

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
OR. MINDORO
Branch 39
Calapan City

Registry Receipt #
TRCO Main Post Office 21
04/21/2016
Annex "F"
RTC BRANCH 39
RECEIVED
04-22-16
3:00 PM
4/22/16 5:05 PM

SPS. NORMA BAGOS AND
DEMETRIO BAGOS,
Petitioner,

-versus-

TEODORO BACAY AND
MILAGROS DELOS REYES,
Defendants.

CIVIL CASE NO. CV-16-6928
*Quieting of Title with Recovery
of Possession and Damages with
Prayer for the Immediate Actual
Independent Survey on the
Location of the Property*

X-----X

MOTION TO DISMISS

RESPONDENTS TEODORO BACAY and MILAGROS D.
BACAY, through counsel, respectfully move for the dismissal of the case
and alleges:

Perspective

Let us start with what is settled.

The Supreme Court in *Francisco v. Robles*, 94 Phil. 1035, 1954 and
National Irrigation Administration v. Court of Appeals, G.R. No. 129169,
17 November 1999, ruled that:

xxx xxx xxx "An allegation of prescription can effectively be
used in a motion to dismiss when the complaint on its face
shows that indeed the action has already prescribed."

Here, the complaint shows that plaintiffs' causes of actions for
quieting of title and reconveyance are already barred by the statute of
limitation. The case should be dismissed because period for the plaintiffs to
recover the ownership and possession of the disputed property has long
prescribed.

I.
The Complaint

1. The complaint alleges that plaintiffs obtain their interest over
the property sometime in 1989. They purchased it from Sps. Romeo De

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ATTY. RONNEL A. DEINLA
Clerk of Court Y

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Mesa and Consulo De Mesa (hereinafter referred to as "Sps. De Mesa").¹

2. The plaintiffs further allege that the contested property was possessed by Demetrio Manalo and Nestor Manalo². And, now the property is actually occupied by the defendants³.

3. Despite plaintiffs' allegation that Nester Manalo is one of the owners of the contested property, the complaint fails to implead her as one of the defendants.

II. Issues

4. The ground which calls for the dismissal of this case is prescription of action. Hence, the issue in this incident is:

WHETHER PLAINTIFFS' CAUSES OF ACTION FOR QUIETING OF TITLE AND RECOVEYANCE ARE BARRED BY THE STATUTE OF LIMITATIONS

III. Discussion

*Plaintiffs' causes of action for
Quieting of Title and Reconveyance
have long prescribed.*

5. On the face of the complaint, plaintiffs' causes of action for quieting of title and reconveyance have long prescribed. Plaintiffs acquired their interest over the property in 1989, or MORE THAN TWENTY SEVEN (27) YEARS AGO, and they were not in actual possession of property. The Supreme Court, through Justice Carpio, exhaustively explained in *Sps. Alfredo v. Sps. Borrás, G.R. No. 144225, 17 June 2003*, how prescription operates in cases of reconveyance as when the plaintiff is not in possession:

*To determine when the prescriptive period commenced in an action for reconveyance, PLAINTIFF'S POSSESSION OF THE DISPUTED PROPERTY IS MATERIAL. An action for reconveyance based on an implied trust prescribes in ten years. THE TEN-YEAR PRESCRIPTIVE PERIOD APPLIES ONLY IF THERE IS AN ACTUAL NEED TO RECONVEY THE

¹ COMPLAINT, Paragraph 3.

² *Ibid*, Paragraph 6.

³ *Ibid*, Paragraph 8.

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Clerk of Court V

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“Article 1144. The following actions must be brought within ten years from the time the right of action accrues:

- “(1) Upon a written contract;
- “(2) *Upon an obligation created by law;*
- “(3) Upon a judgment.

XXX

XXX

XXX

(Italics supplied).

“AN ACTION FOR RECONVEYANCE BASED ON AN IMPLIED OR CONSTRUCTIVE TRUST MUST PERFORCE PRESCRIBE IN TEN YEARS AND NOT OTHERWISE. A long line of decisions of this Court, and of very recent vintage at that, illustrates this rule. UNDOUBTEDLY, IT IS NOW WELL-SETTLED THAT AN ACTION FOR RECONVEYANCE BASED ON AN IMPLIED OR CONSTRUCTIVE TRUST PRESCRIBES IN TEN YEARS FROM THE ISSUANCE OF THE TORRENS TITLE OVER THE PROPERTY. The only discordant note, it seems, is *Balbin vs. Medalla* which states that the prescriptive period for a reconveyance action is four years. However, this variance can be explained by the erroneous reliance on *Gerona vs. de Guzman*. But in *Gerona*, the fraud was discovered on June 25, 1948, hence Section 43(3) of Act No. 190, was applied, the new Civil Code not coming into effect until August 30, 1950 as mentioned earlier. It must be stressed, at this juncture, that Article 1144 and Article 1456, are new provisions. They have no counterparts in the old Civil Code or in the old Code of Civil Procedure, the latter being then resorted to as legal basis of the four-year prescriptive period for an action for reconveyance of title of real property acquired under false pretenses.

“An action for reconveyance has its basis in Section 53, paragraph 3 of Presidential Decree No. 1529, which provides:

“In all cases of registration procured by fraud, the owner may pursue all his legal and equitable remedies against the parties to such fraud without prejudice, however, to the rights of any innocent holder of the decree of registration on the original petition or application, ...

“This provision should be read in conjunction with Article 1456 of the Civil Code, which provides:

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ATTY. ROYNEL A. DEINLA
Clerk of Court V

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“Article 1456. If property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person from whom the property comes.

“The law thereby creates the obligation of the trustee to reconvey the property and the title thereto in favor of the true owner. Correlating Section 53, paragraph 3 of Presidential Decree No. 1529 and Article 1456 of the Civil Code with Article 1144(2) of the Civil Code, *supra*, THE PRESCRIPTIVE PERIOD FOR THE RECONVEYANCE OF FRAUDULENTLY REGISTERED REAL PROPERTY IS TEN (10) YEARS RECKONED FROM THE DATE OF THE ISSUANCE OF THE CERTIFICATE OF TITLE . . . (Emphasis supplied)

“Following *Caro*, we have consistently held that an action for reconveyance based on an implied trust prescribes in ten years. We went further by specifying the reference point of the ten-year prescriptive period as the date of the registration of the deed or the issuance of the title.

“Had Armando and Adelia remained in possession of the Subject Land, their action for reconveyance, in effect an action to quiet title to property, would not be subject to prescription. Prescription does not run against the plaintiff in actual possession of the disputed land because such plaintiff has a right to wait until his possession is disturbed or his title is questioned before initiating an action to vindicate his right. His undisturbed possession gives him the continuing right to seek the aid of a court of equity to determine the nature of the adverse claim of a third party and its effect on his title.

“Armando and Adelia lost possession of the Subject Land when the Subsequent Buyers forcibly drove away from the Subject Land the Natanawans, the tenants of Armando and Adelia. This created an actual need for Armando and Adelia to seek reconveyance of the Subject Land. The statute of limitation becomes relevant in this case. THE TEN-YEAR PRESCRIPTIVE PERIOD STARTED TO RUN FROM THE DATE THE SUBSEQUENT BUYERS REGISTERED THEIR DEEDS OF SALE WITH THE REGISTER OF DEEDS.”

6. Here, plaintiffs’ causes of action are governed by the statutes of limitations. Being not the actual possessor of the disputed land, plaintiffs only have ten (10) years from the date Spouses Teodoro Bacay and Milagros Bacay (hereinafter referred to as “Sps. Bacay”) registered with

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11 JUL 2023

ATTY. RONNEL A. DEINLA
Clerk of Court V

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the Register of Deeds their ownership of the contested lot. As early as 28 June 1990, Sps. Bacay, as co-owners of Nester Manalo, had the disputed property – being part of a bigger parcel of land - registered under their names. Hence, the issuance of Transfer Certificate of Title No. T-53981⁴ to the defendants and Nester Manalo. The ten-year period for the plaintiffs to seek reconveyance of the contested property commenced on 29 June 1990, and ended on 27 June 2000. Plaintiffs' causes of action had prescribed sixteen years ago!

7. Here, it is worse. The defendants did not register the contested lot through fraud, mistake, or negligence. They own it. The disputed property is part of 4,882 sq. m. lot embraced by TCT No. T-53981 registered to Sps. Bacay and Nester Manalo. This is shown by the Sketch Plan of Lot 8210, Cad. 533-D, C-9⁵ prepared by Engr. Cresente M. Mendoza. The survey of said property was made on 29 April 1968.

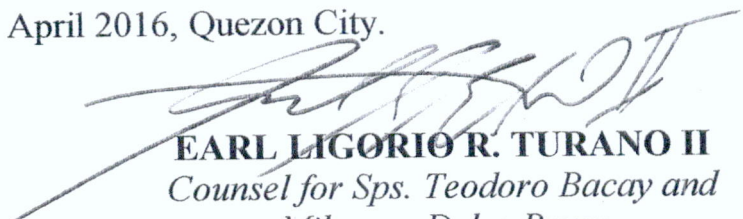
8. Therefore, there is no need to proceed to trial and waste the Honorable Court's precious time on causes of action which had prescribed sixteen (16) years ago.

PRAYER

WHEREFORE, defendants Sps. Bacay, respectfully pray for the dismissal of this case on the ground of prescription of causes of action.

Other reliefs just and equitable are likewise prayed for.

21 April 2016, Quezon City.


EARL LIGORIO R. TURANO II
*Counsel for Sps. Teodoro Bacay and
Milagros Delos Reyes*

Roll Number: 58173

PTR No.: 7555383/Baco, Or. Mdo./ 7 January 2016

IBP No.: 1018671/Or. Mindoro/6 January 2016

MCLE 5th Compliance⁶

Suite 1501, West Trade Center Bldg.

• 132 West Avenue, Quezon City, Metro Manila

Tel: [+632] 410-2179 Telefax: [+632] 921-4977

⁴ Copy of TCT No. T-53981 is attached here as **ANNEX "1."**

⁵ Copy of Sketch Plan for Lot 8210 Cad.-533, C-9 prepared by Cresente M. Mendoza dated 28 April 1968 is attached here as **ANNEX "2."**

⁶ Complied on 12 March 2016, during IBP Quezon City MCLE Seminar; however MCLE Compliance Certificate is not yet available.

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ATTY. RONNEL A. DEINLA
Clerk of Court V

Copy furnished via registered mail:

ATTY. HOSPICIO I. LAYGO, JR.
Luna Square, MOTOC Terminal
Lalud, Calapan City
Or. Mindoro

Registry Receipt # RD 608 568 315 22
FRISCO Main Post Office
01/21/2016

**NOTICE OF HEARING /
EXPLANATION AS TO THE MODE OF SERVICE**

THE BRANCH CLERK OF COURT

Regional Trial Court – Branch 39
Calapan City, Or. Mindoro

Please include the foregoing motion in the calendar of the Honorable Court on 28 April 2016, at 8:30 in the morning for its consideration and resolution.

Pursuant to Section 11, Rule 13 of the 1997 Rules of Civil Procedure, this certifies that personal service was not resorted to for the reason that due to time, distance and manpower constraints, the same is not practicable.


EARL LIGORIO R. TURANO II

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11 JUL 2023


ATTY. RONNEL A. DEINLA
Clerk of Court V

N No. 336545

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
(Land Registration Authority)
QUEZON CITY

PROVINCE OF MINDORO ORIENTAL
REGISTRY OF DEEDS FOR THE

Transfer Certificate of Title

No. 53981

IT IS HEREBY CERTIFIED that certain land situated in the Province of Oriental Mindoro, Philippines, more particularly bounded and described as follows:

A tract of Agricultural Public Land (Lot 8210, Cad. 533-D, C-9, situated in the Barrio of Aninuan, Mun. of Pto. Galera, Province of Or. Mindoro, with an area of 00-hac, 48-cara-82 centares, according to the official survey, hereof on file in the Bureau of Lands, Manila, and described as follows: Lot No. 8210, Cad. 533-D, C-9, Beginning at a point marked 1" of Lot 8210, Cad. 533-D, C-9, being S. 02-16°W., 6001.41 m. from BLM No. 1, Cad. 533-D, Pto. Galera, Calatze, thence: S. 15-25°W., 17.96 m. to pt. 2; S. 30-21°E., 54.46 m. to point 3; is registered in accordance with the provisions of section 103 of the Property Registration Decree in the name of Co-owners: NESTOR ARANZADO, married to Demetrio Natalo (1.456sq.m.) and to Spouses TEODORO BACAY AND PILAGROS DE LOS REYES, of legal age, both filipinos and resident of Aninuan, Puerto Galera, Or. Mindoro, Philippines. a portion of (3.426 sq.m.) XXXXX subject to the provisions of the said Property Registration Decree and the Public Land Act, as well as to those of the Mining Laws, if the land is mineral, and subject, further, to such conditions contained in the original title as may be subsisting, and to

IT IS FURTHER CERTIFIED that said land was originally registered on the 22nd day of May, in the year nineteen hundred and eighty, in Registration Book No. R-10, page 195, of the Office of the Register of Deeds of Or. Mindoro, as Original Certificate of Title No. R-1995, pursuant to a Homestead patent, in the name of NESTOR ARANZADO, granted by the President of the Philippines, on the 14th day of May, in the year nineteen hundred and eighty, under Act No. 141.

This certificate is a transfer from Original Certificate of Title No. R-1995 R-10 which is cancelled by virtue hereof in so far as the above described land is concerned.



Entered at Calapan, Or. Mindoro Philippines, on the 20th day of June, in the year nineteen hundred and ninety, at 9:43 a.m.

RICARDO S. LOGASPI JR.
(Register of Deeds)

Aninuan, Pto. Galera, Or. Mdo.
(Owner's Postal Address)

*State the civil status, name of spouse if married, age if a minor, citizenship and residence of the registered owner. If the owner is a married woman, state also the citizenship of her husband. If the land is registered in the name of the conjugal partnership, state the citizenship of both spouses.

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11 JUL 2023

ATTY. RONNEL A. DEINLA
Clerk of Court V

MEMORANDUM OF ENCUMBRANCES

(When necessary use this page for the continuation of the technical description)

Entry No.

S. 26-19W., 42.92 m. to point 4; N. 65-04'W., 47.21 m. to point 5;
 N. 26-36'W., 66.30 m. to point 6; N. 72-50'E., 65.40 m. to point 1;
 Point of beginning, containing an area of FOUR THOUSAND EIGHT HUNDRED AND E
 TWO(4,882) SQUARE METERS, more or less. All points referred to are indica-
 ted on the plan and are marked on the ground as follows: Points 1, 5, & 6 by
 P.S. cyl. conc. Mons. and the rest by Old P.S. cyl. conc. Mons. Bounded on the
 NE., & SE., along line 1-2-3-4 by Lot 8146, H. 7456, (portion) of Basilio
 Magbuhos: on the SW., along line 4-5 by Lot 8211, Cad. 533-D, Pto. Calera Cad:
 on the W., along line 5-6 by Lot 8147, Cad. 533-D, Pto. Calera Cadastre: and
 on the NW., along line 6-1 by Lot 8142, Cad. 533-D, Pto. Calera Cadastre.
 Bearings grid. This lot was surveyed in accordance with law and existing
 regulations promulgated thereunder by Geodetic Engineer, Samuel A. Domapias,
 on January 19-31, 1977 and was approved on September 25, 1978. NOTE: This lot
 is covered by E.P.A. (1V-A-5) 9096.

RICARDO S. LEGASPI JR.
 Register of Deeds.

(Memorandum of Encumbrances continued on Page -B)
 (Technical Description continued on Additional Sheet Page -)

Register of Deeds

11 JUL 2023

ATTY. ROSEL A. DELA
 Clerk of Court V

R.L. Form No. 100-V-1 (B2)

SKETCH
 PLAN
 LOT 8210 CAD-533-D, C-9
 AS SUBMITTED FOR
 CANTARON

LIGORIO R. TURANO II
est Trade Center Building
Avenue, Quezon City

REGIONAL TRIAL COURT – 39
Provincial Capitol Complex
Camilmil, Calapan City
Or. Mindoro

FULL NAME (Last Name, First Name, Middle Name)
LIGORIO R. TURANO II

COMPLETE ADDRESS (Unit Number, House/Building/Street Number, Street Name, Barangay/Subdivision, City)
Unit 501 West Trade Center
Avenue, Quezon City

CONTACT NUMBER/S
410-2179

TO:
RTC - Branch 39

FULL NAME (Last Name, First Name, Middle Name)
Provincial Capitol Complex

COMPLETE ADDRESS (Unit Number, House/Building/Street Number, Street Name, Barangay/Subdivision, City)
Calapan City, Oriental

CONTACT NUMBER/S

PLACE STICKER LABEL HERE

QUITTING OF POSSESSION AND
RECOVERY OF DAMAGES
DAMAGES

IN THE
TH

TRACKING NO.
N-POUCH - REGULAR
126284432486 JR0

WITH
SESSION AND
AYER FOR
ACTUAL
VEY ON
PROPERTY

we like to Move It

RECEIPT NO. _____
DATE ACCEPTED _____

I certify that there is no cash, check and/or valuable inside.
I also certify that I have read & accepted the terms & conditions stated at the back

NO CASH INSIDE

and unto his

plaintiff is the

tioned land to

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the said land

even while the case is under determination by the Court.

That in order to carry out said determination of the measurements, location and ownership of the land of the defendant and plaintiff, it is but

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11 JUL 2023

ATTY. RONEL A. DEINLA
Clerk of Court V

85859
1-800-10-8585
 PROVIDER
 www.lbcexp
 www.twitter.com/lb
 www.facebook.com/lb

TO: RTG - Branch 39

CONTACT NUMBER/S
 410-2179

FULL NAME (Last Name, First Name, Middle Name)
 Arlene, Alvarez City

COMPLETE ADDRESS (Unit Number, House/Building/Street Number, Street Name, Barangay/Subdivision, City/Municipality, Province)
 Provincial Capitol Complex, Cainta, Rizal
 Cainta City, Oriental Mindoro

CONTACT NUMBER/S
 32

TRACKING NO.
 N - POUCH - REGULAR
 126284432486

PLACE STICKER LABEL HERE

CIVIL CASE
 6928

QUITTING OF POSSESSION AND RECEIPT OF DEED FOR ACTUAL SURVEY ON PROPERTY

we Like To Move It

NO CASH INSIDE

RECEIPT NO.
DATE ACCEPTED
 I certify that there is no cash, check and/or valuable inside.
 I also certify that I have read & accepted the terms & conditions stated at the back

and unto his

plaintiff is the

quarantined land to

and court

the said land

even while the case is under determination by the Court.

That in order to carry out said determination of the measurements, location and ownership of the land of the defendant and plaintiff, it is but

33
 RTC BRANCH 39
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DATE: 4/28/16
TIME: 8:46 AM
BY:
REF. NO.: 02

REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
REGIONAL TRIAL COURT
ORIENTAL MINDORO
CALAPAN CITY
BRANCH 39
-oOo-

33
RTC BRANCH 39
RECEIVED
DATE: 4/28/16
TIME: 8:46 AM
BY: [Signature]
REF. No. 02

Annex "G"

Sps. NORMA BAGOS and
DEMETRIO BAGOS,
Plaintiffs,

CIVIL CASE NO. 16-6928

-versus-

-for-

TEODORO BACAY,
Defendants.

QUIETING OF TITLE WITH
RECOVERY OF POSSESSION AND
DAMAGES WITH PRAYER FOR
THE IMMEDIATE ACTUAL
INDEPENDENT SURVEY ON
THE LOCATION OF PROPERTY

X-----X

MOTION FOR THE CONDUCT
OF INDEPENDENT SURVEY

COMES NOW, the plaintiff, by the undersigned counsel, and unto his
Honorable Court, most respectfully states:

That the very urgent and most vital prayers of the plaintiff is the
conduct of the independent survey of the adjacent and questioned land to
be witnessed by both party plaintiffs and defendants and court
representative to determine the location and ownership of the said land
even while the case is under determination by the Court.

That in order to carry out said determination of the measurements,
location and ownership of the land of the defendant and plaintiff, it is but

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11 JUL 2023
ATTY. RONNEL A. DEINLA
Clerk of Court V

the said parcels of the land be measured immediately and the expenses be shouldered by both parties subject of the measurement.

WHEREFORE, premises considered, it is most respectfully prayed for the Honorable Court to order and allow the conduct, (at the expense of both parties) of the independent survey of the adjacent and questioned land to be witnessed by both party plaintiffs and defendants and court representative to determine the location and ownership of the said land.

Other reliefs, just and equitable are likewise prayed for under the premises.

Most respectfully submitted.

Calapan City, Oriental Mindoro, April 28, 2016.



ATTY. HOSPICIO I. LAYGO, JR.

Counsel for the Petitioner

IBP No. 1016066/01-04-16 - Oriental Mindoro

PTR No. 6844996/01-05-16 - Calapan City

Roll of Attorneys No. 59679

MCLE Compliance No. V under process

330 Encarnacion St., Camilmil, Calapan City

(043) 286 - 7616

09204024716

NOTICE OF HEARING

ATTY. CRISALYN LUMANGLAS

Clerk of Court V

RTC - 39, Calapan

Madam:

Greetings.

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11 JUL 2023



ATTY. RONNEL A. DEINLA
Clerk of Court V

Please take notice that the foregoing Motion shall be submitted for the consideration and approval of the Honorable Court on Friday, 02 May 2016 at 8:30 AM or as soon as counsel and matter may be heard.


ATTY. HOSPICIO I. LAYGO, JR

Copy furnished via personal service:


ATTY. EARL TURANO 28 April 2016
Counsel for the Defendants

11 JUL 2023

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ATTY. RONNEL A. DEINLA
Clerk of Court V

ORIGINAL

Annex "H" 47

RTC BRANCH 39

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DATE: 5-25-16

TIME: 3:00 PM

BY: [Signature]

REF. NO. 15/25/16 3:25 PM

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
BRANCH 39
Calapan City, Or. Mindoro

SPS. NORMA BAGOS and
DEMETRIO BAGOS,
Petitioners,

-versus-

TEODORO BACAY and
MILAGROS DELOS REYES,
Defendants

CIVIL CASE NO. CV-16-6928
*Quieting of Titles with Recovery
of Possession and Damages with
Prayer for Immediate Actual
Independent Survey on the
Location of the Property*

x-----x

OPPOSITION
(MOTION FOR THE CONDUCT
OF INDEPENDENT SURVEY)

DEFENDANTS, through counsel, vehemently oppose petitioners' motion based on the following reasons:

Perspective

Petitioners' motion for independent survey is a special relief akin to a provisional remedy. Its existence is dependent upon the outcome of the main action. But, the main action is now subject of a motion to dismiss. If the Honorable Court grants the dismissal of the main action, the special relief of independent survey will have no basis. Thus, for the sake of procedural efficiency petitioners' motion should be shelved pending resolution of said motion to dismiss.

I.
Petitioners' Motion

1. Let us first point out. Petitioners' motion seeks a "survey of the adjacent and question land." It further prayed that the expenses for the survey be shouldered by both the petitioners and defendants. The motion however, is devoid of averment or attachment to identify which the "adjacent and question land" petitioners were referring.

2. The motion here is in line with causes for Quieting of Title and Recovery of Possession. There is however an attack on the main action. Defendants are asking for its dismissal on the ground of prescription of action. The outcome of the motion to dismiss has a direct effect on petitioners' motion.

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ATTY. RONNEL A. DEINLA
Clerk of Court V

**II.
Issue**

3. The issue here is simple: **can a special relief of independent survey be allowed pending resolution of a motion to dismiss on the main action?** The answer is a resounding NO.

**III.
Discussion**

The Relief of Independent Survey is Auxiliary to the Main Action and is not Available During the Pendency of a Motion to Dismiss.

4. Petitioners' motion for independent survey is a mere incident to of the main action. Its life is dependent upon the causes for Quieting of Title and Recovery of Possession. It is in this aspect that the prayed relief is akin to a provisional remedy.

5. Petitioners' motion cannot stand independent from the main action. This is the Supreme Court's pronouncement in ***United Alloy Phils. Corp. v. United Coconut Planters Bank, G.R. No. 179257, 23 November 2015***:

"Provisional remedies [also known as ancillary or auxiliary remedies], are writs and processes available during the pendency of the action which may be resorted to by a litigant to preserve and protect certain rights and interests pending rendition, and for purposes of the ultimate effects, of a final judgment in the case. They are provisional because THEY CONSTITUTE TEMPORARY MEASURES AVAILABLE DURING THE PENDENCY OF THE ACTION, AND THEY ARE ANCILLARY BECAUSE THEY ARE MERE INCIDENTS IN AND ARE DEPENDENT UPON THE RESULT OF THE MAIN ACTION." (Emphasis supplied, citing *Calderon v. Roxas, G.R. No. 185595, 9 January 2013*)

6. Here, there is a pending motion to dismiss on the ground of prescription of action. The determination of whether a relief for independent survey is available is dependent upon the resolution of said motion to dismiss. If the Honorable Court grants the pending motion to dismiss there will be no basis for the prayed relief. In the same vain, if an independent survey is allowed and said motion to dismiss is subsequently granted the conduct of survey becomes moot and academic. Defendants'

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11 JUL 2023

ATTY. RONNEL A. DEINLA
Clerk of Court V

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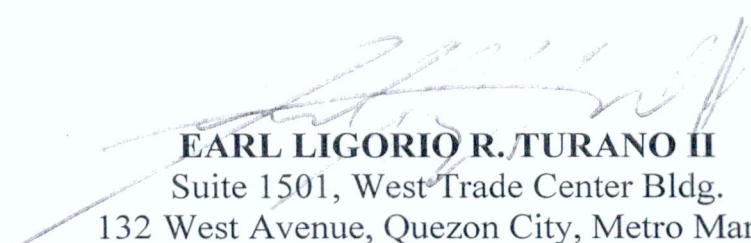
motion to dismiss should be first resolved before the motion here is even considered. Hence, pending the resolution of defendants' Motion to Dismiss, the determination of petitioners' motion is premature.

RELIEF

WHEREFORE, defendants respectfully pray for the denial of petitioners' Motion for the Conduct of Independent Survey due to the pendency of defendants' Motion to Dismiss.

Other reliefs just and equitable are likewise prayed for.

20 May 2016, Quezon City.


EARL LIGORIO R. TURANO II
Suite 1501, West Trade Center Bldg.
132 West Avenue, Quezon City, Metro Manila
Tel: [+632] 410-2179 Telefax: [+632] 921-4977

Roll Number: 58173
PTR No.: 7555383 / Baco, Or. Mdo. / 7 January 2016
IBP No.: 1018671 / Or. Mindoro / 6 January 2016
MCLE Compliance No. V-0019564 / 13 April 2016

Copy furnished:

ATTY. HOSPICIO I. LAYGO, JR.
Luna Square, MOTOC Terminal
Lalud, Calapan City, Or. Mindoro

EXPLANATION AS TO THE MODE OF SERVICE

Pursuant to Section 11, Rule 13 of the 1997 Rules of Civil Procedure, this certifies that personal service was not resorted to for the reason that, due to time, distance and manpower constraints, the same is not practicable.


EARL LIGORIO R. TURANO II

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ATTY. RONNEL A. DEINLA
Clerk of Court V

Annex "I" U

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH 39
CALAPAN CITY

RTC BRANCH 39
RECEIVED
DATE: 6-13-17
TIME: 3:20 PM
BY: [Signature]
JUDGE: [Signature]

SPOUSES NORMA BAGOS and
DEMETRIO BAGOS,

Plaintiff,

-versus-

TEODORO BACAY and MILAGROS
DELOS REYES,

Defendants.

Civil Case No. CV-16-6928
For: Quieting of Title with
Recovery of Possession and
Damages with Prayer for
Immediate Actual
Independent Survey on the
Location of Property

x-----x

ANSWER

DEFENDANTS, Teodoro Bacay and Milagros Delos Reyes – Bacay,
by counsel answer the complaint against them and allege:

I
Admissions

1. Defendants admit the allegations under paragraph 1 and 2 in so far as the parties' personal circumstances; with qualification however, that the defendants are married to one another.

2. Defendants admit the allegations contained in paragraph 12 that they refused the conduct of joint survey because plaintiffs do not have a title where the survey will be based. What plaintiffs have is a tax declaration, which obviously does not provide any technical description which could be the basis of any survey.

II
Denials

3. Defendants deny the allegations contained in paragraph 3, 4, 5, 6, and 7 for lack of knowledge and information sufficient to form a belief on the truth thereof.

4. Defendants deny the allegation in paragraph 8, the truth being they are the owners of the land they occupy and possess. What the plaintiffs are

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ATTY. RONNEL A. DEINLA
Clerk of Court V

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claiming to be theirs is part of a co-owned property embraced by Transfer Certificate of Title No. T-53981¹ of the Registry of Deeds for the Province of Oriental Mindoro and registered to Nester Aranzado and the defendants.

5. Defendants in answer to the allegations contained in paragraph 9:

a. Deny the plaintiffs' supposed series of inquiries for lack of knowledge and information sufficient to form a belief on the truth thereof.

b. Deny the property subject of this controversy is registered under the plaintiffs' names.

c. Deny that the contested property belongs to the plaintiff, the truth being said land is co-owned and registered to the defendants and Nester Arranzado ("Nester").

d. Admit that defendants prevented the plaintiffs from intruding into the contested property. Such action is in accordance to the defendants' right to preserve and protect their peaceful possession and enjoyment of their property.

6. Defendants deny the allegations under paragraph 10, the truth being, it was the plaintiffs who threatened the defendants with bodily harm.

7. Defendants in answer to the allegations contained under paragraph 11:

a. Deny that they were the reasons for the parties' failure to amicably settle this case, the truth being, the plaintiffs with their baseless claim were the ones who caused and continuously causing this legal entanglement.

b. Deny that a Certificate to File Action was issued in favour of the plaintiffs. The copy of the answer counsel received does not have Annex "E."

8. Defendants deny the allegation under paragraph 13, the truth being despite defendants having shown their *title*, plaintiffs in a stubborn manner insist that they own the land covered by TCT No. T-53981.

9. Defendants deny the allegation contained under paragraph 14, plaintiffs are not entitled to the possession of the contested lot.

¹ Copy of Transfer Certificate of Title No. T-53981 is attached here as ANNEX "1."

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Clerk of Court V

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10. Defendants deny the averments contained under paragraph 15, 16, and 17 for not being ultimate facts.

11. Defendants deny the allegation under paragraph 18, defendants' *title* over the contested lot is crystal. They, together with Nester, are the owners of the land that plaintiffs are trying to snatch.

12. Defendants in answer to the allegations contained in paragraph 19:

a. Deny that plaintiffs have any *title* over the contested lot.

b. Deny that plaintiffs derived their interest over the property from Nester, the truth being, plaintiffs' trace their supposed claim from Romeo De Mesa and Consuelo Aranzado.

13. Defendants in answer to the allegation contained in paragraph 20:

a. Deny that plaintiffs have any claim over the contested property.

b. Deny that they could not present any proof of ownership over contested lot, the truth being, it is the plaintiffs who could not present any proof of ownership. Tax declaration and payment of real estate taxes are not proof of ownership.

14. Defendants deny the averment contained in paragraph 21, the truth being, plaintiffs do not have any proof of ownership over the lot they claim. We just need to look at the complaint and we will see that plaintiffs have nothing to support their claim of ownership. They do not have any *title* over the property subject of this case.

15. Defendants deny the allegation contained under paragraph 22, the truth being, plaintiffs are the ones who does not want this case settled amicably by insisting their baseless claim of ownership.

16. Defendants in answer to the allegations in paragraph 23:

a. Deny that defendants actions in preserving their peaceable possession over their property as invalid.

b. Deny that plaintiffs have any *title* over the contested lot.

17. Defendants deny the averments under paragraph 24, for being not a statement of ultimate facts.

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Clerk of Court V

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18. Defendants deny the allegations contained in paragraph 25, the truth being, for *nth* time plaintiffs do not have any *title* covering the contested property.

19. Defendants deny the allegation in paragraph 26, the defendants, being owners of the contested property, have all the right to exclude the plaintiffs from said lot.

20. Defendants deny the allegation under paragraph 27, the truth being plaintiffs were never in possession of the contested lot.

21. Defendants deny the averment regarding Article 429, New Civil Code, contained under paragraph 28, for being not statement of ultimate facts.

22. Defendants deny the allegation under paragraph 29, the truth being plaintiffs are not the owners of the contested lot and not entitled to its possession.

23. Defendants deny the allegations contained under paragraphs 30, 31, and 32, for lack of knowledge and information sufficient to form a belief on the truth thereof.

III Special and Affirmative Defenses

24. Defendants replead and adopt the foregoing allegations by reference.

Non-compliance with a condition precedent.

25. This case falls within the ambit of the *Revised Katarungang Pambarangay Law*. The parties are all residents of Barangay Aninuan, Puerto Galera. Further, the contested land is situated on the same barangay. Under Administrative Circular No. 14-93-SC, dated 15 July 1993, prior recourse to the concerned *Lupong Tagapamaya* is a pre-condition before filing a complaint in court. Here, though there is an allegation on the complaint that the parties had brought this issue to their *Lupong Tagapamaya* for conciliation, there is no certificate to file action attached to the copy of the complaint served to the defendants.

Plaintiffs' action for Quieting of Title and Recovery of Possession had long prescribed.

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ATTY. RONNEL A. DEINLA
Clerk of Court V

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26. On the face of the complaint, plaintiffs' causes of action had already prescribed. Allegedly, plaintiffs acquired their interest over the contested lot in the year 1989, or more than twenty seven (27) years prior to the filing of the complaint. Cause of action for Quieting of Title prescribes in ten (10) years when the plaintiff is not in actual possession of the contested lot. Here, plaintiffs were never in possession of the disputed lot. Thus, plaintiffs' causes of actions are now barred by prescription.

Defendants' ownership over the contested property towers over plaintiffs' claim.

27. Defendants are among the co-owners of the contested land. The 1,000 sq.m. which plaintiffs claim is part of 4,882 sq.m. property embraced by TCT No. T-53981 (*Annex "1"*) and registered to the defendants and Nester.

28. Contrary to plaintiffs' claim, defendants are the ones in actual possession of the contested lot. As proof of possession they religiously paid² the real estate taxes of their property.

29. The TCT is best proof of ownership. Despite plaintiffs' claim that they are holder of Torren's Title over the subject property they did not attach any *title* to their complaint. Plaintiffs conveniently allege that their Torren's Title is represented by a survey plan. But, what was attached to the complaint is not a survey plan.

30. The best plaintiffs have is a tax declaration. But, tax declaration is not proof of ownership.

31. Between defendants' TCT and plaintiffs' tax declaration, the *title* reigns supreme.

IV Counterclaims

32. The thought that their hard earned land will be taken away from them as a consequence of the filing of this clearly unfounded and malicious suit, have caused both defendants mental anguish, serious anxiety, besmirched reputation and wounded feelings. For all these, plaintiffs should be made to pay Spouses Teodoro Bacay and Milagros D. Bacay moral damages in the amount of at least One Hundred Thousand Pesos (PhP100,000.00).

² Copies of Official Receipts with numbers 2100115, 0681684, and 1162568 are attached here as ANNEX "2," ANNEX "3," and ANNEX "4" respectively.

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11 JUL 2023

ATTY. ROYNEL A. DEINLA
Clerk of Court V

33. By reason of plaintiffs' wanton, reckless, oppressive, malevolent filing of this clearly unfounded complaint and by way of example and correction for the public good, plaintiffs should be made to pay Spouses Teodoro Bacay and Milagros Bacay exemplary damages of at least One Hundred Thousand Pesos (PhP100,000.00).

34. Defendants were constrained to incur attorney's fees and litigation expenses, in the amount of at One Hundred Thousand Pesos (PhP100,000.00), of which plaintiffs should likewise be held liable.

PRAYER

WHEREFORE, defendants Spouses Teodoro Bacay and Milagros Delos Reyes – Bacay, pray that after proper proceedings, this Honorable Court render judgment dismissing the causes of action against them and ordering the plaintiffs to:

- a. PAY the defendants moral damages in the sum not less than One Hundred Thousand Pesos (PhP100,000.00);
- b. PAY the defendants exemplary damages in the sum of One Hundred Thousand Pesos (PhP100,000.00); and
- c. PAY the defendants attorney's fees and litigation expenses in the sum not less than One Hundred Thousand Pesos (PhP100,000.00).

Other reliefs just and equitable are likewise prayed for.

9 June 2017, Calapan City, Oriental Mindoro.

EARL LIGORIO R. TURANO II

Roll Number: 58173

PTR No.: 8357495/Baco, Or. Mdo./ 5 January 2017

IBP No.: 1028932/Or. Mindoro/5 January 2017

MCLE Compliance Certificate No. V-0019564 / 13 April 2016

Second Floor, OMPSTA Building

Gov. Ignacio Street, Barangay Camilmil

Calapan City, Oriental Mindoro

Copy furnished:

ATTY. EDELBERTO C. BUNQUIN
Plaintiffs' Counsel

RD 698 581 079 72

Postmaster/Teller

Letter/Package No. _____

Posted on _____ 20 _____

Preserve for reference in case of inquiry

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Postmaster/Teller

11 JUL 2023

ATTY. ROYNEL A. DEINLA
Clerk of Court

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2nd Floor, Face Me Building
Poblacion, Puerto Galera
Oriental Mindoro

**EXPLANATION AS TO
THE MODE OF SERVICE**

Pursuant to Section 11, Rule 13 of the 1997 Rules of Civil Procedure, this certifies that personal service was not resorted to for the reason that due to time, distance and manpower constraints, the same is not practicable.



EARL LIGORIO R. TURANO II

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11 JUL 2023

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ATTY. RONNEL A. DEINLA
Clerk of Court V

N No. 336545

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
(Land Registration Authority)
QUEZON CITY

ANNEX "1"

PROVINCE OF MINDORO ORIENTAL
REGISTRY OF DEEDS FOR THE

Transfer Certificate of Title

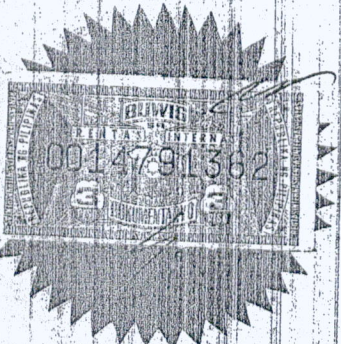
No. 53981

IT IS HEREBY CERTIFIED that certain land situated in the Province of Oriental Mindoro, Philippines, more particularly bounded and described as follows:

A tract of Agricultural Public Land (Lot 8210, Cad. 533-D, C-9, situated in the Barrio of Arinuan, Mun. of Pto. Galera, Province of Or. Mindoro, with an area of 00-hect. 48-area-82 centares, according to the official survey, hereof on file in the Bureau of Lands, Manila, and described as follows: Lot No. 8210, Cad. 533-D, C-9, Beginning at a point marked 1" of Lot 8210, Cad. 533-D, C-9, being S. 82-15°W., 6001.41 m. from BLM No. 1, Cad. 533-D, Pto. Galera, Cadastre, thence S. 15-25°W., 17.96 m. to pt. 2; S. 30-21°W., 54.46 m. to point 3 is registered in accordance with the provisions of section 103 of the Property Registration Decree in the name of Co-owners: NESTOR ARANZADO, married to Domatario Malalo (1,456sq.m.) and to Spouses TEODORO BACAY AND MILAGROS DE LOS RIOS, of legal age, both Filipinos and resident of Arinuan, Puerto Galera, Or. Mindoro, Philippines. Subject to the provisions of the said Property Registration Decree and the Public Land Act, as well as to those of the Mining Laws, if the land is mineral, and subject, further, to such conditions contained in the original title as may be subsisting, and to

IT IS FURTHER CERTIFIED that said land was originally registered on the 22nd day of May, in the year nineteen hundred and eighty, in Registration Book No. P-10, page 195, of the Office of the Register of Deeds of Or. Mindoro, as Original Certificate of Title No. P-1995, pursuant to a Homestead patent, in the name of NESTOR ARANZADO, granted by the President of the Philippines, on the 14th day of May, in the year nineteen hundred and eighty, under Act No. 141.

This certificate is a transfer from Original Certificate of Title No. P-1995 P-10 which is cancelled by virtue hereof in so far as the above described land is concerned.



Entered at Calapan, Or. Mindoro, Philippines, on the 28th day of June, in the year nineteen hundred and ninety, at 9:45 a. m.

RICARDO S. LOGASPI JR.
(Register of Deeds)

Arinuan, Pto. Galera, Or. Mindoro
(Owner's Postal Address)

*State the civil status, name of spouse if married, age if a minor, citizenship and residence of the registered owner. If the owner is a married woman, state also the citizenship of her husband. If the land is registered in the name of the conjugal partnership, state the citizenship of both spouses.

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11 JUL 2023

ATTY. RONNEL A. DEINLA
Clerk of Court V

MEMORANDUM OF ENCUMBRANCES

(When necessary use this page for the continuation of the technical description)

Entry No.

S. 26.19W., 42.92 m. to point 4; N. 65.04W., 47.21 m. to point 5;
N. 26.37W., 66.30 m. to point 6; N. 72.50E., 65.40 m. to point 1;
Point of beginning, containing an area of FOUR THOUSAND EIGHT HUNDRED AND
TWO(4,882) SQUARE METERS, more or less. All points referred to are indica-
ted on the plan and are marked on the ground as follows: Points 1, 5, & 6 by
P.S. cyl. one Mon. and the rest by Old P.S. cyl. conc. Mon. Bounded on the
NE., & SE., along line 1-2-3-4 by Lot 8146, R-7-56, (portion) of Basilio
Magbuhos; on the SW., along line 4-5 by Lot 8211, Cad. 533-D, Pto. Calera Cad.
on the W., along line 5-6 by Lot 8147, Cad. 533-D, Pto. Calera Cadastre; and
on the NW., along line 6-1 by Lot 8142, Cad. 533-D, Pto. Calera Cadastre.
Bearings grid. This lot was surveyed in accordance with law and existing
regulations promulgated thereunder by Geodetic Engineer, Samuel A. Domagala
on January 19-31, 1977 and was approved on September 25, 1978. NOTE: This lot
is covered by F.P.A. (IV-A-5) 9096.

RICARDO S. LEGASPI JR.
Register of Deeds.

* Payment without penalty may be made within the periods stated below in by installment:
1st Installment—January 1 to March 31, of the year
2nd Installment—April 1 to June 30, of the year
3rd Installment—July 1 to Sept. 30, of the year
4th Installment—October 1 to Dec. 31, of the year

Provincial or City Treasurer
Deputy

(Memorandum of Encumbrances continued on Page -B)
(Technical Description continued on Additional Sheet Page -)

and
Court

Register of Deeds

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11 JUL 2023

ATTY. RONNEL A. DEINLA
Clerk of Court V.

ANNEX "2"

ACCOUNTABLE FORM NO. 66
(Revised 1992)
OFFICIAL RECEIPT OF THE REPUBLIC OF THE PHILIPPINES
Provincial or City Treasurer's Real Property Tax Receipt
No. 2100115 S

Municipality/Province: Marikina City
City: Marikina City
Date: April 8, 1998
Received from: Marikina City
the sum of: Two Hundred Eighty Nine Thousand Four Hundred Eighty Five and 00/100 Pesos
Philippine Currency, in full or as installment payment of REAL PROPERTY TAX for the Calendar Year 1997 upon property described in the Assessment Rolls as follows:
☒ Basic Tax
☐ Special Education Fund

NAME OF DECLARED OWNER	LOCATION NUMBER AND STREET OR BARANGAY	Lot AND BLOCK NUMBER	Tax DECLARATION NUMBER	ASSESSED VALUE		TAX DUE	INSTALLMENT		PENALTY PER CENT	TOTAL	
				LAND	IMPROVMT		No.	PAYMENT			FULL PAYMENT
Osguide Sangcrista	Dumara	1100	2-316A	5570		5570	197	55.70	35.66	147.08	
						1825	98	13.93	13.93	8.92	36.78
						24	98	41.77	41.77	8.36	95.18

Total taxes paid by Money Order, Treasury Warrant or Check No. 111.90 dated 11.07.97 36.22 259.02
Payment without penalty may be made within the periods stated below if by installment:
1st installment - January 1 to March 31, of the year
2nd installment - April 1 to June 30, of the year
3rd installment - July 1 to September 30, of the year
Provincial or City Treasurer
Deputy

and Pre Trial on the dates most convenient to the calendar of the Provincial Court.

ANNEX "3"

Accountable Form No. 56
(Revised 1992)



Previous Tax Receipt No. 6577880 dated 15/19/11

OFFICIAL RECEIPT OF THE REPUBLIC OF THE PHILIPPINES

Provincial or City Treasurer's Real Property Tax Receipt

No. 0681684



PROVINCE OF ORIENTAL MINDORO

CITY/MUNICIPALITY Trevelyan

DATE

8/28/13

Received from Bedona Baras the sum of One Thousand One Hundred and Twenty Two Pesos (P 1,122.00)

Philippine Currency, in full or as installment payment of REAL PROPERTY TAX for the Calendar Year 20 2012 Property described in the Assessment Rolls as follows: Palaguan de la Rega ☒ Basic Tax ☐ Special Education Fund 8,129.22

NAME OF DECLARED OWNER	LOCATION NUMBER AND STREET OR BARANGAY	LOT AND BLOCK NUMBER	TAX DECLARATION NUMBER	ASSESSED VALUE		TAX DUE		INSTALLMENT No.	FULL PAYMENT	PENALTY PERCENT	TOTAL
				Land	Improvements						
<u>Agustin Angelieth</u>	<u>Amunin</u>	<u>110072-00704</u>	<u>17448</u>			<u>18.40</u>	<u>2012</u>	<u>15.40</u>	<u>15.40</u>	<u>101.98</u>	<u>344.78</u>
						<u>1/2-13</u>	<u>60.70</u>	<u>60.70</u>	<u>21.86</u>	<u>143.26</u>	
						<u>3/4-13</u>	<u>60.70</u>	<u>60.70</u>	<u>12.10</u>	<u>129.26</u>	
<u>Marcelino Sorbello</u>	<u>It</u>	<u>11072-00770</u>	<u>4 10108</u>			<u>101.10</u>	<u>2012</u>	<u>101.10</u>	<u>84.84</u>	<u>286.84</u>	
						<u>1/2-13</u>	<u>60.70</u>	<u>60.70</u>	<u>18.18</u>	<u>119.18</u>	
						<u>3/4-13</u>	<u>60.70</u>	<u>60.70</u>	<u>10.10</u>	<u>90.90</u>	
Total taxes paid by Money Order, Treasury Warrant or Check No. <u>2444.80</u> dated <u>4/11/13</u>						<u>444.80</u>	<u>444.80</u>	<u>244.82</u>	<u>1074.22</u>		

Payment without penalty may be made within the periods stated below if by installment:
1st Installment - January 1 to March 31, of the year
2nd Installment - April 1 to June 30, of the year
3rd Installment - July 1 to Sept. 30, of the year
4th Installment - October 1 to Dec. 31, of the year

Provincial or City Treasurer
[Signature]
Dep'ty 92

and Pre Trial on the dates most convenient to the calendar of the Honorable Court.

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11 JUL 2023
ATTY. RONNEL A. DEINLA
Clerk of Court V

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Accountable Form No. 56
(Revised 11/82)



Previous Tax Receipt No. _____ dated _____ for the year 20____
OFFICIAL RECEIPT OF THE REPUBLIC OF THE PHILIPPINES
Provincial or City Treasurer's Real Property Tax Receipt
No. **1162568**

ORIGINAL

PROVINCE OF ORIENTAL MINDORO
CITY / MUNICIPALITY
MUNICIPALITY OF PUERTO GALERA
DATE
4/19/2016

Received from **SFS. BACAY, TEODORO, DELOS REYES, MILAGROS**
the sum of **THREE THOUSAND SEVEN HUNDRED NINETY FOUR AND 56/100 PESOS (P3,794.56)**
Philippine Currency, in full or as installment payment of REAL PROPERTY TAX for the Calendar Year 20____ upon property described in the Assessment
Rolls as follows. ☐ Basic Tax ☐ Special Education Fund

NAME OF DECLARED OWNER	LOCATION NUMBER AND STREET OR BARANGAY	LOT AND BLOCK NUMBER	TAX DECLARATION NUMBER	ASSESSED VALUE			TAX DUE No.	INSTALLMENT No.	FULL PAYMENT	PENALTY PERCENT	TOTAL
				Land	Improvements	Total					
BACAY, TEODORO	ANIMULAN	2014	2013-110002-00706	34,260.00	2,200.00	36,460.00	364.60	FULL - BSC	364.60	204.18	568.78
This P-1995 is											
DELLOS REYES, M	AGRICULTURAL P 2014	029-11-0002-018-02		34,260.00	2,200.00	36,460.00	364.60	FULL - SEF	364.60	204.18	568.78
This P-1995 is											
AGROS	ANIMULAN	2015	2015-110002-00829	68,290.00	3,490.00	71,780.00	505.88	FULL - BSC	505.88	161.88	667.76
This P-1995 is											
	AGRICULTURAL P 2015	029-11-0002-019-02		68,290.00	3,490.00	71,780.00	505.88	FULL - SEF	505.88	161.88	667.76
This P-1995 is											
	ANIMULAN	2016	2015-110002-00829	68,290.00	3,490.00	71,780.00	611.84	FULL - BSC	611.84	48.95	660.79
This P-1995 is											
	AGRICULTURAL P 2016	029-11-0002-019-02		68,290.00	3,490.00	71,780.00	611.84	FULL - SEF	611.84	48.95	660.79
This P-1995 is											
Total taxes paid by Money Order, Treasury Warrant or Check No. _____ dated _____ 20____											3,794.66

Payment without penalty may be made within the periods stated below, if by installment:
1st Installment - January 1 to March 31, of the year **grace gatcha**
2nd Installment - April 1 to June 30, of the year
3rd Installment - July 1 to Sept. 30, of the year
4th Installment - October 1 to Dec. 31, of the year

PAZ P. FORTUNATO
Deputy Treasurer
CRISTINA CALDA
Deputy

and Pre Trial on the dates most convenient to the calendar of the honorable Court.

11 JUL 2023
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ATTY. RONNEL A. DEINLA
Clerk of Court V



Republic of the Philippines
MUNICIPAL CIRCUIT TRIAL COURT OF BANSUD-GLORIA
Fourth Judicial Region
Province of Oriental Mindoro
E-mail address: mctc2bsg000@judiciary.gov.ph
Contact Nos.: +63975-438-4034 / +63963-741-6933
~o0o~

Annex "J"

GERARDO L. ILAGAN,
Plaintiff,

CIVIL CASE NO. G-516

-versus-

-for-

SHIRLY DE VICENTE,
RUPERTO SELDA AGONCILLO, JR.,
ILLUMINADA MASCARIÑAS-NAZARENO
and all persons claiming rights under them,
Defendant.

**RECOVERY OF POSSESSION
AND DAMAGES**

X-----X

ORDER

In this afternoon, Gerardo Ilagan and the defendants as well as Atty. Michael G. Ceniza are present.

A Manifestation was filed by the plaintiffs. It was stated thereat that the verification survey will be conducted sometime at the end of June 2023 or the first week of July 2023.

Atty. Michael G. Ceniza manifested that while the defendants do not object with the plaintiff's written manifestation, the cost of the verification survey would be for the account of the plaintiffs. Gerardo Ilagan confirmed the same.

In the interest of justice, Engr. Elizabeth D. Moreno-Mesina, the lone Geodetic Engineer of the Provincial Environment and Natural Resources Office (PENRO) who will conduct the verification survey is **DIRECTED** to submit her report within fifteen (15) days from the termination of the survey.

Set the presentation of Engr. Elizabeth D. Moreno-Mesina to appear on **August 22, 2023 at 2:00 o'clock in the afternoon.**

Notify the parties.

SO ORDERED.

Bansud, Oriental Mindoro.
June 20, 2023.

Office of the Municipal Administrator

EMERY JOY M. MA-JABAL
Presiding Judge

Received by: NOIME

amplc@MCTC.bg 06/22/2023 Time: 08:47 am