is Mr. Acla in that property?

A: I know that he was in the property, Your Honor.

Q: Yes, you did not ask?

A: I did not ask, Your Honor.

Q: My question, I repeat, Mr. Gulane ha, for the third and nth time maybe. You just answer my question by yes or no, ha? To be simple, yes? So, did you ask why Mr. Acla was there?

A: No, Your Honor

Q: So, you simply accepted that there is somebody who is occupying the land?

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EVIDENCE FOR THE PETITIONER
CLARIFICATORY QUESTIONS
BY THE COURT
Testimony of Plaintiff Joel N. Gulane

A: Yes, Your Honor

Q: So, would you not find that strange that finding somebody there in the property that you're buying without doing anything about it?

A: I did nothing, Your Honor.

Q: Yes. Isn't that strange? Yes or no?

A: Yes, Your Honor

Q: Yes, but even then, you did not complain to Mr. Tan or his family?

A: I cannot talk to Mr. Tan-

Q: Or his family, yes or no?

A: They are not deciding, Your Honor, it's Mr. John Tan, they-

Q: Oh, so, how will you be transacting to somebody you are not talking to?

A: In decision-making, Your Honor, it's Mr. John Tan.

Q: Yes, but you are not talking to him, correct? That's your answer. You are purchasing something from somebody you do not talk to. That was your statement, correct? Yes or no?

COURT:

You just note there that he did not answer the question.

WITNESS:

A: I will answer it, Your Honor, no, Your Honor.

COURT:

(to Witness)

Q: So, you're misleading the Court. Because you have stated that, on record, and now you are saying that you are not saying that?

A: Your Honor, I'm talking to the wife of John Tan and the son, Your Honor, I can no longer recall the name of the son.

Q: I asked you "or his family" earlier.

A: Only the wife and the son, Your Honor.

hr

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EVIDENCE FOR THE PETITIONER
CLARIFICATORY QUESTIONS
BY THE COURT

Testimony of Plaintiff Joel N. Gulane

Q: Yes. Did you raise this matter to them?

A: Yes, Your Honor

Q: And they said?

A: There is already Decision, Your Honor.

Q: So, you knew. Did you check what that Decision all about?

A: Yes, Your Honor. The Decision of the Municipal Trial Court that the lot was already- that Mr. Acla and family should vacate the area, Your Honor, that is the Decision of the Court.

Q: So, you knew that, Mr. Gulane, before you filed your Answer, correct?

A: Yes, Your Honor

Q: Yes. And, even then, you did not state that in your Verification and Certification that there was a previous case, correct?

A: That was not mentioned, Your Honor.

Q: Now, so, if you know, Mr. Gulane, that prior to this case, the Judgment of which you're praying to be revived, that there was a previous case not filed by John Tan Paredes but the father? Have you come to know about that?

A: I know nothing about it, Your Honor.

Q: So, you do not know that Proyecto Tan Paredes earlier filed a case against Quirino Acla?

A: Before, Your Honor, I know nothing about it, Your Honor.

Q: Before, when is that before?

A: Before the revival of this case, Your Honor.

Q: So, you only came to know of that case filed by Proyecto Tan Paredes when?

A: I cannot recall the date, Your Honor, but it's because I have seen some documents already-

Q: After?

A: After filing

Q: After the filing of this case?

A: Yes, Your Honor

hr

7

EVIDENCE FOR THE PETITIONER
CLARIFICATORY QUESTIONS
BY THE COURT

Testimony of Plaintiff Joel N. Gulane

Q: So, you already know. Did you come to know whether the Judgment in that case filed by Mr. Tan Paredes? You do not know?

A: I do not know, Your Honor.

Q: So, you do not know whether or not that case was favorable to Proyecto Tan Paredes?

A: I know nothing about it, Your Honor. Your Honor, I just relied on the documents shown to me by-

Q: By?

A: ...John Tan and her wife, and that is the Decision of the Municipal Trial Court.

Q: No, with respect to Proyecto Tan Paredes, the case of Proyecto Tan Paredes?

A: I know nothing about it, Your Honor.

Q: So, you do not know when Mr. Acla or his heirs were in that property when you found him, when you purchased the lot, when was he there?

A: I cannot recall, I cannot surely say that I know because I am not residing in the area, Your Honor, I just happened to visit that because Mr. Acla long before, was in the other side and later I have seen his house built in the corner, Your Honor. But I was not interested in that issue, Your Honor, before.

Q: So, you do not when they occupied that land?

A: I know nothing about it, Your Honor.

Q: So you do not also know the reason why they occupied that land?

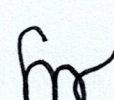
A: Yes, Your Honor, I know nothing.

Q: With respect to the civil case that you want the Judgment to be revived, you only came to know of this on the basis of the documents presented to you by John Tan Paredes?

A: Very much, yes, Your Honor.

COURT:

I guess that's all. Atty. Josue, if you have questions from the questions of the Court?



ATTY. JOSUE:

I just would like to make some clarifications, Your Honor, in relation to the questions propounded by the Court to the witness.

COURT:

Yes, go ahead.

ATTY. JOSUE:

The Certificate of Finality of the Decision in the appeal to the RTC, Your Honor, was marked-

COURT:

Do not make a manifestation, Atty. Josue, that must come from the witness. Let it remain there. He said he did not know about this, yes? He does not know about- he did not speak of any appeal, ha? So do not make a manifestation, yes? The facts must come from the witness.

ATTY. JOSUE:

At any rate, Your Honor, we have all the documents, Your Honor.

COURT:

Yes, you submit your documents, we will know from the evidence that is to be presented.

ATTY. JOSUE:

Your Honor, please, we have only three documents which are not original, C, D and E.

COURT:

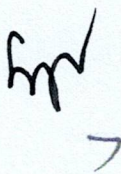
What are these?

ATTY. JOSUE:

But we have already the original, Your Honor, we would just like to compare it with our submitted photocopy-

COURT:

What is Exhibit C?

A handwritten signature, possibly 'Lm', followed by a checkmark-like symbol.

ATTY. JOSUE:

C is the Tax Declaration, Your Honor, D is the-

COURT:

One moment, Attorney. What Tax Declaration, Atty. Josue, it can be easily obtained from the Office of the Municipal Assessor. Submit the original. What's the purpose?

ATTY. JOSUE:

We just submit the same, Your Honor, we'll secure another one from-

COURT:

Yes

ATTY. JOSUE:

But we can submit the original of this title, Your Honor. We just want to compare our copy if it is a faithful reproduction.

COURT:

With respect to the Transfer Certificate of Title, Atty. Josue, you can also get a copy from the Office of the Register of Deeds, these are easy matters.

ATTY. JOSUE:

Okay, Your Honor, we would like to pray for continuance, Your Honor, and we'll be securing the original copies, Your Honor, of the three documents, Your Honor.

COURT:

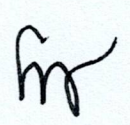
So, you don't have other settings?

ATTY. JOSUE:

We have, Your Honor, on February 11.

COURT:

February 11, until then. Okay.



(Off the record)

COURT:

ORDER: When this case was called this afternoon, plaintiff Joel N. Gulane and his counsel, Atty. Marcelo Josue appeared. The Court also noted the presence of Aldrin M. Acla, the representative of the defendants and his counsel, Atty. Leogina Palanca.

The plaintiff Joel N. Gulane, took the witness stand today with his Judicial Affidavit and he completed his testimony. He identified Exhibits A to J as appearing in his Judicial Affidavit.

Considering that the defendants are declared in default, the Court asked some clarificatory questions from the witness.

There being no other witness for today, let this case be called again *ex-parte* on 11 February 2021, at 1:00 o'clock in the afternoon, as previously scheduled before Atty. Mary Melanyn G. Arambulo, Branch Clerk of Court V.


Atty. Josue undertakes to bring her witness on that date.

SO ORDERED

Adjourned

CERTIFICATION

I hereby certify to the correctness of the foregoing Transcript of Stenographic Notes to the best of my knowledge and ability.


RHONER E. FELIZARTE
COURT STENOGRAPHER III

AFFIDAVIT OF SERVICE

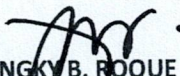
I, JINGKY B. ROQUE, under oath, depose and state that:

1. I am the administrative assistant of PALANCA LAW OFFICE/ATTY. LEOGINA S. PALANCA, with office address at 10 Old Buncag Street, Puerto Princesa City, Palawan;

2. I served by personal service/registered mail and electronic mail the Omnibus Motion in the case entitled Heirs of Quirino Acla, namely: Leonorlita M. Acla, Et al. vs. John Tan Paredes, Et al., Civil Case No.5872 for Declaration of Nullity of Kaloob na Patente Blg. 045315-06-19375, Original Certificate of Title No. E-27617, Transfer Certificate of Title No. 065-2018001041, Deed of Sale, Reconveyance with Prayer for Temporary Restraining Order and/or Preliminary Prohibitory Injunction and Damages on the following parties and the Honorable Court on the date indicated below:

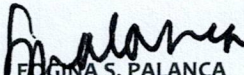
Name	Address	Date of Service	Mode of Service
Atty. Marcelo C. Josue	Barangay Poblacion, Narra, Palawan	March 11, 2022	Electronic Mail (mcjosue456@yahoo.com) and Registered Mail
Municipal Assessor of Narra	Poblacion, Narra, Palawan	March 11, 2022	Electronic Mail (lgunarraofficial@gmail.com) and Registered Mail
Register of Deeds	Provincial Capitol Compound, Rizal Avenue, Puerto Princesa City, Palawan	March 11, 2022	Electronic Mail (LRARDPalawan@gmail.com) and Registered Mail
DENR MIMAROPA	Region 1515, L & S Building, Roxas Boulevard, Ermita, Manila	March 11, 2022	Electronic Mail (mimaroparegion@denr.gov.ph) and Registered Mail
Office of the Solicitor General	134 Amorsolo Street, Legaspi Village, Makati City 1229	March 11, 2022	Electronic Mail (docket@osg.gov.ph) and Registered Mail
Prosecutor Jhaciel S. Juanico-Quicho	Office of the City Prosecutor Hall of Justice Barangay Sta. Monica, Puerto Princesa City, Palawan	March 11, 2022	Electronic Mail (ocpppcpalawan5300@gmail.com) and Personal Service
Regional Trial Court Fourth Judicial Branch 52	Hall of Justice Barangay Sta. Monica, Puerto Princesa City, Palawan	March 11, 2022	Electronic Mail (rtc1prp052@judiciary.gov.ph) and Personal Service

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of March 2022 in the City of Puerto Princesa, Palawan, Philippines.


JINGKY B. ROQUE
Affiant

SUBSCRIBED AND SWORN to before me this 11th day of March 2022 in Puerto Princesa City, Palawan affiant exhibiting to me her Philhealth ID 0-9050513799-9.

DOC NO. 408
PAGE NO. 83
BOOK NO. III
SERIES OF 2022


EDGINA S. PALANCA
NOTARY PUBLIC FOR THE CITY OF
PUERTO PRINCESA AND THE MUNICIPALITIES
OF ABORLAN, NARRA, CUYO, AGUTAYA AND
MAGSAYSAY, PROVINCE OF PALAWAN
UNTIL 31 DECEMBER 2021
(Notarial Commission extended up to 06/30/2022 under B.M. No. 3795)
ROLL NO. 60012
PTR NO. 0889447; 01/04/2022; PPC
IBP NO. 179578; 01/25/2022; MNL