

ORIGINAL



Republic of the Philippines

OFFICE OF THE SOLICITOR GENERAL

23 June 2023

HON. LORMELYN E. CLAUDIO, CESO IV

Regional Executive Director

DENR MIMAROPA

1515 DENR By the Bay Building, Roxas Boulevard,
Brgy. 668, Ermita, Manila Philippines

DENR MIMAROPA
RECORDS SECTION
RECEIVED

JUN 26 2023

INCOMING OUTGOING
BY: _____ DATE NO. _____
TIME: _____

RE: **Sps. Eddie G Reyes, et al. v. Sps. Gerardo and Lourdes**

Esteban, et al.

Civil Case No. 337

For: Quieting of Title and Damages

4th Municipal Circuit Trial Court, Cajidiocan-Magdiwan,
San Fernando

X-----X

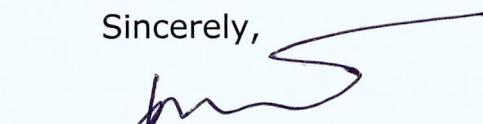
Hon. Lormelyn E. Claudio:

On 13 June 2023, the Office of the Solicitor General (OSG) received your Honorable Office's *Letter dated 07 June 2023*, indorsing to us the above captioned case for the filing of an Answer within thirty (30) days from receipt of *Summons*.

A perusal of the attached *Complaint dated 17 August 2022*¹ reveals that your Honorable Office is being impleaded merely as a nominal party, hence, does not need to file an answer. However, for us to determine the extent of the government's interest in this case, please immediately investigate and ascertain the land classification of the subject lot in the complaint and furnish the OSG with your findings.

We are confident that you will take prompt action on the matter. Kindly acknowledge receipt of this letter. For questions, please do not hesitate to call us at **(02) 812 7980** or **(02) 812-4967** or email us at **jdfogata@osg.gov.ph**. Thank you very much.

Sincerely,


DEREK R. PUERTOLLANO
Assistant Solicitor General


JAVED D. FOGATA
Associate Solicitor II

Copy furnished:

Norlito A. Eneran

Director, Legal Affairs Service

DENR-Central Office, Diliman, Quezon City.

¹ Complaint dated 17 August 2022, Annex "A".

REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
MUNICIPAL CIRCUIT TRIAL COURT
CAJIDIOCAN-SAN FERNANDO-MAGDIWANG

SPOUSES EDDIE G. REYES AND
ANGELINA R. REYES AND
SPOUSES JAYSON R. REYES
AND HAZEL JOYCE P. REYES,
Plaintiffs,

- versus -

CIVIL CASE NO. 337
For: QUIETING OF TITLE AND
DAMAGES

SPOUSES GERARDO AND
LOURDES ESTEBAN, GERARD
LOUISE ESTEBAN, TIMOTHY
JOHN ESTEBAN, JERILOU
ATASHA ESTEBAN, ENRICO
ROTONI, ARCHITECT
ALPINIANO ENCARNACION,
AND ARCHITECT EDDIE
ABOGADO

THE HEIRS OF IBARRA R.
ROVIRA AND BARBARA R.
ROVIRA REP. BY ALDAN
ROVIRA

Defendants.

DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES REGION IV-B,

PROVINCIAL ASSESSOR OF THE
PROVINCE OF ROMBLON

Nominal Defendants.

X-----X

COMPLAINT

PLAINTIFFS EDDIE G. REYES ("Eddie") AND ANGELINA R. REYES ("Angelina") together with their son and daughter-in-law, respectively, in the persons of SPOUSES JAYSON R. REYES ("Jayson") AND HAZEL JOYCE P. REYES ("Hazel"), through the undersigned counsel, and unto this Honorable Court, most respectfully allege that:

THE PARTIES

1. Plaintiffs Spouses Eddie and Angelina, and Spouses Jayson and Hazel are all of legal ages, Filipinos, married, and residents of Barangay Marigondon, Cajidiocan, Romblon. However, for purposes of this Complaint, plaintiffs may be served with notices, orders, and other processes of the Honorable Court through the undersigned counsel at the address herein provided.
2. Defendants Spouses Gerardo and Lourdes Esteban ("Spouses Esteban") are of legal ages, Filipinos, married, and residents of Blk. 5, Lot 6, Phase 6, Chestnut Street, Greenwoods Village, Cainta Rizal where they may be served with summons and other processes by this Honorable Court.
3. Spouses Esteban's children in the person of Gerard Louise Esteban, Timothy John Esteban, Jerilou Atasha Esteban ("children") are impleaded herein as defendants being the Real Property Tax Declared owner of Real Property Tax Declaration No. 0657 which is adjacent to the real property of the plaintiffs and where the encroachment issue of this case arose. They can be served with summons and other processes of this Honorable Court also at Blk. 5, Lot 6, Phase 6, Chestnut Street, Greenwoods Village, Cainta Rizal where they may be served with summons and other processes by this Honorable Court.
4. Defendant Enrico Roton, is of legal age, Filipino, and a resident of Brgy. Poblacion, Cajidiocan, Romblon where he may be served with summons and other processes by this Honorable Court.
5. Defendants Architect Alpiniano Encarnacion and Architect Eddie Abogado are of legal ages, Filipinos, both with office address at 61 East Capitol Drive, Brgy. Kapitolyo, Pasig City, Mezzanine Level, Residencia Isabel Condominium where they may be served with summons and other processes by this Honorable Court.
6. Defendant Heirs of Ibarra R. Rovira represented by Aldan Rovira, of legal age, Filipino, and a resident of 13 Felizville Subdivision,

Dalandanan, Valenzuela City, 1443 Philippines where he may be served with summons and other processes by this Honorable Court.

7. Defendant Office of the Department of Environment and Natural Resources ("DENR") Region IV-B is impleaded herein as a nominal party defendant for the complete disposition of the instant case. It may be served with summons and other processes by this Honorable Court at 1515 L & S Building, Roxas Boulevard, Ermita Manila. ✓

8. Defendant Office of the Provincial Assessor of the Province of Romblon is also impleaded herein as nominal party defendant for the complete disposition of the instant case. It may be served with summons and other processes by this Honorable Court in Provincial Capitol Building, Brgy. Capaclar, Romblon, Romblon.

ALLEGATIONS TO SUPPORT CAUSES OF ACTION

9. Ibarra R. Rovira ("Baring") who is married to Barbara R. Rovira, both deceased, previously owned a property located in Brgy. Marigondon, Cajidiocan, Romblon under Cadastral Lot. No. 4639 ("Lot 4639") consisting of 3, 038 square meter covered by Real Property Tax Declaration No. A03-12-00513, bounded by: North – Lot No. 4646; South – Lot No. 4638; East Seashore; West – Provincial Road, enclosed is a copy of Real Property Tax Declaration No. A03-12-00513 as Annex "A".

10. On 22 June 2015, Eddie bought a portion of the subject lot from Baring - near the shoreline consisting of 423 sq. m. ("subject lot"), with the intention and agreement of Baring and Eddie to exclude the 20 meters salvage zone. The subject lot was paid in the amount of **ONE HUNDRED TWENTY SIX THOUSAND NINE HUNDRED PESOS (P 126, 900.00)** using the hard earned money of his son Jayson, who was working in Macau at that time together with Hazel, enclosed is a copy of the Deed of Absolute Sale as Annex "B".

11. Accordingly, based from the Deed of Absolute Sale of the 423 sq. m. agreed by Baring and Eddie, the boundaries of the property being sold are as follows: North – Lot No. 4646; South – Lot No. 4638; East Seashore; West – Provincial Road. Clearly, it can be inferred from the boundaries that the 423 sq. m. is longitudinal in shape lying along the coastline in the Eastern portion, and lying along the Provincial highway at the Western part. Moreover, the boundary from the North portion (going to Magdiwang) is Lot 4646 while in the South side (going to Cajidiocan) is Lot 4638.

12. After the payment was made in the subject lot, Baring thereafter promised to Eddie that he will give the Real Property Tax Declaration of the subject lot later. Complacent that the property has no problem

because it is owned by his uncle Baring, Eddie did not bother to have the Deed of Absolute Sale notarized by a notary public.

13. In September 2015, Jayson and Hazel started the construction of their family home in the subject lot made of concrete materials. After the construction of their house, they started to reside in the subject property together with their 2 kids. However, from time to time, they went back to their work in Macau and left their 2 kids to Jayson's parents - Eddie and Angelina.

14. Months passed by, Eddie received a Real Property Tax Declaration of the subject 423 sq. m. property, which was sent by Baring sometime in 2016. The Real Property Tax Declaration of the 423 sq. m. was already a separate tax declaration from the mother lot (Cadastral Lot No. 4639) originally consisting of 3, 038 square meters, previously covered by Real Property Tax Declaration No. A03-12-00513 (please refer to Annex "A").

15. In 2019, the Real Property Tax Declaration of the subject lot, (423 sq. m.) was reassessed by the Provincial Assessor's Office and was issued a new Real Property Tax Declaration No. D-000658, with an assessed value of P10, 150.00 (which is under the jurisdiction of this Honorable Court). Enclosed and made part hereof is a copy of the said Real Property Tax Declaration as Annex "C".

16. The boundaries of said Real Property Tax Declaration No. D-000658 are the following: North – Lot No. 4647; South – Lot No. 4369-P; East – Sibuyan Sea; West – Lot No. 4639 – P, which means that the area of the property still remains longitudinal in character.

17. In the year 2016, 2017, 2018, and 2019, after they bought the property from Baring, plaintiffs have been religiously paying the real property tax of the subject lot, enclosed and made part is a copy of the respective official receipts ("OR") issued by the Municipal Treasurer's Office of Cajidiocan, Romblon as Annexes "D", "E", "F", and "G".

18. However, when the covid-19 pandemic started, Jayson and Hazel decided to stay in their family home in Brgy. Marigondon, Cajidiocan, Romblon together with their children. Thereafter, they started their restaurant business named Haze by Craze inside the subject lot to augment their income during the pandemic. They also constructed additional improvements inside the subject property for their restaurant business, among others: the kitchen area, the cashier's area, the dining area, the videoke area, separate comfort room, and a small tree house as additional amenities for their customers, enclosed is a copy of their restaurant Mayor's Business Permit as Annex "H".

19. Previously in 2019, while Jayson and Hazel were still in Macau, Eddie called Jayson and relayed to the latter the intention of Lourdes to have a relocation survey of the property of Baring that will include the subject lot. Thinking that Lourdes will genuinely help them for the survey of their property, and being Eddie's distant relative, Jayson agreed without any hesitation and he and Hazel sent P10, 000. 00 to Eddie for the payment of the Geodetic Engineer.

20. In 2020, when Jayson went home in Brgy. Marigondon, Cajidiocan, Romblon to attend the graduation of his child, he asked his father why is it that the survey plan initiated by Lourdes to their property is not yet handed to them. Eddie answered that he does not also know the reason.

21. Unintentionally, at that time of his (Jayson) vacation in Brgy. Marigondon, Jayson and his father Eddie saw Jerome, the person who surveyed the subject lot, in Brgy. Marigondon, Cajidiocan, Romblon.

22. Jayson talked to Jerome and asked Jerome if he can give them a copy of the survey plan of his property. Jerome told Jayson to go to the house of Enrico Rotoni in Cajidiocan, Romblon who was in possession of the survey plan at that time, which Jayson did.

23. Fortunately, Jayson and Eddie were able to get a copy of the subdivision plan, and discovered that it was made by Engr. Jovito Cadatal dated 21 October 2019 from Enrico Rotoni.

24. Unfortunately, they found out that it was a subdivision plan of the whole Cadastral Lot No. 4639 of Baring and not a relocation/survey plan of his property (the 423 sq. m.). Worst, he was assigned to Lot 4639-C of the said subdivision plan wherein almost eighty (80) percent of the area out of the 423 sq. m. is a salvage zone, enclosed and made part is a copy of the said subdivision plan of Engineer Jovito T. Cadatal ("Engr. Cadatal") as Annex "I".

25. Moreover, Jayson and Eddie also observed from the said subdivision plan that the approval of the same was fast tracked because it was already approved on 13 December 2019 by the Department of Environment and Natural Resources while the survey was only made on 21 October 2019.

26. They also observed semblance of *falsification* with respect to the signature of Baring on top of the printed name Ibarra R. Rovira with my conformity in the said subdivision plan. Eddie knows this fact as he is familiar with the signature of his uncle Baring when the Deed of Absolute Sale was made by his uncle Baring in his favor (*please refer to the signature of Baring in the Deed of Absolute Sale attached herein*

as Annex "A" and kindly compare the same to his signature found in Annex "I").

27. Jayson called and asked Lourdes what happened, and why they were given a lot in the subdivision plan which is a salvage zone when in fact they purchased the 423 sq. m. lot from his Lolo Baring with the original intention of the parties to exclude the 20 meters salvage zone of Lot 4639. However, Lourdes just answered that she and her husband had a huge loss when they bought the property of Baring since the national highway had moved towards the shoreline that reduced the beach area of Baring's property.

28. As natural reaction, Jayson constructed a barb wire fence in order to save the remaining portion of his property which was already occupied by the Spouses Esteban in the Southern Portion and to further prevent the Spouses Esteban to advance and get the Northern portion of the subject lot (*please refer to Annex "P" of the survey plan of Engr. Saguid for reference*).

29. Be that as it may, Jayson and Hazel tried their best to settle their property problem with Lourdes since they considered her as distant relatives, enclosed and made part is a copy of the message in the messenger of Hazel to Lourdes as "Annex J".

30. However, instead of proposing solutions to the problem, Lourdes offered counter proposals that are exceedingly advantageous for her and extremely unfair to Jayson and Hazel, among others, is for Jayson and Hazel to pay for P3, 500 per sq. m. of the land that they wanted to own outside of Lot 4639- C of the subdivision plan made by Engr. Cadatal. However, since the proposal is patently unfair, Jayson and Hazel refused to pay P3, 500 for every square meter outside of their assigned Lot 4639-C, enclosed and made part are the conversation of Lourdes and Hazel in the face book messenger as "Annexes "K", "K-1", "K-2", and "K-3"".

31. Adding insult to the injury, around March-April 2022, the workers of the spouses Esteban constructed a small barracks adjacent to the subject lot and pretended to the plaintiffs as workers of Philippine Long Distance Telecommunication Company ("PLDT") for the internet project in Sibuyan Island.

32. Later on, Jayson found out that the said workers are not from PLDT but the construction workers of Spouses Esteban who were made to pretend as workers from PLDT so that no one will oppose their illegal occupation of the adjacent property of the plaintiffs.

33. Days passed the said construction workers started to enter the subject property without permission from plaintiffs. This caused Jayson

to reproach the workers and the foreman for their disrespectful conduct of illegally entering their property without asking their consent. No sooner, the original foreman of the construction project of the Spouses Esteban had resigned and can no longer found in the construction site.

34. In April 2022, Jayson received a letter from Architect Alpiniano Encarnacion ("Encarnacion") dated 12 April 2022 demanding the plaintiffs the amount of P149, 070.00 as damages for the cause of delay in the construction of the building of the Spouses Esteban when Jayson did not surrender the portion of his property to Spouses Esteban when the workers of the latter forced themselves to occupy the Southern portion of the property of the plaintiffs, enclosed and made part is a copy of the said letter as Annex "L", "L-1", "L-2", and "L-3".

35. On 25 April 2022, this representation sent a letter of reply to Encarnacion, copy furnished the Barangay Captain of Brgy. Marigondon, giving warning to Encarnacion that our Bill of Rights call for due process before a person will be deprived of his/her property, enclosed and made part is a copy of the said reply as Annex "M".

36. On the same day, 25 April 2022, Jayson went to Barangay Marigondon, Cajidiocan, Romblon to file a complaint against the Spouses Esteban and Encarnacion, for the grave and unlawful occupation and harassment made by the Spouses Esteban and Encarnacion inside their private property under their exclusive possession. However, the said office advised Jayson that there is no need to undergo a Barangay Conciliation Proceeding before their office since based from the record of Barangay Marigondon, the spouses Esteban, Encarnacion, and the Heirs of Baring, are persons who are residing outside of Cajidiocan, Romblon, enclosed and made part hereof is the Certification issued by Barangay Marigondon, Cajidiocan, Romblon as Annex "N".

37. In May 2022, when Lourdes went to Brgy. Marigondon, Cajidiocan, Romblon all the way from Manila, Jayson and Hazel initiated to have a dialogue with Lourdes for the solution of the aforementioned property. However, instead of settling her property problem with Jayson, Lourdes chided and verbally attacked Jayson and Hazel with words that are personally offensive which totally ended the possibility of reconciliation.

38. Also in May 2022, the spouses Esteban, through Encarnacion had started the construction of a concrete tenement. Encarnacion and his workers illegally cut coconut trees earlier planted by Jayson and Eddie in 2015. Worst, the cutting of the said trees was made without a permit from the Philippine Coconut Authority and from Barangay

Marigondon, enclosed and made part is the pictures of the cut coconut trees in the subject property as Annex "O" to "O-1" and by reference Annex "L-3", to show that coconut trees were cut down by the defendants.

39. On 06 June 2022, Jayson engaged the services of Geodetic Engineer Joevannie M. Saguid ("Engr. Saguid") to verify the 423 square meters sold to them by Baring based on the Real Property Tax Declaration No. D-000658 (Annex "D") consisting of 423 sq. m.

40. Based from the survey result of Engr. Saguid, the 423 sq. m. lot that plaintiffs' bought from Baring should include up to Lot 4939-D of the subdivision plan made for the Spouses Esteban (*please refer to Annex "I"*). Simply put, from the "existing barb wire fence" established by the plaintiff's going to the Southern side, plaintiffs has still 141 sq. m. to advance beyond the "existing barbwire fence" that he placed near his C.R. in 2020, enclosed and made part hereof is a copy of the relocation/verification plan of Engr. Saguid as Annex "P" for easy reference with the Map Legend.

41. From 2020 until this date, the 141 sq. m. is currently under the possession of Spouses Esteban, which was named to their children in the Real Property Tax Declaration 0657 series of 2019, consisting of 2, 616 sq. m. The said area is part of the area where there is an ongoing construction of their building (*please refer to Annex "Q" for reference*).

42. On 18 June 2022, at around 8:00 am to 9:00 am, the construction workers of the Spouses Esteban through the command of Architect Eddie Abogado ("Abogado"), by force, suddenly barged inside the subject lot of the plaintiffs and started to construct wooden post inside plaintiffs' property without their permission, enclosed is the USB containing the video of the said unlawful actions as Annex "Q", and the pictures of the construction workers trespassing inside plaintiffs' property as Annexes "Q-1" to "Q-4".

43. Jayson and Hazel pleaded the workers to stop their unlawful entry inside their property but the workers were determined to occupy their property and did not heed their pleas. Jayson and Hazel tried to call this representation for help. However, since the undersigned counsel was in Alcantara, Romblon during that time, this representation advised Jayson to go to the Municipal Police Station in Cajidiocan, Romblon ("MPS") and ask the assistance of the duty personnel to accompany him in their property in order to stop the illegal occupation made by the construction workers of Spouses Esteban.

44. True enough, the construction workers of Spouses Esteban and Abogado stopped their unlawful occupation and construction of posts

inside the subject lot when the policemen from the MPS came. Thereafter, Jayson removed the posts inside their property.

45. Plaintiffs believe that the heirs of Baring are not aware of the current situation of their former property, however, for purposes of due process since the 423 sq. m. is still tax declared under the ownership of Baring, this representation sent a demand letter to the Heirs of Ibarra R. Rovira via LBC for the settlement of the issue relative to Lot 4639. Fortunately the letter was received on 03 August 2022 By Marissa Rovira, enclosed and made part is the copy of the demand letter, LBC receipt of the said letter, and printed text from LBC confirming the receipt of the letter as Annexes "R", "S", and "T" respectively.

CAUSE OF ACTION FOR QUIETING OF TITLE AND RECOVERY OF OWNERSHIP AND POSSESSION

Plaintiffs re-plead and incorporate by reference the foregoing statements.

46. The claim and possession of Spouses Esteban and their children ("Estebans"), with respect to the 141 sq. m. property (*kindly refer to the verification plan of Engr. Saguid marked as Annex "Q" for easy reference about the 141 sq. m.*) is without any basis in fact and in law because the said portion of the property was originally part of the 423 sq. m. lot sold by Baring to Eddie as early as 22 June 2015. Therefore, any subsequent disposition by the Heirs of Baring to the Estebans made in 2019 involving the 423 sq. m. lot or any portion thereof will be considered as null and void under the law because of its legal impossibility to deliver the property to the Estebans as the same is already sold, owned, and under the possession by the plaintiffs. Double sale is not allowed by our law.

47. The Estebans have no right whatsoever, including their possession, over the subject lot, particularly the 141 sq. m. portion of the subject property because the real and equitable owners of the lot are the plaintiffs thru the Deed of Absolute Sale dated 22 June 2015.

48. Plaintiffs' equitable ownership over the subject property is clearly supported by sufficient pieces of evidence, namely:

- i. Plaintiffs have been religiously paying the real property tax of the 423 sq. m. lot after they purchased the lot from Baring (*please refer to the OR issued by the Municipal Treasurer's Office of Cajidiocan, Romblon marked as Annexes "E", "F", "G", and "H"*);

- ii. There is already an actual and exclusive possession made by plaintiffs when they constructed their own house and planted coconut and Talisay trees inside the subject property as early as 2015, more so, when they established their own restaurant business inside the subject lot (please refer to the Mayor's Business Permit of Hazel as Annex "H");
- iii. Plaintiffs had already constructed an improvement and developed the area from being muddy and flooded, wherein the plaintiffs, among others, had dumped soil in the area and planted dwarf coconut and Talisay Trees that extends up to Lot-D as early as 2015 (please refer to the pictures of dwarf coconut cut by the workers of Estebans when they occupied the area marked as Annexes "M-3" "P", and "P-1" those were the coconuts planted by the plaintiffs in the area).
- iv. Too, the Estebans are not residents of Cajidiocan, Romblon and they did not even set foot inside Lot 4639, except in 2019, when they bought the property from the heirs of Baring.

49. Verily, the Estebans must return to plaintiff the 141 square meters, and should immediately demolish their on-going construction project inside the 141 square meters located in Lot 4639-D at their own expense, due to the following reasons:

- i. The Estebans are builders in bad faith because they constructed a building inside the 141 sq. m. in Lot 4639-D in May 2022 despite prior knowledge that Lot 4639-D belongs to the plaintiff based from the subdivision survey of Engr. Cadatal that was made as early as 21 October 2019.
- ii. The Estebans are distant relative of Eddie, and they knew from the start that the property, including the 141 sq. m. are already under the exclusive possession of Eddie and his family, particularly since the property that they occupied are well-maintained, and with existing improvements in the area including the comfort room, tree house, and dwarf coconut trees that are obvious and apparent from plain view. But despite that, the Estebans still proceeded to illegally occupy the 141 sq. m. lot of the plaintiffs and constructed their building. At worst, they tried to advance even in Lot 4639-C – near the house of Jayson. Where it not for the timely construction of barb wire fence by Jayson, the spouses Esteban will not stop from further advancing to the Northern portion of the subject lot.
- iii. Before the Estebans constructed their building inside the said 141 sq. m. of Lot 4369-D, the construction workers of

Estebans cunningly pretended to be workers of PLDT so that they can construct their barracks and later on the building of the Estebans with a slim chance of the plaintiffs to oppose their plan. Thus, this kind of action is tantamount to evident premeditation and is a clear manifestation of bad faith by the Estebans, save the defendant heirs of Ibarra R. Rovira who might have no knowledge with the aforementioned incidents.

50. Moreover, the approved plan (attached as Annex "I") should be declared null and void and must be quieted and cleared since it only causes clouds and doubts to the correct area of 423 sq. m. real property owned by the plaintiffs. The correct area of 423 sq. m. of the plaintiffs is reflected in the relocation/verification plan of Engr. Saguid that extends up to Lot 4369-D (see Annex "P"), but, in the subdivision plan of Engr. Cadatal, the plaintiffs is only given a 79 sq. m. lot area, the rest of the 423 sq. m. are salvage zone area.

DAMAGES

Plaintiffs re-plead and incorporate by reference the foregoing statements.

51. Due to the following acts committed by the defendants, namely:

- i. Preconceived plan and the unlawful occupation made by the construction workers of Estebans, thru the supervision and control of Encarnacion and Abogado;
- ii. Trespassing that happened on 18 June 2022;
- iii. The act of the Estebans in executing a subdivision plan to the prejudice of the interest of the plaintiffs in the subject property along with the falsification of the signature of Baring in the said subdivision plan;
- iv. The illegal occupation and construction made by the Estebans inside the 141 sq. m. portion of the property of plaintiffs;
- v. The demand letter sent by Encarnacion to the plaintiffs threatening them for damages; and,
- vi. The shrewd act of making the construction workers to appear as PLDT workers. All of the aforementioned actions are no less than an act of gross bad faith on the part of the Estebans, Encarnacion, and Abogado.

52. All of the aforementioned actions are no less than an act of gross bad faith on the part of the Estebans, Encarnacion, and Abogado. Jayson and Hazel, have been experiencing anxiety, sleepless nights, moral depression, and stress due to the aforementioned actions of the Estebans, Encarnacion, and Abogado, for which said defendants should be made accountable for and pay the plaintiff solidarily the sum of **TWO HUNDRED THOUSAND PESOS (P 200, 000. 00)** as moral damages.

53. To deter the public from imitating the aforementioned acts of Estebans, Encarnacion, and Abogado, and the act of Enrico Rotoni in keeping secret to the plaintiffs the existence of the subdivision plan which is under his possession, thus, defendants Estebans, Encarnacion, Abogado, and Enrico Rotoni must jointly and severally pay the plaintiffs exemplary damages to be determined by the Honorable Court.

54. Because of the aforementioned actions of the defendants Estebans, Encarnacion, Abogado, and Enrico Rotoni, plaintiffs were constrained to engage the legal services of the undersigned counsel from the preparation of complaint, judicial-affidavits, filing/representation of the instant case. All of the defendants must solidarily pay plaintiffs the amount of **ONE HUNDRED THOUSAND PESOS (P100, 000.00)** plus **FIVE THOUSAND PESOS (P5, 000.00)** per hearing as Attorney's Fees, and **FIVE THOUSAND PESOS (P5, 000.00)** per Judicial Affidavit or Memorandum.

WITNESSES

55. Plaintiffs will present themselves as witnesses to prove the material allegations in this complaint. The offer of their testimony is already stated in their Judicial Affidavit and are attached and incorporated herein for reference. Other witnesses to be presented are the following, namely:

RICARDO GALANG – He will testify on the following:

- i. That his uncle Ibarra Rovira ("Baring") called him to check and prepare the measurement of the latter's property that was intended to be sold to Eddie located in Brgy. Marigondon, Cajidiocan, Romblon;
- ii. That he still remembers the estimated boundary until now of the property that was sold by Baring to Eddie as he was present at that time when the property was actually measured before the property was sold to Eddie;

- iii. To corroborate with the testimony of Eddie.

BERNARDO ROJAS – He will testify on the following:

- i. That he drafted the Deed of Absolute Sale of the 423 sq. m. real property sold by Ibarra R. Rovira to Eddie Reyes;
- ii. That he accompanied Delfin Reyes to the house of Ibarra R. Rovira in Dalandanan, Valenzuela City for the payment of the 423 sq. m. real property;
- iii. That he was with Delfin Reyes when the latter paid the purchase price of the 423 sq. m. to Ibarra R. Rovira in Dalandanan Valenzuela City;
- iv. That he saw Ibarra R. Rovira sign the Deed of Absolute Sale;
- v. That he also signed the Deed of Absolute Sale as witness after Ibarra R. Rovira signed the said document;
- vi. To prove other material allegations in the complaint;

ENGR. JOEVANNIE M. SAGUID – He will testify on the following:

- i. That he is a licensed Geodetic Engineer;
- ii. That he made a relocation/verification survey of Lot 4639, Cad 538-D, Cajidiocan Cadastre for the Spouses Eddie G. Reyes and Engelina R. Reyes;
- iii. That he prepared a relocation/verification plan on 08 June 2022;
- iv. That based from the result of his relocation/verification plan, Spouses Gerardo and Lourdes Esteban encroached 141 sq. m. area, which portion should be included in the 423 sq. m. lot that was sold by Ibarra R. Rovira to Eddie G. Reyes;
- v. That Lot 4639-C which was separately allotted to be given for the plaintiffs as their 423 sq. m. property by Spouses Gerardo and Lourdes Esteban based in the

approved subdivision plan made by Engineer Jovito T. Cadatal of Lot 4639 Cad 538-D, is consisting only of an actual land area of 79 sq. m., the rest are salvage zone area;

vi. To prove other material allegations in the complaint;

MUNICIPAL ASSESSOR OF CAJIDIOCAN, ROMBLON – He will testify as to the existence and due execution of Real Property Tax Declaration No. 0657 and 0658 of Cadastral Number Lot 4639, Cad 538-D, Cajidiocan Cadastre and other relevant matters pertaining to the subject Cadastral Number Lot 4639 that is within the scope of his official functions.

DOCUMENTS

56. Plaintiffs will present the following documents to prove the material allegations of the Complaint, namely:

- a. Annex “A” is the Real Property Tax Declaration No. A03-12-00513.
- b. Annex “B” is the Deed of Absolute Sale dated 22 June 2015 signed by Ibarra R. Rovira.
- c. Annex “C” is the Real Property Tax Declaration No. D-000658.
- d. Annexes “D”, “E”, “F”, and “G” are the OR issued by the Municipal Treasurer’s Office of Cajidiocan, Romblon for the respective year 2016, 2017, 2018, and 2019 pertaining to the payment made by plaintiffs of the realty tax under Real Property Tax Declaration No. D-000658.
- e. Annex “H” is the Mayor’s Business Permit of Hazel in their Hazel by Craze Restaurant.
- f. Annex “I” is the approved subdivision plan made by Engineer Jovito T. Cadatal of Cadastral Lot No. 4639.
- g. Annex “J” is a screenshot of the message in the messenger of Hazel delivered to the messenger of Lourdes.
- h. Annexes “K”, “K-1”, “K-2”, and “K-3” are the four pages screenshots of the conversation of Lourdes and Hazel in the facebook messenger of Hazel pertaining to the proposal of

Lourdes offering plaintiffs to pay P3, 500 for every square meter of Cadastral Lot No. 4639.

- i. Annexes "L", "L-1", "L-2", and "L-3" is the letter from Architect Alpiniano Encarnacion dated 12 April 2022 demanding the plaintiffs the amount of P149, 070.00 as damages.
- j. Annex "M" is the letter dated 25 April 2022 signed by this representation, and sent to Architect Alpiniano Encarnacion, copy furnished the Barangay Captain of Brgy. Marigondon.
- k. Annex "N" is the Certification issued by Barangay Marigondon, Cajidiocan, Romblon.
- l. Annexes "O", and "O-1" are the pictures of the cut coconut trees owned and planted by the plaintiffs that were cut down by the construction workers of the Spouses Esteban inside the subject lot.
- m. Annex "P" is the relocation/verification plan of Engineer Joevannie M. Saguid of Lot 4639, Cad 538-D, Cajidiocan Cadastre for the Spouses Eddie G. Reyes and Engelina R. Reyes.
- n. Annex "Q", "Q-1", "Q-2", "Q-3", and "Q-4" are the USB and the pictures taken by Hazel on 18 June 2022 when the construction workers of the Spouses Esteban suddenly barged inside the subject lot of the plaintiffs and started to construct wooden post inside plaintiffs' property without their permission.
- o. Annex "R" is a letter signed by this representation and was addressed to Aldan Rovira and Marichu Rovira.
- p. Annex "S" is the LBC receipt of the aforesaid letter.
- q. Annex "T" is the printed text from LBC confirming the receipt of the aforesaid letter.

PRAYER

WHEREFORE, plaintiffs hereby respectfully pray before this Honorable Court -

1. That after trial on the merits judgment be issued:

- a. Ordering the defendants Spouses Gerardo and Lourdes Esteban and their children to be declared as builders in bad faith;
- b. Ordering defendants Spouses Gerardo and Lourdes Esteban and their children to return to plaintiffs the 141 sq. m. lot area in Lot 4639-D based from the relocation/verification survey plan of Engr. Joevannie M. Saguid;
- c. Ordering the nominal defendant Provincial Assessor of the Province of Romblon to declare Eddie G. Reyes and Jayson R. Reyes as the real property tax declared owner of Real Property Tax Declaration No. D-000658 and change the name of the current real property tax declared owner Ibarra R. Rovira.
- d. Ordering the nominal defendant Department of Environment and Natural Resources Region IV-B to cause the cancellation of the approved Subdivision Plan of Land of Lot 4639, Cad 538-D Cajidiocan Cadastre surveyed by Engineer Jovito T. Cadatal on 21 October 2019 and was approved on 13 December 2019.
- e. Declaring under the consolidated ownership of Eddie G. Reyes and Jayson R. Reyes the exact metes and boundaries of the 423 sq. m. purchased by plaintiff Eddie G. Reyes from Ibarra R. Rovira Lot 4639-B consisting of 38 sq. m.; Lot 4639-C consisting of 79 sq. m. and 165 sq. m.; and the portion of Lot 4639-D consisting of 141 sq. m. based from the relocation/verification survey of Engr. Joevannie M. Saguid.
- f. Ordering defendants Spouses Gerardo and Lourdes Esteban and their children Gerard Louise Esteban, Timothy John Esteban, Jerilou Atasha Esteban and all persons claiming right over them with respect to the subject 423 sq. m. real property to quiet their interests in favor of Eddie G. Reyes and Jayson R. Reyes;
- g. Ordering the defendants Spouses Gerardo and Lourdes Esteban, Architect Alpiniano Encarnacion, and Architect Eddie Abogado to pay solidarily the plaintiffs the amount of **TWO HUNDRED THOUSAND PESOS (P 200, 000. 00)** as moral damages;
- h. Ordering the defendants Spouses Gerardo and Lourdes Esteban, Architect Alpiniano Encarnacion, Architect Eddie Abogado, and Enrico Rotoni to pay jointly and severally the

plaintiffs the amount to be determined by the Honorable Court as exemplary damages;

- i. Ordering the defendants Spouses Gerardo and Lourdes Esteban, Architect Alpiniano Encarnacion, Architect Eddie Abogado, and Enrico Rotoni to pay solidarily to plaintiffs' attorney's fees in the amount of **ONE HUNDRED THOUSAND PESOS (P100, 000. 00)** plus **FIVE THOUSAND PESOS (P5, 000. 00)** per hearing.

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

San Agustin, Romblon for Cajidiocan, Romblon, 17 August 2022.



ATTY. JERRY FRANK C. PARCON
Brgy. Poblacion, San Fernando, Romblon

IBP NO. 192280 MD 2022 - 1/24/2022

PTR No. 1287020, 01/03/2022, San Fernando, Romblon

MCLE Compliance No. VII-0004531, 8/20/2021

Roll No. 61366

Email:

Mobile Number: 09182989741

Republic of the Philippines)
San Fernando, Romblon) S.S.
X-----X

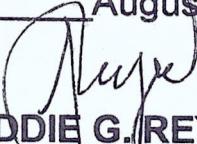
VERIFICATION/CERTIFICATION

We, **EDDIE G. REYES, ANGELINA R. REYES, JAYSON R. REYES AND HAZEL JOYCE P. REYES** both of legal ages, Filipinos, married, and presently residing in Marigondon, Cajidiocan, Romblon, after having been duly sworn to in accordance with law hereby depose and state that:

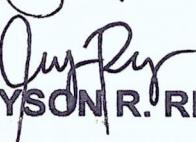
1. We are the complainant in this Civil Case;
2. We have caused the preparation of the foregoing Complaint;
3. We have read and understood the allegations contained therein to be true and correct based on my personal knowledge and based on authentic documents available;

4. The Complaint is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and
5. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
6. I hereby certify that I have not commenced any action or filed any claim involving the same issues in the Supreme Court (SC), Court of Appeals (CA), or in any court, tribunal, or agency;
7. If we should thereafter learn that a same or similar action or proceeding has been filed or is pending before the Supreme Court (SC), Court of Appeals (CA), or in any court, tribunal, or agency, I hereby undertake to report that fact within 5 days to the court or agency where the original pleading and sworn certification thereto have been filed;

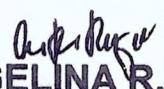
IN WITNESS WHEREOF, I hereunto affix my signature this
August 2022 in San Fernando, Romblon.



EDDIE G. REYES



JAYSON R. REYES



ANGELINA R. REYES



HAZEL JOYCE P. REYES

Affiants

SUBSCRIBED AND SWORN TO before me this 17 AUG 2022 August 2022
in San Fernando, Romblon, affiants exhibiting to me their
SENIOR ID # 9329, SENIOR ID # 9047,
PASSPORT # P5735291A, and PASSPORT # P1895705A ID
respectively as their competent evidence of identity.

NOTARY PUBLIC

Doc. No. _____
Page No. _____
Book No. _____
Series of 2022.

ATTY. EMERSON J. FELONGCO
PAO LAWYER III
Pursuant to R.A. 9406

TAX DECLARATION NO. A03 - 012 - 00513

ANNEX - A

DECLARATION OF REAL PROPERTY

Owner ROVIRA, IBARRA

POBLACION, CAJ. ROMBLON

(Address)

Administrator

(Address)

DESCRIPTION AND OTHER PARTICULARS OF PROPERTY

Location of Property	MARIGONDON (Number and Street)	CAJIDIOCAN (Barangay/District)	ROMBLON (Municipality/City, Pro)
Certificate of Title No.	Cad. Lot No.	4639	Ass. Lot No.
Boundaries	North : LOT NO. 4646	South : LOT NO. 4638	Block No.
	East : SEASHORE	West : PROVINCIAL ROAD	

(State street, lots, or streams by which bounded or names of owners of adjoining land)

I (a) LAND (AGRICULTURAL/MINERAL)

OWNER'S DECLARATION			ASSESSOR'S FINDINGS				
Kind	No./Area	Value	Kind	Area	Class	Unit Value	Market V.
			Coconut land	0.3038	3rd Class	12,600.00	3.82
Total		P	Total			P	3.82
			Total Adjusted Market Value			P	3.25

I(b) PLANTS & TREES

OWNER'S DECLARATION			ASSESSOR'S FINDINGS				
Kind	No./Area	Value	Kind	No./Area	Value	V.	
			Market Value	100 %	Coconut	Third Class	
			Adjustments		NFB:	0 FB: 34	80.00
			(a) Along or no rd frontage	0 %			2.
			(b) Lms. to all weathered	0 %			
			(c) Lms. to market (prob)	-15 %			
			Total Adjustments	15 %			
			Adjusted Market Value	85 %			
			Total Plants & Trees			P	2.
Total		P	Total Adjusted Market Value			P	2.

II LAND (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, SPECIAL)

OWNER'S DECLARATION			ASSESSOR'S FINDINGS				
Kind	No./Area	Value	Kind	Area	Unit Values	Adjustments	Market
Total		P	Total			P	

IMPORTANT : Issued for taxation purposes and should not be considered as title to the property

"IPAKITA SA MUNDO, UMAASENKO NA TAYO."

DEED OF ABSOLUTE SALE

KNOW ALL MEN BY THESE PRESENTS:

This Deed, made and entered into by and between:

SPOUSES IBARRA R. ROVIRA & BARBARA R. ROVIRA, of legal ages, Filipinos, and with residence and postal address at Felizville Subd. Dalandanan, Valenzuela City, hereinafter referred to as the "VENDORS";

-and-

EDDIE G. REYES, Married to **ANGELINA R. REYES** both of legal age, Filipino, and with residence and postal address at Cambicang, Marigondon, Cajidiocan, Romblon, hereinafter referred to as the "VENDEE".

WITNESSETH : That -

WHEREAS, the VENDORS are the absolute owner of one (1) parcel of land, including any and all improvements thereon, located at Cambicang, Marigondon, Cajidiocan, Romblon and covered with Tax Declaration No. 00535 of Tax Declaration of Real Property and the Municipal Assessors Office (Hereinafter referred to as "Property" more particulars described as follows:

Tax Declaration No. 00535

"A PARCEL OF LAND SITUATED AT SITIO CAMBICANG, BARANGAY MARIGONDON, TOWN OF CAJIDIOCAN, PROVINCE OF ROMBLON BOUNDED ON THE NORTH BY LOT # 4646, ON THE EAST ALONG WITH SEASHORE, ON THE SOUTH WITH LOT # 4638, AND THE WEST WITH PROVINCIAL ROAD TO THE POINT OF BEGINNING WITH AN AREA OF (423) SQUARE METERS.

NOW, THEREFORE, for and in consideration of the foregoing premises, the parties hereto have agreed as follows:

For and in consideration of the sum of Philippine Pesos: **ONE HUNDRED TWENTY SIX THOUSAND NINE HUNDRED PESOS (₱126,900.00)**, paid by the VENDEE to the VENDORS, receipt of which is hereby acknowledge by the VENDORS to its entire satisfaction, the said VENDORS have sold, transferred and conveyed and by these presents does hereby sell, cede, transfer and convey absolutely and irrevocably by way of absolute sale unto the VENDEE, his heirs, successors and assigns the Property.

IN WITNESS WHEREOF, we have hereunto affixed our hands this 22 day of MAY,
2015 at Valenzuela City Philippines.


IBARRA R. ROVIRA

(VENDOR)

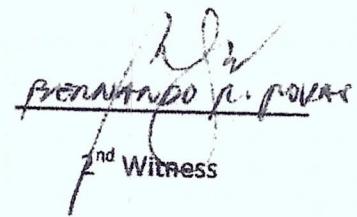

EDDIE G. REYES

(VENDEE)

Signed in the presence of:


Ricardo G. Tang

1st Witness


Bernardo R. Rovira

2nd Witness



TAX DECLARATION OF REAL PROPERTY

000658

Property Identification No.: 033-03-012-17-054

TD No.: 03-012-

Owner: ROVIRA, IBARRA

ANNEX-C

TIN:

Address: POBLACION, CAJIDIOCAN, ROMBLON

Telephone No.:

Administrator/Beneficial User:

TIN:

Address

Telephone No.:

Location of Property: MARIGONDON, CAJIDIOCAN, ROMBLON

(Number and Street)

(Barangay/District)

(Municipality & Province/City)

OCT/TCT/CLOA No.

Survey No.

CCT

Lot No. 4639-P

Dated:

Blk. No.

Boundaries: North: LOT NO. 4647

South: LOT NO. 4639-P

East: SIBUYAN SEA

West: LOT NO. 4639-P

Kind of Property Assessed

 LAND

MACHINERY Brief Description:

BUILDING

Others:

No. of Storeys:

Specify:

Brief Description:

Classification	Area	Unit Value	Market Value	Actual Use	Assessment Level	Assessed Value	Taxability
RESIDENTIAL LOT	423.00 m ²	120	50,760.00	LND-RESIDENTIAL	20 %	10,150.00	

TOTAL	423.00 Sq.m.	50,760.00	10,150.00
-------	--------------	-----------	-----------

Total Assessed Value

TEN THOUSAND ONE HUNDRED FIFTY PESOS

(Amount in Words)

4 2019

Qtr. Yr.

Taxable Exempt

Effectivity of Assessment/ Reassessment:

Approved By: Authority of the Provincial Assessor

NATHAN D. RIOS
Provincial Assessor

11/10/2020

Date

This declaration cancels TD No.

Previous A.V. Php 2880

Prev. PIN: 033-03-012-17-033

Prev.TD: D-00535

Previous Owner: ROVIRA, IBARRA

Previous Area: 0.3038

Co-Owners

Memoranda:

REMAINING PORTION

Notes: This declaration is for real property taxation purposes only and the valuation indicated herein are based on the schedule of unit market values prepared for the purpose and duly enacted into an Ordinance by the Sangguniang _____ under Ordinance No. _____ dated _____.

It does not and cannot by itself alone confer any ownership or legal title to the property.

alouj

"ANNEX D"

ACCOUNTABLE FORM NO. 56
(Revised 1992)

Previous Tax Receipt No 8723102

dated 1/9/2015

for the y8013-2015/1-4

OFFICIAL RECEIPT OF THE REPUBLIC OF THE PHILIPPINES

Provincial or City Treasurer's Real Property Tax Receipt

(ORIGINAL)

No. 3512687



MUNICIPALITY/PROVINCE CAJIDOCAN		CITY		DATE 1/11/2016								
<p>Received from JOSE RANC / <i>JOSE RANC 1/11/2016</i> the sum of FIFTY ONE PESOS & 84/100 pesos (P) 51.84</p> <p>Philippine Currency, in full or as installment payment of REAL PROPERTY TAX for the Calendar Year 20 2016 upon property described in the Assessment Rolls as follows:</p> <p><input type="checkbox"/> Basic Tax <input type="checkbox"/> 2016 <input type="checkbox"/> SPACIFIC PROPERTY TAX</p>												
NAME OF DECLARED OWNER	LOCATION NUMBER AND STREET OR BARANGAY	LOT AND BLOCK NUMBER	TAX DECLARATION NUMBER	ASSESSED VALUE			TAX DUE	INSTALLMENT ^a		FULL PAYMENT	PENALTY PER CENT	TOTAL
				LAND	IMPROV'NT	TOTAL		No.	PAYMENT			
ROVIRA, IBARRA	MARIGONDON, CAJIDOCAN	4639 /	D-00535 /PIN 033-03-012-17- 033				7.20	7.20	-1.44	12.96		
				2,880.00	2016-1st Qt		7.20	7.20	-1.44	12.96		
				2,880.00	2016-2nd Qt		7.20	7.20	-1.44	12.96		
				2,880.00	2016-3rd Qt		7.20	7.20	-1.44	12.96		
				2,880.00	2016-4th Qt		7.20	7.20	-1.44	12.96		

Memo: Total taxes paid by Money Order, Treasury Warrant or Check No.

dated **1/11/2016**

51.84

^a 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

LORELIE Y. MANAGO

Provincial or City Treasurer

AILEEN R. FABREO

Deputy

P R N S E I P G A E E R A C J A N S W L R C M V R D W I H I D C E

ANNEX - E

Municipality No. 56
(Assessed 1992)

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. 4215111 X

	MUNICIPALITY/PROVINCE CAGAYAN, BOURBON		CITY		DATE April 7, 2017					
	Received from JAYSON PAYES		the sum of FIFTY SEVEN pesos (P 57.88)			upon property described in the Assessment Rolls as follows:				
		2017		<input checked="" type="checkbox"/> Basic Tax	<input type="checkbox"/> Special Education Fund					
NAME OF DECLARED OWNER ROYRAT TRAPPA Bourbon	LOCATION NUMBER AND STREET OR BARANGAY	LOT AND BLOCK NUMBER	ASSESSED VALUE		TAX DUE B- 28.80 S- 28.80	INSTALLMENT No. 1 PAYMENT (2.16) (2.16)	TAX DUE 2.32 (2.16) (2.16)	PENALTY PER CENT 3.10 3.10	TOTAL DUE 57.88 57.88	TOTAL DUE 1.10 1.10
			LAND	IMPROVEMENT						
00535	2880	2880								

Taxes paid by Money Order, Treasury Warrant or Check No. dated 20

* Payment without penalty may be made within the periods stated below if by installment:

- 1st. Instalment January 1 to March 31, of the year
- 2nd. Instalment April 1 to June 30, of the year
- 3rd. Instalment July 1 to Sept. 30, of the year
- 4th. Instalment October 1 to Dec. 31, of the year

RESEI dente	IBARR postal	S. REV postal	AS, the ments t ax Decla (Herein N, THERE e agree and in d NINE H which is have so nd conv cessors
----------------	-----------------	------------------	---

ANNEX - F

ANNEX "G"

STAN. FORM. NO. 56
(Revised 1962)

Previous Tax Receipt No 9719609 dated 4/5/2018 for the year ²⁰2018-2019/1-4

OFFICIAL RECEIPT OF THE REPUBLIC OF THE PHILIPPINES

Provincial or City Treasurer's Real Property Tax Receipt

No 5719612

ORIGINAL.

Money: Total taxes paid by Money Order, Treasury Warrant or Check No. _____

dated _____, 20

* Payne

6. Payment without penalty may be made within the periods stated below if by installment.

ut penalty may be made within the periods stated below
for the following months: January 1 to March 31, of the year

1st Installment - January 1 to March 31, of the year
2nd Installment - April 1 to June 30, of the year

2nd Installment - April 1 to June 30, of the year
3rd Installment - July 1 to Sept. 30, of the year

3rd Installment - July 1 to Sept. 30, of the year
4th Installment - October 1 to Dec. 31, of the year

RESEP
ente
BARR
postal

.REY
postal

185, the
ments
x Dec
Here

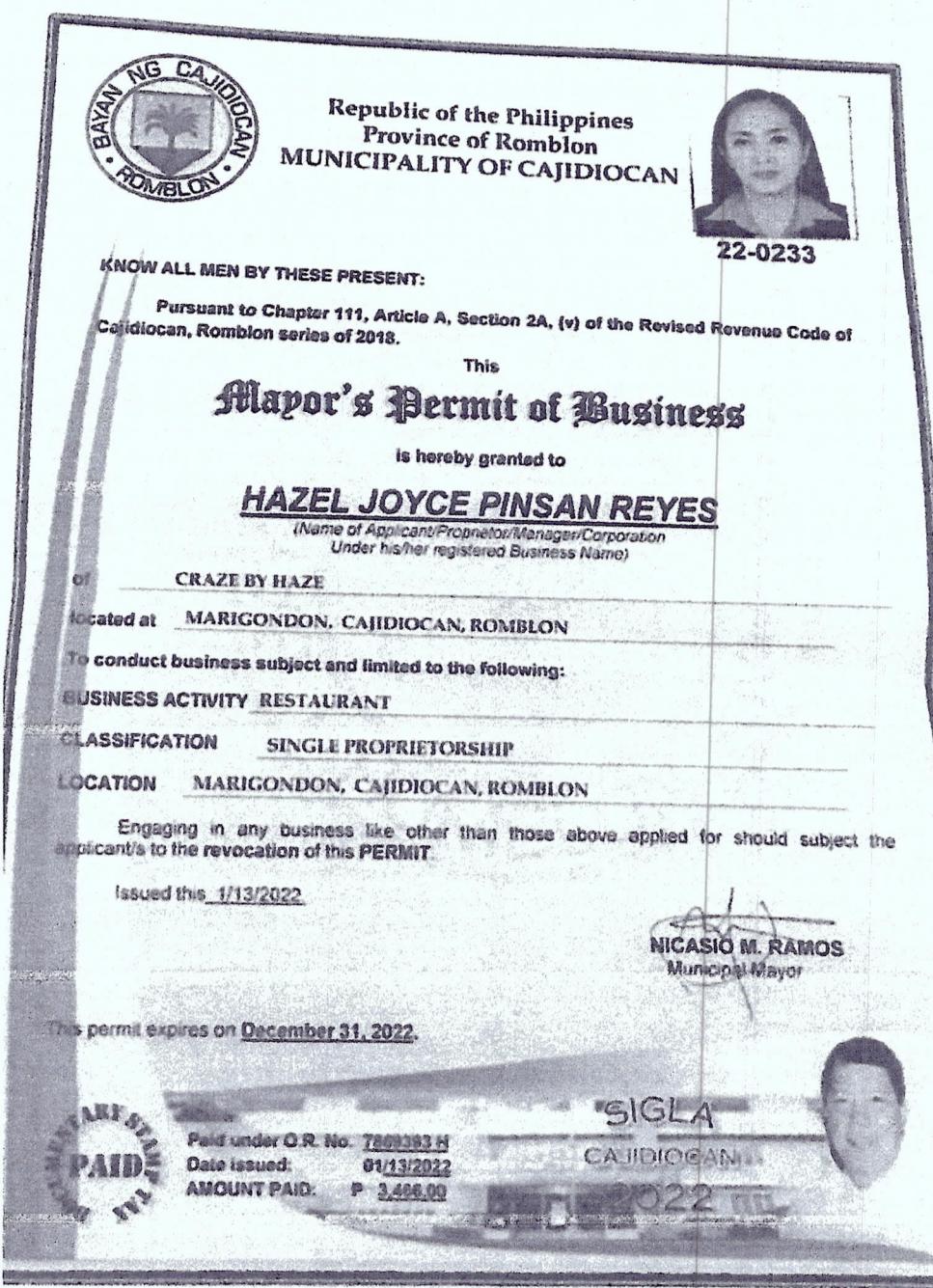
PARCEL O
N. PRO
WITH;
ROAD]
THE
agre
and in
NINE]
which is
have so
d conv
essors;

LORELIE Y. MANAGO

PROVINCIAL OR CITY TREASURER

file:///C:/Users/Dell/Desktop/haze by craze/received_998100824217868.webp

ANNEX - A



ANEX - 1

Technical Description		Lot 481-A			
Line	Boundary	Distance	Line	Boundary	Distance
1-2	N 57 13' E	40.10 M	1-2	S 02 35' W	3.6 M
2-3	S 35 16' E	85.89 M	2-3	N 26 29' W	3.5 M
3-4	S 55 22' E	20.93 M	3-4	S 02 25' W	3.5 M
4-5	N 42 44' E	21.08 M	4-5	N 02 25' W	3.5 M
5-6	N 57 22' E	13.89 M	5-6	S 07 29' W	20.16 M
6-1	N 57 13' E	13.87 M	6-1	N 07 29' W	20.10 M
Lot 481-A		Lot 481-B			
1-2	N 57 13' E	16.20 M	2-3	S 35 16' W	3.10 M
2-3	S 35 16' E	45.37 M	3-4	S 55 22' W	20.10 M
3-4	S 55 22' E	17.14 M	4-5	S 02 25' W	3.5 M
4-5	N 42 44' E	41.88 M	5-6	N 02 25' W	3.5 M
5-6	N 57 22' E	13.87 M	6-1	N 07 29' W	20.10 M
Lot 481-B		Lot 481-C			
1-2	N 57 13' E	20.03 M	2-3	S 35 16' W	3.10 M
2-3	S 35 16' E	16.43 M	3-4	S 55 22' W	20.10 M
3-4	S 55 22' E	13.87 M	4-5	S 02 25' W	3.5 M
4-5	N 42 44' E	13.87 M	5-6	N 02 25' W	3.5 M
5-6	N 57 13' E	13.87 M	6-1	N 07 29' W	20.10 M

PLAN OF LAND
OF LOT 481-A, CAD. 559-0
CAJIBOCAN CADASTRE
AS SURVEYED FOR
IBARRA R. ROVIRA

SITUATED IN THE

BUREAU CODE:

BARANGAY OF: NANGADON

MUN. OF: CAJIBOCAN

PROVINCE OF: ADOBON

ISLAND OF: SIBUYAN

CONTAINING AN AREA OF

PIRS. x PHPS. x ZONE NO:

BEARING: ENE

SCALE: 1:400

Survey copy furnished to the owner by the Surveyor of the Bureau of Land Survey and Cadastre, in accordance with the provisions of the Bureau of Land Survey and Cadastre Act, and the regulations of the Department of Environment and Natural Resources.

Map copy not furnished to the owner by the Surveyor of the Bureau of Land Survey and Cadastre, in accordance with the provisions of the Bureau of Land Survey and Cadastre Act, and the regulations of the Department of Environment and Natural Resources.

Map copy furnished to the owner by the Surveyor of the Bureau of Land Survey and Cadastre, in accordance with the provisions of the Bureau of Land Survey and Cadastre Act, and the regulations of the Department of Environment and Natural Resources.

Chancery of the

Surveyor of the

Bureau of Land Survey and Cadastre

PROVINCE OF: ADOBON

REGISTRATION NO.:

REGISTRATION DATE:

REGISTRATION ACT:

Ludistky Rovira Nabetse

Active 1h ago



We'll talk about it po. Pero need po nmn mlman ung price kng afford b kc dpat ang bbyran lng is ung legal not the salvage zone pra nmn d kmi double kill sa salvage zone hehehe ✌️ ✌️ ✌️

Kung ano nasa lot plan yun sundin natin para iwas problema.. kung negosyante kayo dapat yung tama pra iwas problema along d way

Ask mo ibang negosyante.. marerecover modin iyan eventually

Kng andto lng po sna kmi ng ngpageodetic kau wla sna problema

Anyways un po wait nling nmn po kau

Bsta for a moment stand by lng muna ang that & waiting for your decision po kch better po as soon as possi



Aa



Ludistky Rovira Nabetse

Active 1h ago

Pero kng gnyn po ung bgay nyo
mukhang malabo po yan

ANNEX-K

Bilhin nyo na lang yung option 1
harap nyo kung di kaya ng budget
nyo...

Option 3 pala yung sa harapan
indi option1...dapat ito bilhin nyo
para meron kayo along d road at
least medyo maliit area ...yung
road widening wala pa naman yan
matutuloy o hindi depende sa
program ng Igu... ang negosyante
nag gagamble Kasi kikitain nyo
man ina along d way... malakas
naman business

Also inform namin kayo as
kapitbahay na magbabakod na
contractor namin kya kung
interesado pa kayo o indi let us
know...

Ludistky Rovira Nabetsé

Active 1h ago

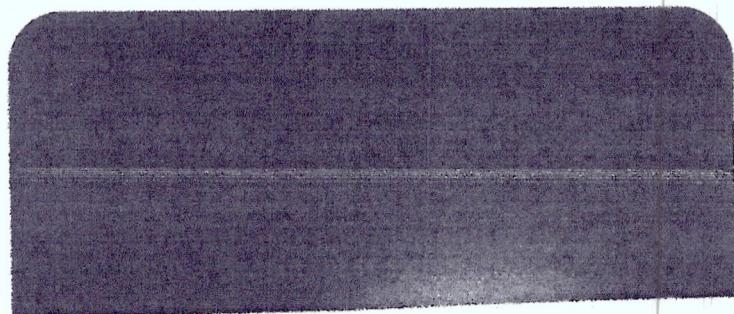
Good morning ...send you later
ds week

ANNEX-K-1

offer w option 1&2 ...busy archt
kaya ds wk daw bigay exact
location...nung property nyo per
approved lot loc and, yung for sale
namin

Ah ok po kc need po nmn mlman
kng mgkano kc bka mmya eh more
than our expectations d nmn kaya

Kindly see attached lot plan for
sale at P3,500.00/sq.m

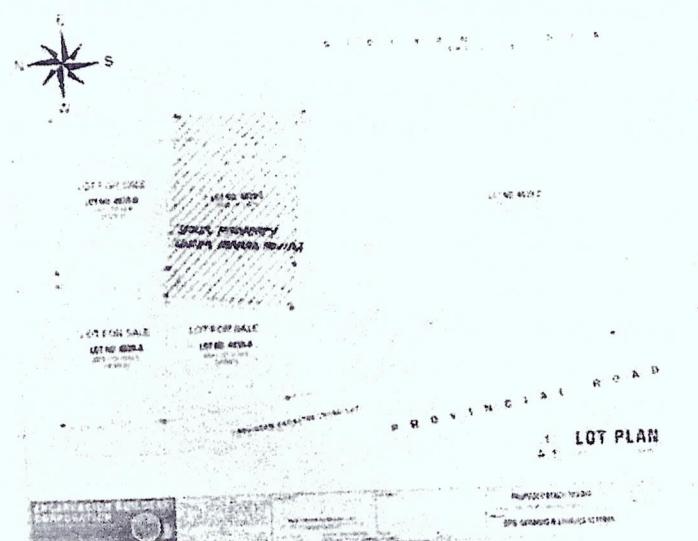
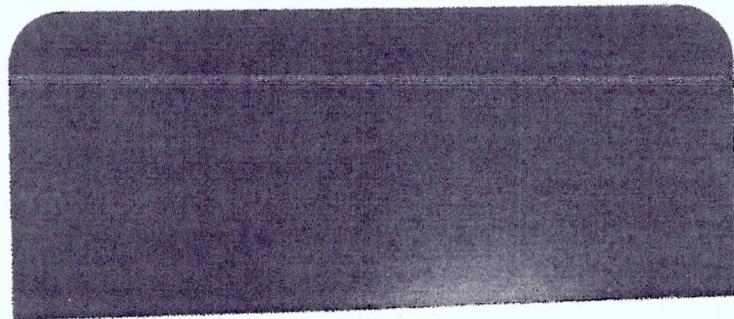


Ludistky Rovira Nabetse

Active 1h ago

Kindly see attached lot plan for
sale at P3,500.00/sq.m

ANNEX-K-2



3500???

Three thousand five hundred po?
PER SQUARE METER?



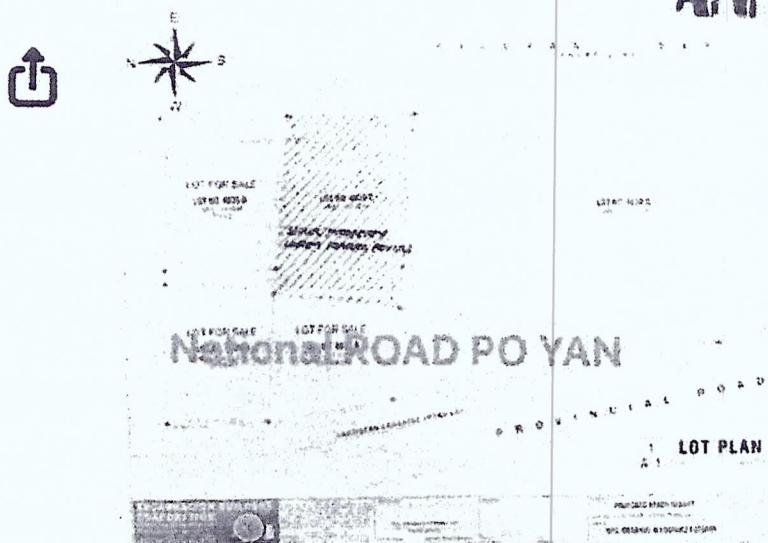
Aa



Ludistky Rovira Nabets

Active 1h ago

ANNEX-K-3



Wla po kau mkkita area dto n
ngbbenta dto ng salvage sa
balagang 3,500 per sq. Meter
banwa nga po 2k Ing

At kng tiutuusin d nmn tlg dpat
kmi mgbayad kc bayad n kmi kay
Mr. Ibarra Rovira. Willing LANG
SANA n mgbayad kmi ng konti pra
ing sna wla ng mhaba proseso.
Pero kng gnyn po ung bgay nyo
mukhang malabo po yan

Bilhin nyo na lanc wng option 1
harap nyo kung ↓ ya ng budget
nvo...



Aa





DESIGN • PLANNING • SERVICES
Mezzanine level, Residencia Isabel Condominium,
51 East Capitol Drive, Brgy. Kapitolyo, Pasig City, 1604
Tel Nos. 8687-0762 / 0950-705-8502 / 0969-105-6562
encarnacionbuilderscorp@gmail.com
www.encarnacionbuilderscorp.com

Annex - L

April 12, 2022

Dear: **MR. EDDIE REYES,**

Good day! We are the contractor hired by clients, Sps. Gerardo & Lourdes Esteban, to build a residential dwelling on their lot located in Cambicang, Brgy. Marigondon, Cajidiocan, Romblon.

In our meeting with Hon. Willy Repizo last April 1, 2022, you acknowledged that you have encroached on our client's lot and even built a restroom on it. Our manpower were also instructed by your son, Mr. Jason Reyes, to hold off the construction works on our client's lot since March 12, 2022, as you are claiming a part of it as yours, though the technical description on our client's land title and geodetic survey proves otherwise.

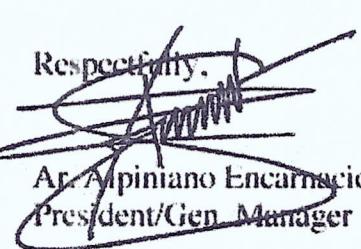
As we are under contract with our client and we have been delayed with our construction works, we are hereby charging you for the salaries of our technical personnel, standby manpower and cost of delay amounting to **One Hundred Forty-nine Thousand Seventy Pesos (P 149,070.00)** covering the period of March 12 – April 13, 2022 due immediately. The computation of which is sent herewith.

This serves as your first billing notice. Further delays will result in corresponding additional charges.

Moreover, in connection with this situation, we are urgently requesting you to demolish the structure you have built on our client's lot immediately so our technical team can proceed with the construction works and prevent further delay.

Attached herewith also are photos and computer generated representation of the said encroachment on our client's lot for your reference.

Thank you.

Respectfully,

Ar. Alpiniano Encarnacion
President/Gen. Manager

CC: Hon. Willy Repizo
Chairman
Brgy. Marigondon,
Cajidiocan, Romblon

RECEIVED BY
WILLIE
PPWY. CAPITAN
APMC 21, 2022
PL. NEP 1320



ENCARNACION BUILDERS CORPORATION

DESIGN • PLANNING • SERVICES
CIVIL ENGINEERING • ARCHITECTURE • LANDSCAPE
TELEPHONE: (034) 227-1127 / (034) 227-1128
FAX: (034) 227-1129
E-MAIL: ENCARNACIONBUILDERS@GMAIL.COM

Project: **Proposed Beach Resort - Sibuyan**
Location: **Cambicang, Brgy. Marigondon, Cajidiocan, Romblon**
Subject: **Manpower Payroll from Weeks 1-5**
Project Started: **March 12, 2022**

Week 1: March 12 - 17, 2022

Manpower		Total Payroll Amount
Foreman	1	
Timekeeper	1	
Warehouseman	1	
Carpenter	2	P 29,573.00
Mason	1	
Helper	7	

Week 2: March 18 - 24, 2022

Manpower		Total Payroll Amount
Architect	1	
Foreman	1	
Timekeeper	1	
Warehouseman	1	
Steelman	2	P 39,516.00
Carpenter	3	
Mason	2	
Helper	2	

Week 3: March 25 - 31, 2022

Manpower		Total Payroll Amount
Architect	1	
Timekeeper	1	
Warehouseman	1	
Steelman	2	P 41,692.00
Carpenter	3	
Mason	2	
Helper	2	

Week 4: April 1 - 7, 2022

Manpower		Total Payroll Amount
Timekeeper	1	
Warehouseman	1	
Steelman	2	
Carpenter	3	P 22,866.00
Mason	2	
Helper	1	

Week 5: April 8 - 13, 2022

Manpower		Total Payroll Amount
Timekeeper	1	
Warehouseman	1	
Steelman	2	
Carpenter	3	P 15,423.00
Mason	2	
Helper	1	

Grand Total P 149,070.00

Prepared by:

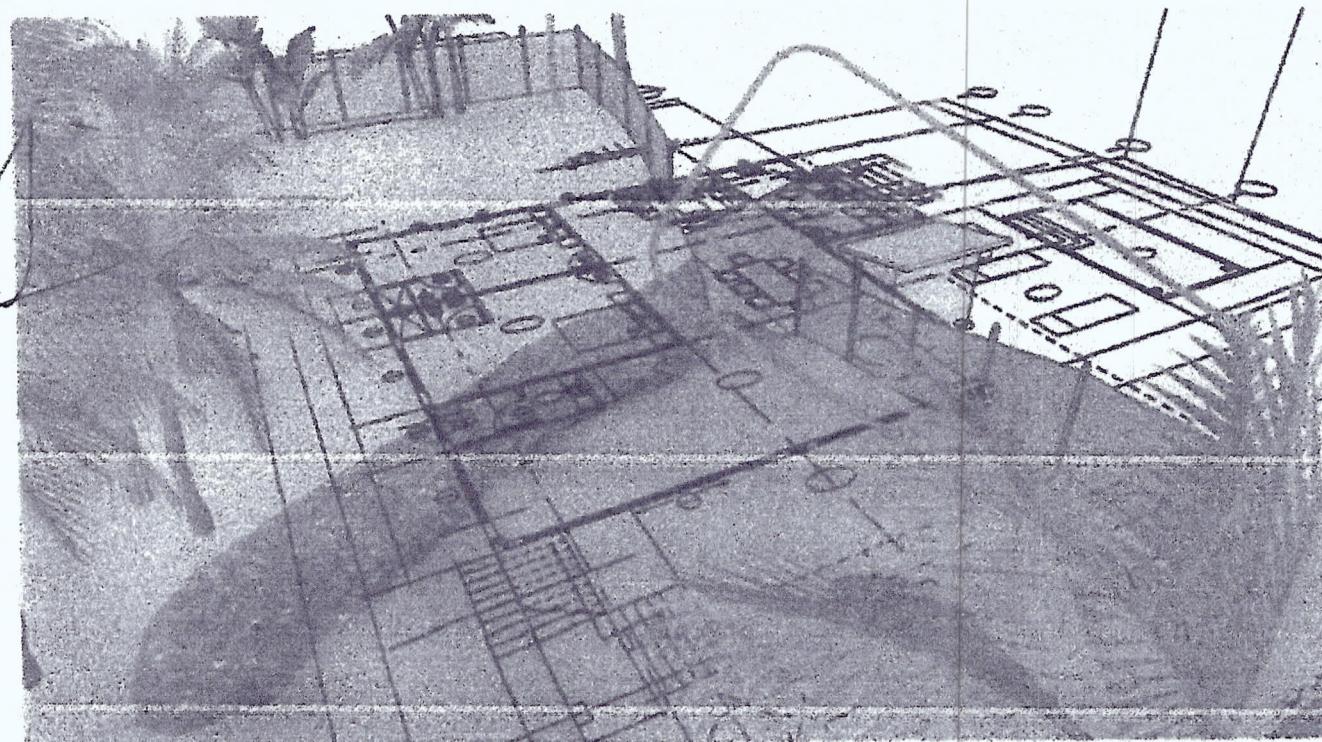
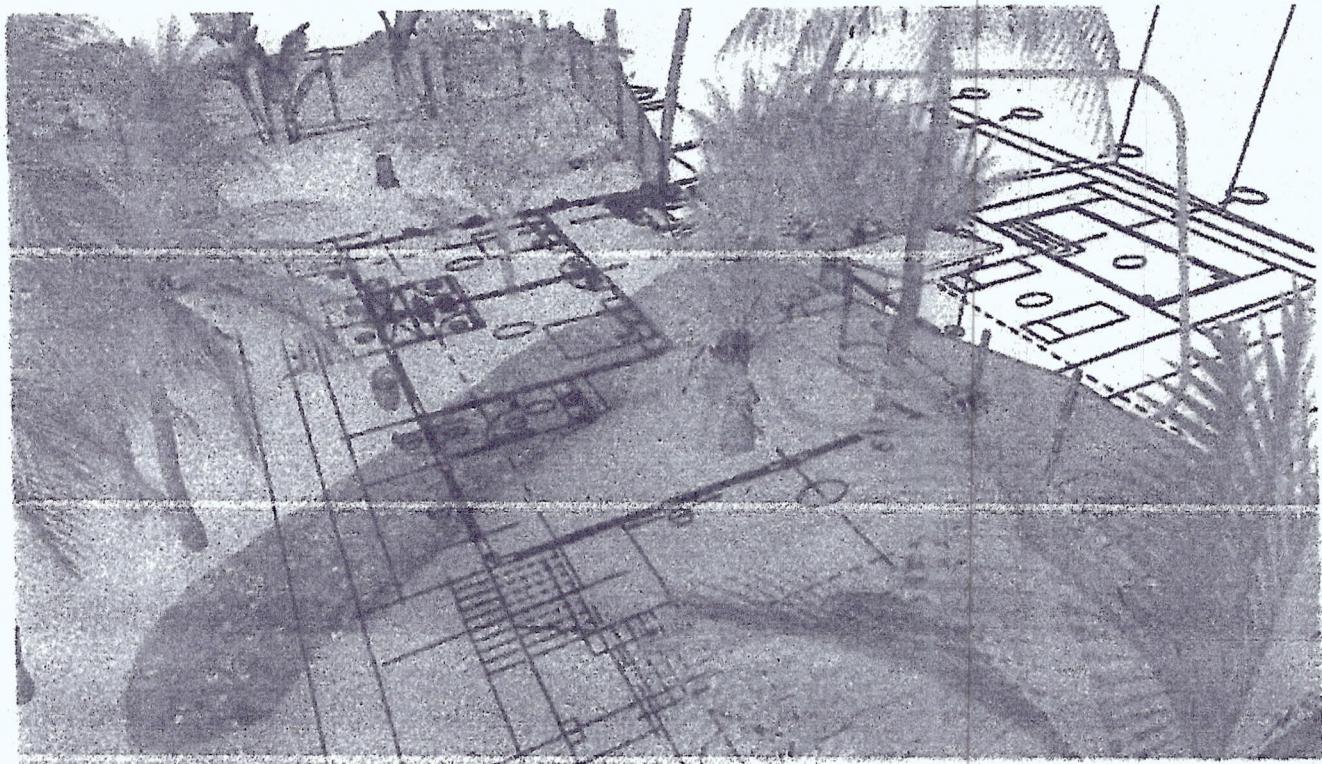
RECEIVED BY: *[Signature]*



ENCARNACION BUILDERS CORPORATION

12000 • 20000 • 30000
The Company is a construction company that
provides services in the construction of
residential, commercial, industrial and
institutional buildings.

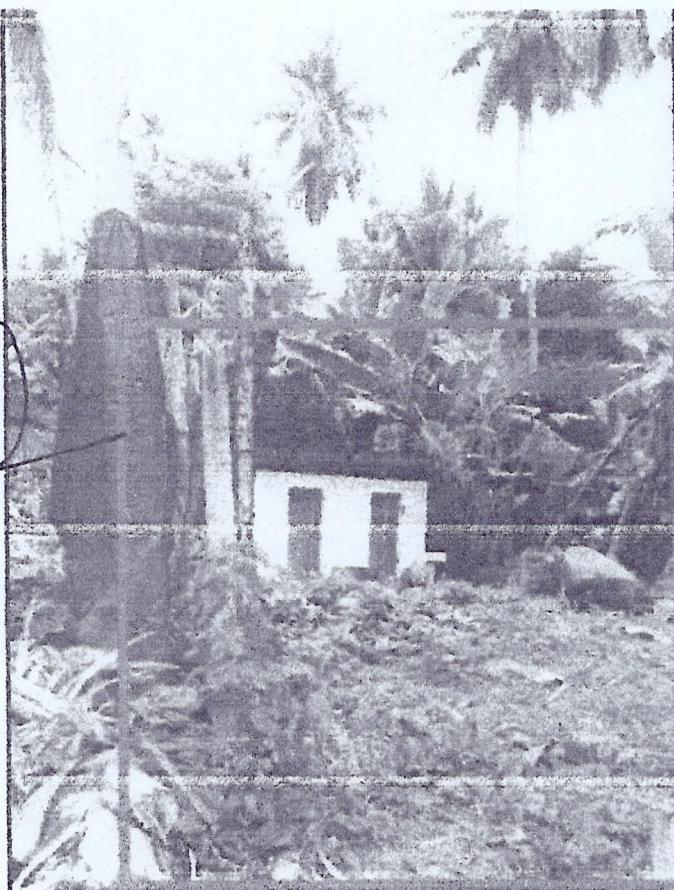
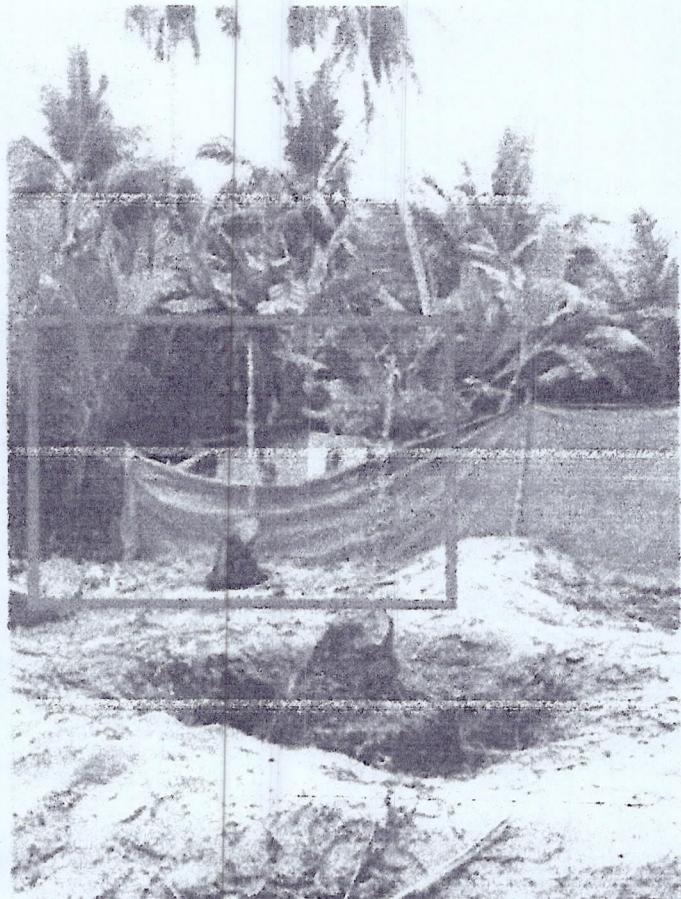
Annex E-2



THE STRUCTURE AREA AND EXTENDED LOT AREA OF

Managing Level, Residencia Isabela Condominium
63 East Capitol Drive, Baguio City, Philippines
Tel Nos. 8837-0762 / 0760-704853
e-mail: residenciaisabelacondo@gmail.com

Annex - L.3



THE STRUCTURE AREA AND EXTENDED LOT AREA OF

ATTY. JERRY FRANK C. PARCON
Attorney-At-Law
Brgy. Poblacion, San Agustin, Romblon
Contact Nos.: 09182989741 / 09164164370
Email Address: frankparconatlaw@gmail.com

ALDAN ROVIRA
MARICHU ROVIRA
13 Felizville Subdivision, Dalandanan
Valenzuela City, 1443 Philippines

Annex - M

Dear Sir/Madame:

I am writing in behalf of my clients, Eddie Reyes and Jayson R. Reyes, who referred this matter for appropriate legal action.

On 22 June 2015, when your father Ibarra R. Rovira was still alive, he sold to Eddie Reyes the 423 sq. m. of his property, which is a portion of Cadastral Lot. No. 4639, fronting Sibuyan Sea, located in Brgy. Marigondon, Cajidiocan, Romblon. Later on, your father sent to Eddie Reyes a separate Real Property Tax Declaration of the said 423 sq. m. to show to Eddie Reyes his compliance in the disposition of the subject 423 sq. m.

Lately, my clients Eddie Reyes and Jayson R. Reyes discovered that the other portion of Cadastral Lot No. 4639 was already sold to the children of Spouses Gerardo and Lourdes Esteban in the persons of Gerard Louise Esteban, Timothy John Esteban, and Jerilou Atasha Esteban.

Unfortunately, there were conflicts that happened already inside the subject property between the workers of Spouses Gerardo and Lourdes Esteban and my clients recently, among others, was the incident that happened on 18 June 2022, when the construction workers of the Spouses Gerardo and Lourdes Esteban by force, swiftly barged inside the subject lot of my clients, and constructed several post inside my clients' property. This unfortunate situation has been causing so much anxiety to my clients and their family. Worst, portion of the property which my client had purchased from your father, has been claimed also by Spouses Gerardo and Lourdes Esteban as their own, since according to them they also purchased the other portion of the property from the heirs of Ibarra R. Rovira.

In this respect, we respectfully request before you, within a period of fifteen (5) days, from the receipt of this letter, to kindly communicate with my office for the settlement of these issues. Otherwise, we will be constrained to avail legal remedies against you.

Thank you for your kind attention regarding this matter.

Truly Yours,


ATTY. JERRY FRANK C. PARCON



Republic of the Philippines
Province of Romblon
Municipality of Cajidiocan
BARANGAY MARIGONDON

CERTIFICATION

Annex - N

HON. WILLIE R. REPIZO
Punong Barangay/Pres. Officer

BARANGAY MAGAWADS;

HON. RENY R. REPIZO
Committee on Health
Committee on Women & Family
Committee on Appropriation

HON. RUEL G. REYES
Committee on Environment

HON. GEORGE ROLAN R. RAMILO
Committee on Peace & Order

HON. DANNY G. MATO
Committee on Education
Committee on Tourism

HON. ANTONIO R. RAFAS
Committee on Senior Citizens Affair

HON. BERNIE G. ROBINES
Committee on Agriculture

HON. EUFEMIA R. RAGOT
Committee on Infrastructure

JOHN EDWARD R. REYES
Committee on Youth, Sports & Development

MRS. EVANGELINE R. RABINO
Barangay Treasurer

MRS. LUZVISMIN R. OMAMBONG
Barangay Secretary

TO WHOM IT MAY CONCERN;

This is to certify that the following name listed below are not resident of Barangay Marigondon, Cajidiocan, Romblon.

**GERARDO ESTEBAN
LOURDES ESTEBAN
IBARRA ROVIRA
MARICHU ROVIRA SANTOS
ARLEN ROVIRA
ALDAN ROVIRA**

Based on the record of this office he/she has not been residing at Barangay Marigondon, Cajidiocan, Romblon .

Issued upon request **JAYSON R. REYES** this 26th day of APRIL 2022 at Barangay Marigondon, Cajidiocan, Romblon for whatever legal purpose it may serve him best.

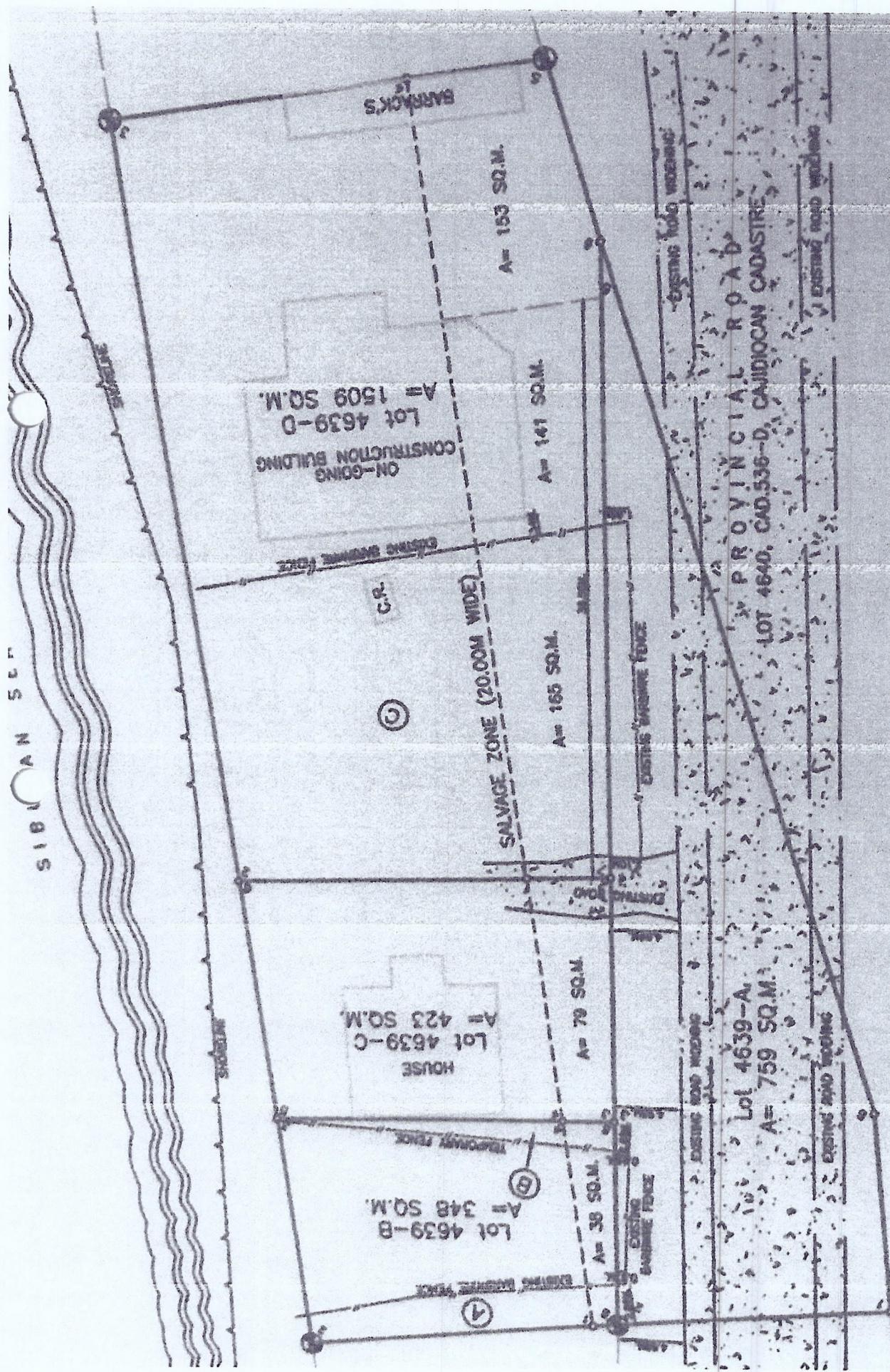
WILLIE R. REPIZO
Punong Barangay

Paid under O.R. NO. 786-3779
Amount paid : Php 100.00
Dated : 4/25/2022
Doc. Stamp : Php 30.00

Annex- 6

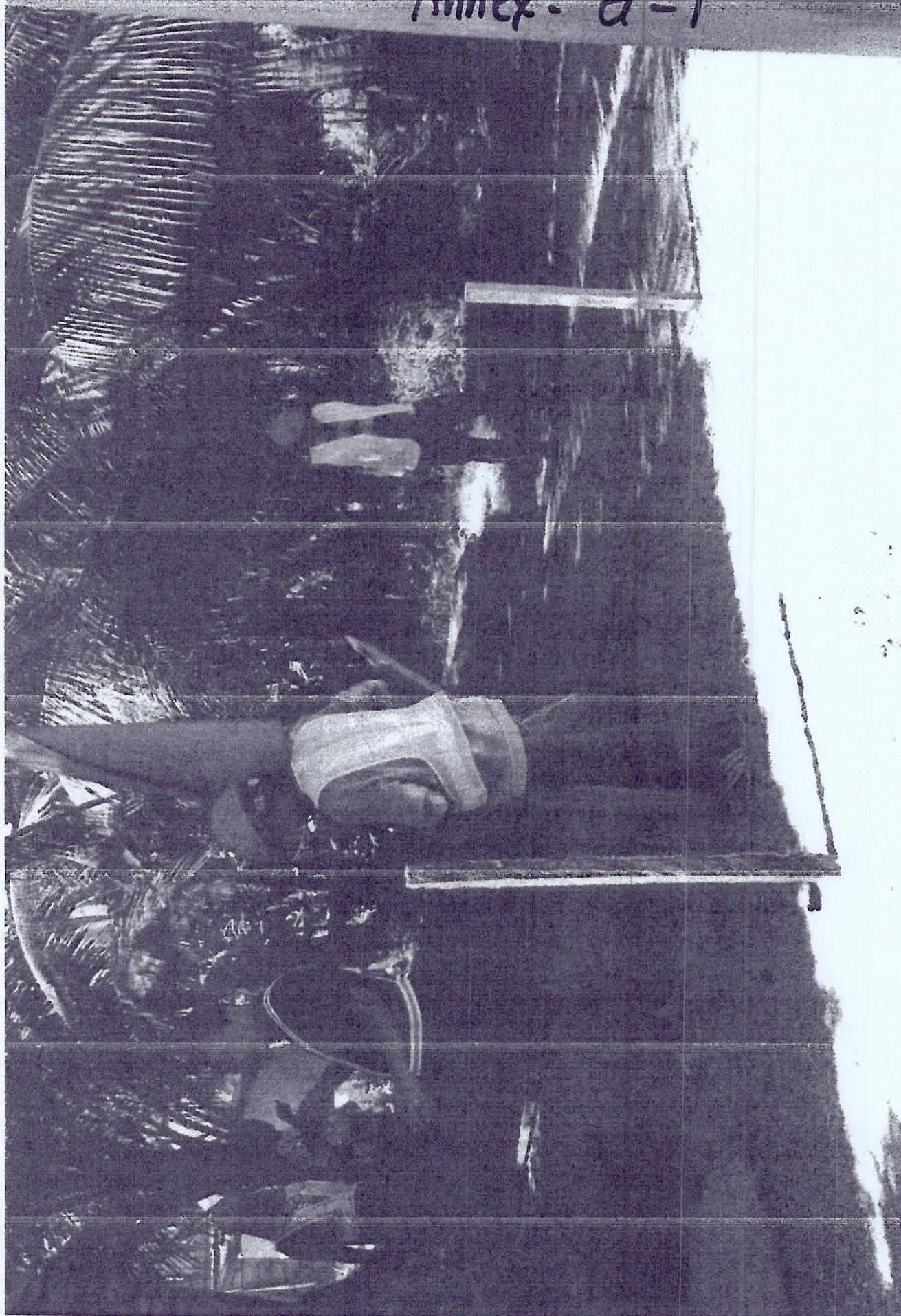


Annex - P

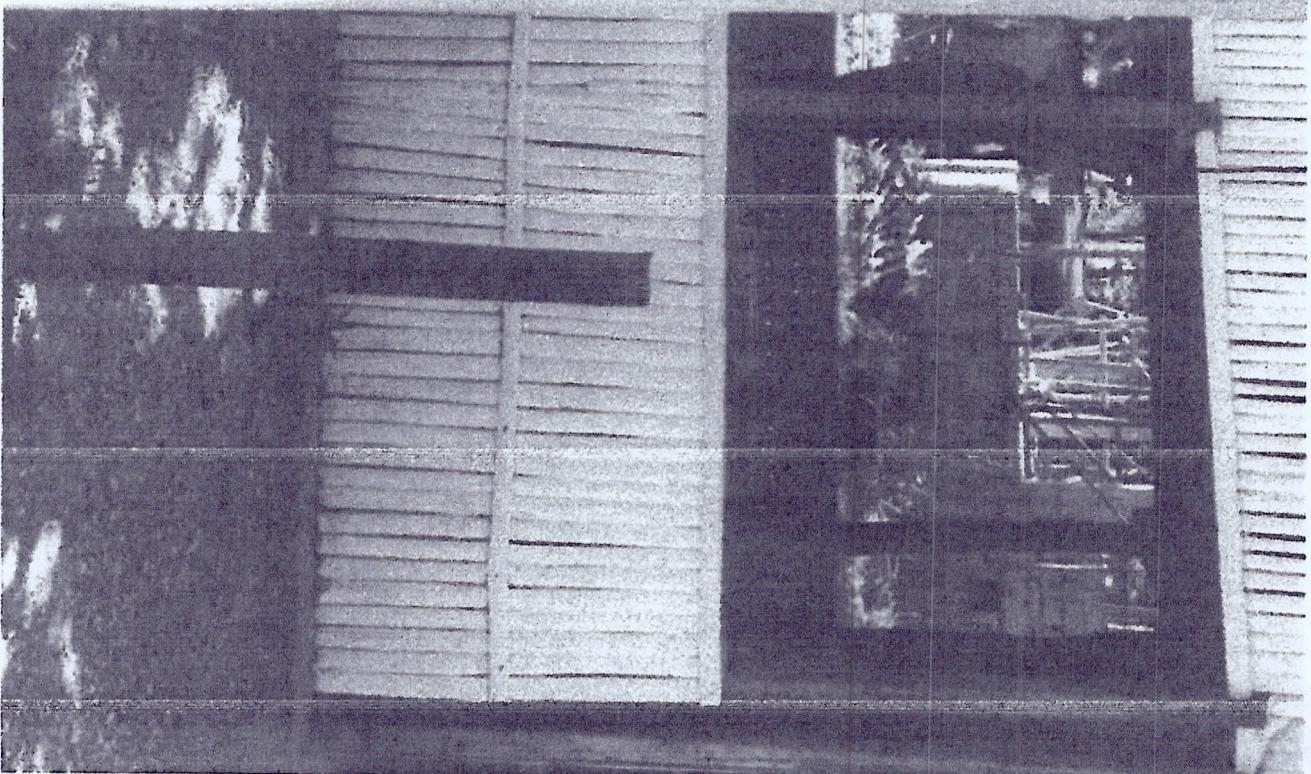


Annex - G

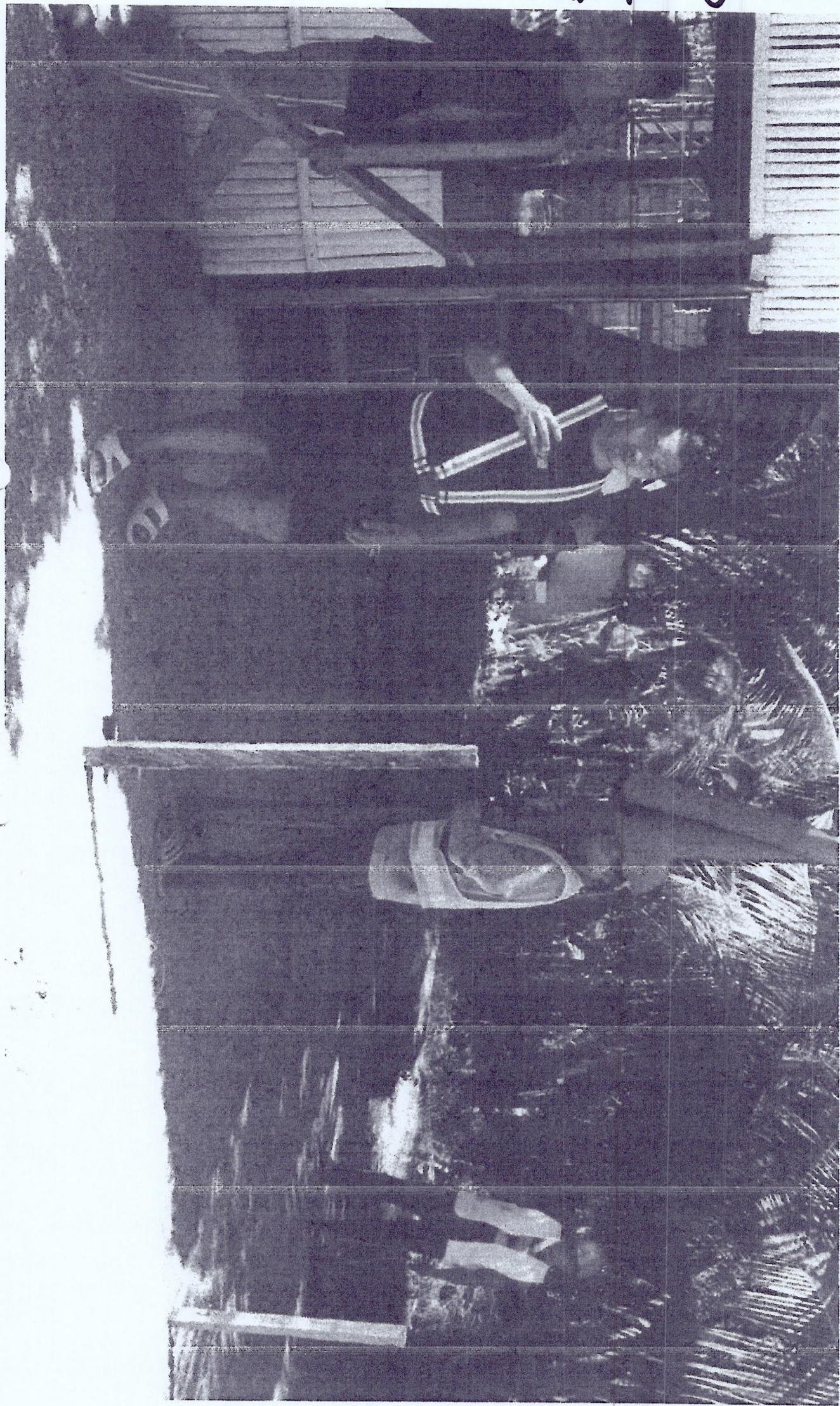
Annex - A - 1'



Annex - G-2



Annex - G - 3



Annex - A-4



ATTY. JERRY FRANK C. PARCON & ATTY. SAMIRA NIMFA B. TANSINGCO

Attorneys-At-Law

Brgy. Poblacion, San Fernando, Romblon 5513
Contact Nos.: 09182989741 / 09164164370
Email Address: frankparconatlaw@gmail.com

ATTY. JERRY FRANK C. PARCON
Attorney-At-Law

Brgy. Poblacion, San Agustin, Romblon
Contact Nos.: 09182989741 / 09164164370
Email Address: frankparconatlaw@gmail.com

Annex - R

ALDAN ROVIRA
MARICHU ROVIRA
13 Felizville Subdivision, Dalandanan
Valenzuela City, 1443 Philippines

Dear Sir/Madame:

I am writing in behalf of my clients, Eddie Reyes and Jayson R. Reyes, who referred this matter for appropriate legal action.

On 22 June 2015, when your father Ibarra R. Rovira was still alive, he sold to Eddie Reyes the 423 sq. m. of his property, which is a portion of Cadastral Lot. No. 4639, fronting Sibuyan Sea, located in Brgy. Marigondon, Cajidiocan, Romblon. Later on, your father sent to Eddie Reyes a separate Real Property Tax Declaration of the said 423 sq. m. to show to Eddie Reyes his compliance in the disposition of the subject 423 sq. m.

Lately, my clients Eddie Reyes and Jayson R. Reyes discovered that the other portion of Cadastral Lot No. 4639 was already sold to the children of Spouses Gerardo and Lourdes Esteban in the persons of Gerard Louise Esteban, Timothy John Esteban, and Jerilou Atasha Esteban.

Unfortunately, there were conflicts that happened already inside the subject property between the workers of Spouses Gerardo and Lourdes Esteban and my clients recently, among others, was the incident that happened on 18 June 2022, when the construction workers of the Spouses Gerardo and Lourdes Esteban by force, swiftly barged inside the subject lot of my clients, and constructed several post inside my clients' property. This unfortunate situation has been causing so much anxiety to my clients and their family. Worst, portion of the property which my client had purchased from your father, has been claimed also by Spouses Gerardo and Lourdes Esteban as their own, since according to them they also purchased the other portion of the property from the heirs of Ibarra R. Rovira.

In this respect, we respectfully request before you, within a period of fifteen (5) days, from the receipt of this letter, to kindly communicate with my office for the settlement of these issues. Otherwise, we will be constrained to avail legal remedies against you.

Thank you for your kind attention regarding this matter.

Truly Yours,

Jerry Frank Parcon
ATTY. JERRY FRANK C. PARCON

DRY. 1. POBLACION, ROMBLON
Tel. No : (63) - -
VAT TIN : 000-782-140-00164



Accepted After Cut-off
THIS SERVES AS AN OFFICIAL RECEIPT
HIN : 15080115363514675
Serial No : PC12DB1Y
Official Receipt No : ROBO135797

Annex-S

SHIPPER:
PARCON, ATTY JERRY FRANK C
Address: NONE, POBLACION
SAN AGUSTIN, ROMBLON
Contact No.(s): 9164164370
Card Number: TIN:
Email:

Courier N-Pouch Regular
Origin : SLA-ROB01-ROMBLON
Tran. Date : 07/26/2022 01:21:42 PM
Delivery Date : 07/27/2022 06:07:2022
Peso Dest. : METRO MANILA
Tran. Type : Delivery
Cut-Off : 12:00 PM
Actual Ht (Kg.) : 0.00

Said to Contain : DOCUMENTS

Due to pandemic, delivery date may change without prior notice
LBC Express values your privacy. For more info on our privacy policy
visit www.lbcexpress.com/privacy-policy
SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE CLAIMS OF CARGO ARE
LIMITED UP TO ACTUAL DECLARED VALUE ONLY
I hereby agree to be bound with the terms and conditions written at the
back set forth by LBC EXPRESS

JHO-ANN MAGPUSAN
Signature of Associate

PARCON, ATTY JERRY FRANK C

Signature of Shipper

OR Series No : ROR01140000000001 to ROBB18999999999998 BIR Final PT08/115-122-0045057-00164
BIR Accreditation No: 1220007821402015060218 Date Issued 06/26/2019 Valid until 07/31/2025
*THIS INVOICE/RECEIPT SHALL BE VALID FOR FIVE(5) YEARS FROM THE DATE OF THE PERMIT TO USE *

CONSIGNEE:
And or / care of:

ROVIRA, ALDAN
Address: 13 FELIZVILLE SUBDIVISION, DALANDANAN
DALANDANAN
VALENZUELA CITY, METRO MANILA
Contact No. (s): 9999999999

VATable(Freight) : 120.54
VAT-Exempt : 0.00
VAT Zero-Rated : 0.00
10AM Pickup Fee : 0.00
Total Sales : 120.54
12% VAT : 14.46
Amount Due : 135.00
Discount : 0.00
Mode : CASH

Track your padala at:
www.lbcexpress.com
Talk to our Care Representative
www.lbcexpress.com
Tel: (632) 8858-5999
1-800-10-8585-999
Only for PH outside NCR

Let us know of your experience:
survey.lbcexpress.com

◀ LBCEXPRESS



to JIMSON MAGADA, on
03-01-2022. Share your
experience, click bit.ly/CSATPh.
Thanks

Annex - T

Ka-LBC! Your shipment
127072450923 was released to
ALBERT TAMAYO, GUARD ON
DUTY/S/G OIC on 14-02-2022.
Share your experience, click
bit.ly/CSATPh. Thanks

Ka-LBC! Your shipment
127113415857 was released
to MARISSA ROVIRA,
OFFICE STAFF/EMPLOYEE
on 03-08-2022. Share your
experience, click bit.ly/CSATPh.
Thanks

REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
MUNICIPAL CIRCUIT TRIAL COURT
CAJIDIOCAN-SAN FERNANDO-MAGDIWANG

SPOUSES EDDIE G. REYES AND
ANGELINA R. REYES AND
SPOUSES JAYSON R. REYES
AND HAZEL JOYCE P. REYES,
Plaintiffs,

- versus -

CIVIL CASE NO. _____
For: QUIETING OF TITLE AND
DAMAGES

SPOUSES GERARDO AND
LOURDES ESTEBAN, GERARD
LOUISE ESTEBAN, TIMOTHY
JOHN ESTEBAN, JERILOU
ATASHA ESTEBAN, ENRICO
ROTONI, ARCHITECT
ALPINIANO ENCARNACION,
AND ARCHITECT EDDIE
ABOGADO

THE HEIRS OF IBARRA R.
ROVIRA AND BARBARA R.
ROVIRA REP. BY ALDAN
ROVIRA

Defendants.

DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES REGION IV-B,

PROVINCIAL ASSESSOR OF THE
PROVINCE OF ROMBLON

Nominal Defendants.

X-----X

**JUDICIAL AFFIDAVIT
(EDDIE G. REYES)**

PREFATORY STATEMENT

This is the Judicial Affidavit of **EDDIE G. REYES** ("Eddie") 61 years old, Filipino, married, and presently residing in Brgy. Marigondon, Cajidiocan, Romblon. The Examination is conducted by **ATTY. JERRY FRANK C. PARCON**, with office address in Brgy. Poblacion San Agustin, Romblon.

The counsel freely explained to the witness the purpose of the Judicial Affidavit and he certifies that he is answering the questions asked of him; that he is fully conscious of the answers given and he does so under oath; and that he may face criminal liability for any false testimony or perjury given by him in this Judicial Affidavit. Likewise, the Q and A portion of this Judicial Affidavit is in Filipino language since it is the medium that the witness is at ease in explaining his thoughts with this counsel.

OFFER OF TESTIMONY: The testimony of the witness is being offered to prove the following:

1. That he purchased a 423 sq. m. beach lot ("subject property"), owned by Ibarra R. Rovira ("Baring"), which is a portion of Cadastral Lot Number 4639, previously under Real Property Tax Declaration Number 0535, located in Brgy. Marigondon, Cajidiocan, on 22 June 2015;
2. That before he paid the property, he, along with Ricardo Galang, and David Rizo (deceased) measured the property that he wanted to buy from Baring excluding the 20 meters salvage zone and after the survey he sent the lot area of 423 sq. m. to Baring in Manila;
3. That the 423 sq. m. property that they measured and purchased from Baring includes the area where the Spouses Gerardo and Lourdes Esteban is recently occupying;
4. That he paid the subject property using the money of his son Jayson R. Reyes ("Jayson") and his daughter in law Hazel P. Reyes ("Hazel") in the amount of **ONE HUNDRED TWENTY SIX THOUSAND NINE HUNDRED PESOS (P126, 900.00)**;
5. That after he paid Baring the purchase price of the lot, he and his wife and the family of Jayson immediately took active possession of the subject property wherein they developed the area because it is muddy and dense. They planted a quite number of dwarf coconut trees in the subject lot including the area where the Spouses

Gerardo and Lourdes Esteban is now occupying and they constructed the house of Jayson and Hazel inside the subject lot in September 2015;

6. That Baring sent him the Real Property Tax Declaration of the subject 423 sq. m. after the execution of the Deed of Absolute Sale. (Real Property Tax Declaration Number D-000658). From the year 2016 up to present, they have been paying the real property tax of the subject 423 sq. m. property;

7. That in the first to second quarter of 2022, Spouses Gerardo and Lourdes Esteban illegally constructed a building in the Southern portion of the 423 sq. m. using strategy, stealth, force, and intimidation to their prejudice and damages;

8. To prove other material allegations in the complaint;
9. To corroborate with the testimony of Jayson R. Reyes; and,
10. To identify pertinent documents in relation to his testimony.

Q: Atty. Parcon: Mr. Witness, maaari mo bang sabihin ang inyong pangalan at personal na sirkumstansya ng iyong buhay?

Witness: Ako po si Eddie G. Reyes 61 na taong gulang, kasal, at nakatira sa Brgy. Marigondon, Cajidiocan, Romblon.

Q: Atty. Parcon: Paano po kayo nagkaroon ng kaalaman sa kasong ito?

Witness: Alam ko po ang kasong ito, dahil ako po ang bumili ng lupa sa aking tiyuhin na si Baring noong 2015.

Q: Atty. Parcon: Paano po ninyo nabili ang lupa kay Baring noong 2015?

Witness: Noon pong nagkaroon kami ng reunion magkakamag-anak noong 2015 sa Manila, nagkita kita po kami sa Manila, kasama si uncle Baring dahil pinsang buo po siya ng tatay ko. Doon po kami nakiusap kay uncle Baring na kung maaari makabili kami ng lupa sa kanya para mapatayuan namin ng bahay.

Q: Atty. Parcon: Ano naman po ang sagot niya sa inyo?

Witness: Ang sabi niya sige bibigyan kita pero yung iba hindi ko pagbibigyan. Sinabi rin niya na pagbibigyan kita pero kinakailangan

alagaan mo ang lupa at e-improve mo, at ang ibebenta nya raw po ay dito sa may bandang dagat sa Barangay Marigondon.

Q: Atty. Parcon: Ano po ang dahilan bakit ang ibebenta niyang lupa sa inyo ay yung portion ng lupa niya na malapit sa dagat, kung alam mo?

Witness: Para raw po nakahiwalay na ang tax declaration dahil ang lupa raw po niya ay nahati na ng national road – may papuntang dagat at meron naman papunta sa kabilang side.

Q: Atty. Parcon: Matapos pong pumayag ni Baring na ibebenta sa inyo ang portion ng lupa niya sa tabing dagat, ano po ang sumunod na nangyari?

Witness: Inutusan niya po ang pamangkin niya at katiwala niya sa lupa na si Ricardo Galang (“Carding”), na taga Cajidiocan din, na sukatin namin ang lupa na ibebenta ni uncle Baring sa akin para malaman namin ang sukat.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Sinukat po namin ang lupa ni uncle Baring, kasama ko po noon si manong Carding at David Rizo (patay na po si David Rizo ngayon). Noong sinukat namin ang lumabas 423 sq. m.

Q: Atty. Parcon: Saan po magmula at aabot ang 423 sq. m. na nasukat ninyo, kung naaalala niyo pa?

Witness: Magmula po diyan sa puno ng Bangkay, sa tabi ng bahay ni Jayson hanggang diyan po sa on-going construction nila Lourdes ang sukat ng binili kong lupa. Pahaba po ang sukat namin noon. Ang sabi po ng nagsukat na si David Rizo, “oh sige e less na natin dito ang salvage zone na 20 meters”. Nandoon po si manong Carding, dahil siya po ang katiwala ni uncle Baring.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Pagkatapos po ng pagsukat namin sa lupa, pinadala na po agad namin sa Manila, kay uncle Baring ang ginawang sukat ni David Rizo, drawing po yon na may kasamang square meters ng area, kaya lang hindi ko na mahanap ang kopya ko, yon po ang pinagbasehan sa pagawa ng Deed of Sale.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Pumayag naman po si uncle Baring sa pinadala naming sukat. Ang sabi pa nga raw po niya, bakit hindi ko na lang binili ang buong lupa niya sa shoreline.

Q: Atty. Parcon: Ano po ang dahilan at yong 423 sq. m. lang ang binili mo?

Witness: Yon lang po ang kaya ng pera namin, Sir noong panahon na iyon.

Q: Atty. Parcon: Ano naman po ang naging basehan ng pinaka starting point na boundary ng lupa ni uncle Baring mo noong nagsukat kayo nila Carding at David Rizo ng 423 sq. m.?

Witness: Yung puno po ng Bangkay, Sir. Dahil yung boundary po sa portion na papuntang Magdiwang (Northern portion), alam ko po ang hangganan ng lupa ni uncle Baring dahil tinuro po niya sa akin noong pumupunta pa siya sa amin. Tinuro nya ang puno ng Bangkay, nandyan pa po ang puno hanggang sa ngayon, katabi po ng bahay ni Jayson. Ang sabi niya sa amin noon, yon daw po ang pagitan ng boundary ng lupa niya at katabi niyang lupa na pag-aari ng kapatid nyang babae na si Antelong Rovira Male. Doon po kami kumuha ng simula ng aming sukat. Kaya yan po ang alam namin na 423 sq. m. sa aming sukat magmula sa puno ng Bangkay hanggang doon sa may ginagawang on-going construction nila Lourdes, yan po ang nabili naming lupa kay uncle Baring.

Q: Atty. Parcon: Paano naman po nahati ang lupa ni Baring ng kalsada?

Witness: Nadaanan po ito ng proyekto na bagong kalsada ng gobyerno, nangyari po ito bago pa po namin nabili ang lupa ni uncle Baring. Kaya lumiit po ang sukat ng lupa ni uncle Baring sa bandang shoreline.

Q: Atty. Parcon: Ano po ang ginamit ninyong panukat?

Witness: Ang ginamit po na panukat ni David Rizo noong panahon na yon ay yung mahabang tape measure na kahawig ng ginagamit ng Municipal Assessor's Office.

Q: Atty. Parcon: Ano po ang sumunod na nangyari, matapos ninyong sukatin ang lupa ni Ibarra sa tabing dagat?

Witness: Yon po Sir, pinadala na namin ang sukat kay uncle Baring sa Manila.

Q: Atty. Parcon: Ano po ang sumunod na nangyari matapos maipadala kay Baring ang sukat ng lupa?

Witness: Noong napadala na po ang sukat ng lupa kay Uncle Baring na 423 sq. m., nagpresyo na po si uncle sa nasabing lupa, ang sabi niya, ang presyo ng lupa niya per square meter ay P300.00 kaya nagpadala po ako ng pera at ang nag-asikaso po ay ang kapatid ko na si Delfin Reyes at bayaw ko na si Bernardo R. Rojas.

Q: Atty. Parcon: Magkano po ang binayaran ninyo?

Witness: P126, 900.00 po.

Q: Atty. Parcon: Kaninung pera po ang ginamit ninyo sa pagbili ng lupa kay Ibarra?

Witness: Ang pera po na pinangbayad sa lupa ay pera ng anak ko na si Jayson at ng asawa niya na si Hazel.

Q: Atty. Parcon: Paano po ang naging proseso ninyo sa Deed of Absolute Sale kung ikaw ay nasa Cajidiocan, at si Baring naman po ay nasa Manila?

Witness: Yung bayaw ko po na si Bernardo Rojas na nasa Manila noon, siya po ang pinagawa ko po ng Deed of Absolute Sale, yung kapatid ko naman na si Delfin Rios ang inutusan ko iabot ang bayad kay uncle Baring. Si Bernardo Rojas po ang nagpapirma ng Deed of Absolute Sale kay uncle Baring at pumirma rin po siya sa nasabing Deed of Absolute Sale. Pagkatapos, pinadala na po sa amin ang Deed of Absolute Sale dito sa Cajidiocan at dito na namin sa Cajidiocan pinirmahan ni nong Carding (Ricardo Galang) ang nasabing Deed of Absolute Sale.

Q: Atty. Parcon: Ipapakita ko po sa inyo ang isang Deed of Absolute Sale na may petsang 22 June 2015, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the Deed of Absolute Sale be marked as Exhibit "____".)

Q: Atty. Parcon: Dito po sa nasabing Deed of Absolute Sale, ano po ang dahilan at hindi po naka-notaryo itong Deed of Absolute Sale na ginawa ni Baring para sa inyo?

Witness: Noon pong na-received namin ang Deed of Absolute Sale, di ko na naisipan magpanotaryo dahil po nasa isip ko nasa akin na rin

naman na ang Real Property Tax Declaration ng 423 sq. m. Ang sabi raw po ni Ibarra, ibigay raw po sa akin ang real property tax declaration at ako na raw po ang magbabayad ng buwis. Kaya kami na po ang nagbayad ng buwis sa munisipyo ng nasabing 423 sq. m. hanggang sa ngayon. At dahil binabayaran na rin naman namin ang buwis ng nasabing lupa at kami na rin ang nakaposisyon dito, hindi ko na po naisipan pa na ipanotaryo ang Deed of Absolute Sale dahil kampante po ako na maayos na ang kalagayan namin sa nabili naming lupa.

Q: Atty. Parcon: Paano naman po ninyo nakuha ang Real Property Tax Declaration ng 423 sq. m.?

Witness: Dinala po sa amin ng sister in law ni Baring, kung naalala ko si Santa Rance, taga Cajidiocan, mga taong 2015. Siya po ang nag-abot sa amin ng Real Property Tax Declaration, at ang sabi sa kanya kami na raw po ang magbabayad ng buwis, iyon raw po ang sabi ni uncle Baring. Kaya po ang paniniwala ko po noong inabot sa amin ang tax declaration, kami na po talaga ang may-ari ng lahat ng lupa ni uncle baring sa shoreline kasama yung tinatayuan ng construction ni Lourdes, dahil nga po kami na ang pinagbayayad ni uncle Baring ng buwis sa lupa, sa amin niya na iniwan ang obligasyon ng pagbabayad ng buwis.

Q: Atty. Parcon: Ipapakita ko po sa inyo ang isang Real Property Tax Declaration na may numerong TD No. 000658, sa pangalan ni Ibarra Rovira, na may sukat na 423 sq. m., ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the said document be marked as Annex _____)

Q: Atty. Parcon: Ano naman po ang inyong patunay na kayo ang nagbabayad ng buwis sa nasabing 423 sq. m. na lupa?

Witness: Yan pong official receipt ("OR") sir na binigay ng Municipal Treasurer's Office ng Cajidiocan.

Q: Atty. Parcon: Ipapakita ko po sa inyo ang apat na OR ng Municipal Treasurer's Office ng Cajidiocan na nakapangalan kay Jason Reyes sa taong 2019, 2018, 2017, at 2016, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the said documents be marked as Annexes _____, _____, _____, and _____ respectively.)

Q: Atty. Parcon: Bakit po Jayson Reyes ang nakalagay sa resibo sa halip na pangalan po ninyo?

Witness: Pera po kasi ni Jayson at ni Hazel ang pinangbayad ko po sa nasabing 423 sq. m. Nasa Macau po sila noong binili namin ang lupa kaya ako po ang pumirma sa Deed of Absolute Sale.

Q: Atty. Parcon: Paano po pinadala ni Jayson ang pera pambili ng lupa?

Witness: Inabot po ni Hazel, asawa ni Jason ang pera kay misis, noong pumunta po si misis sa Macau, P200, 000.00 po yung pera. Yung pera na iyon iniwan namin ni misis sa kapatid niya na si Barbara Luzon sa Manila. Noong nagkasundo na sa bilihan ng lupa, sabi ko sa kapatid ko na si Delfin Reyes, pakikuha ng pera kay Barbara Luzon, at dalhin niyo na kay uncle Baring. Yon na gumawa na sila ng Deed of Absolute sale.

Q: Atty. Parcon: Pagkatapos po ninyong mabili ang lupa, ano po ang sunod na nangyari?

Witness: Pagkatapos po naming mabili ang lupa, pinalinisan po namin ito at tinaniman po namin ng mga niyog hanggang dyan sa may Lot 4639-D sa may on-going construction ngayon ni Lourdes. Dahil masukal at maputik po yang lupa na yan noong nabili namin. Namumunga na po ang tinanim po naming niyog sa nasabing lupa bago ito putulin nila Lourdes nitong 2022 ng magtayog sila ng construction. Mga September 2015 naman po, nagsimula na pong magpatayo ng bahay ang anak ko na si Jason. Mga 3 months po pagkatapos maipatayo ang bahay, dito na sila tumira sa nasabing lupa. Kaya lang pabalik balik sila sa abroad dahil sa kanilang trabaho sa Macau noon. Yung restaurant naman po ng anak ko ay tinayo nila yan nong pandemic.

Q: Atty. Parcon: Bakit po kayo nagsampa ng reklamo laban sa mga defendants?

Witness: Noon pong nagtatayo na ng structures itong mag-asawang sina Gerardo at Lourdes Esteban sa tabi ng 423 sq. m., kinuha po nila sa amin ang portion ng 423 sq. m. at pinadalhan po kami ng sulat ng Architect nila na pinapagiba po sa amin ang mga structures ng anak ko na nakatayo na po sa loob ng nasabing 423 sq. m. dahil sabi nila nabili rin daw nila ang lupa kay uncle Baring.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Nagsampa po ng reklamo si Jason sa Barangay.

Q: Atty. Parcon: Bakit naman po kayo naghingi ng damages sa korte?

Witness: Noon pong 18 June 2022 Sir ng umaga, pwersahan pong pumasok na walang paalam ang mga tauhan ni Gerardo at Lourdes Esteban at nagtayo na po sila ng mga bakod sa loob ng aming ari-arian, kung hindi po dumating ang mga pulis at kung hindi po ito tinanggal ng anak ko ang mga bakod, hindi po sila titigil Sir, dahil utos daw po ito nila Gerardo at Lourdes Esteban.

Q: Atty. Parcon: Paano po ninyo nalaman na ito ay utos ni Gerardo at Lourdes Esteban?

Witness: Dahil tinawagan po ninyo ang mag-asawang Gerardo at Lourdes Esteban sa telepono noong nagkagulo na ng 18 June 2022 Sir ng umaga, at ang sabi po sa inyo sa kanila daw ang portion ng 423 sq. m. ng aming lupa base sa survey na ginawa nila at sila raw ang nakabili ng lupa kay Ibarra kaya po kailangan na nila itong kunin sa amin.

Q: Atty. Parcon: Maari mo bang ipaliwanag kung ano itong survey na sinasabi ng mag-asawang Gerardo at Lourdes Esteban?

Witness: Nagpagawa po sila Sir ng falsified na subdivision plan, at ginawan po nila kami ng sariling sketch plan na 423 sq. m. na may petsang 21 October 2019. Nakapagtataka, bakit mahigit apat na taon matapos naming mabili ang lupa kay Ibarra noong 22 June 2015 saka pa lang sila nagpagawa ng subdivision plan kung saan nakatayo na ang bahay ng aking anak na si Jayson. Nakikita naman nila Lourdes at Gerardo at ng mga kamag-anakan nila dito sa Cajidiocan na naka occupy na kami sa nasabing 423 sq. m., bakit kelangan pa nilang baguhin ang nabili naming 423 sq. m.

Q: Atty. Parcon: Ipapakita ko sayo ang isang subdivision plan na may petsang 19 October 2019 sa lupa ni Ibarra Rovira sa Cadastral Lot Number 4639, ano po ang kaugnayan nito sa sinasabi ninyong subdivision plan?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the said document be marked as Exhibit ____.)

Q: Atty. Parcon: Bakit po ninyo sinasabi na falsified itong nasabing subdivision plan?

Witness: Dahil hindi po pirma ni Baring sir ang pirma dyan sa pangalan niya na with my conformity Ibarra R. Rovira, familiar po ako sa pirma

niya Sir dahil doon sa pirma niya sa Deed of Absolute Sale, iba po ang pirma roon.

Q: Atty. Parcon: Ano naman ang problema ninyo dito sa nasabing subdivision plan na pinagawa nila Gerardo at Lourdes Esteban?

Witness: Nilagay po nila kami Sir sa Lot-C ng nasabing subdivision plan na may sukat na 423 sq. m., pero halos 80 percent po ng nasabing 423 sq. m. sa Lot-C ay salvage zone, taliwas po itong binigay nila Gerardo at Lourdes Esteban na Lot-C sa original na binili kung lupa na sinukat namin nina Ricardo Galang at David Rizo, dahil noong nagsukat kami, hindi namin sinama ang salvage zone sa 423 sq. m. Nagbilang muna kami ng 20 meters from the highest tide ng area, bago namin kinuha ang 423 sq. m., kaya wala pong kasamang salvage zone ang nabili naming 423 sq. m., iyon rin po ang sinubmit naming sukat may drawing pa nga pong kasama yung binigay naming sukat kay uncle Baring, kaya lang di ko na mahanap ang drawing ng 423 sq. m.

Q: Atty. Parcon: Noon pong ginagawa itong subdivision plan nila Lourdes sa lupa ninyo, bakit hindi po kayo nagreklogo sa kanila na mali ang subdivision na ginagawa nila?

Witness: Noon pong nagpasurvey sila Lourdes at naglagay ng mohon wala po akong masamang inisip sa kanila dahil kamag-anak ko po sila e. Malaki po ang tiwala ko sa kanila na wala silang gagawing masama sa lupa namin. Hindi rin naman po sila nagpapaliwanag sa amin sa tunay na nangyari ng pa survey nila at wala po silang sinabi sa amin na subdivision plan na pala ang ginagawa nila, at hindi po nila kami binigyan man lang ng kopya ng subdivision plan na pinagawa nila pagkatapos ng survey. Nakakuha lang kami kay Enrico Rotoni ng naghahanap na ang anak ko ng kopya ng plano ng aming lupa sa kanila dahil taon na ang lumipas at wala pa rin ang plano. Nagbayad pa po ang anak ko sa nasabing pa survey, pero tinago po nila ito ng matagal sa amin.

Q: Atty. Parcon: Ano po ba dapat ang tamang sukat ng 423 sq. m. para sa inyo, kung alam mo?

Witness: Meron pong ginawang relocation/verification survey ang kinuha po ng anak ko na geodetic engineer, si Engr. Joevannie M. Saguid, yon po Sir ang halos kahalintulad na sukat na ginawa namin noon nila manong Carding at David Rizo.

Q: Atty. Parcon: Ipapakita ko sa iyo ang isang relocation/verification plan na ginawa at may pirma ni Engr. Joevannie M. Saguid para sa Sp. Eddie G. Reyes and Angelina R. Reyes, sa Lot 4639, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Iyan po ang aking sinasabi, Sir.

(Respectfully requesting that the said document be marked as Exhibit "____".)

Q: Atty. Parcon: Base sa nasabing verification plan, alin po dito ang tamang sukat ng 423 sq. m.?

Witness: Yan pong nasa drawing Sir na 38 sq. m., 79 sq. m., 165 sq. m., at 141 sq. m., Sir.

(Respectfully requesting that the said 38 sq. m., 79 sq. m., 165 sq. m., and 141 sq. m. in the said verification plan be sub marked as Exhibits "____", "____", "____" and, "____".)

Q: Atty. Parcon: Bakit nyo po nasabi na yan ang tamang sukat?

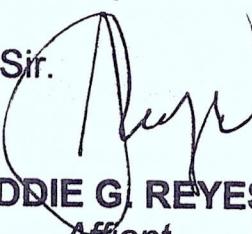
Witness: Dahil nilabas po diyan Sir ang salvage zone, iyan po ang tunay na intension namin noong sinukat namin ang 423 sq. m. nila manong Carding at David Rizo bago ko bilhin ang nasabing 423 sq. m.

Q: Atty. Parcon: Ano po ang epekto ng pagsakop nila Gerardo at Lourdes Esteban sa inyong lupa.

Witness: Stress po Sir, matanda na po ako, at kamag-anak rin namin yang sila Ibarra Rovira. Nasisira yung relationship namin dahil sa ginawang panghimasok nila Gerardo at Lourdes Esteban dito sa lupa namin. Dinadala mo yung bigat sa pakiramdam sa araw-araw mong maiisip na nasisira ang magkakamag-anak dahil lang sa maliit na lupa.

Q: Atty. Parcon: Pinatotohanan niyo po ba ang lahat ng sinasabi ninyo dito sa inyong panghukumang-salaysay?

Witness: Pinatotohanan ko po, Sir.



EDDIE G. REYES
Affiant

SUBSCRIBED AND SWORN TO before me this 17 AUG 2022
in Cajidiocan, Romblon, Philippines affiant having exhibited to me his
____ as competent evidence of identity.

SUBSCRIBING OFFICER

ATTY. EMERSON J. FELONGCO
PAO LAWYER III
Pursuant to R.A. 9406

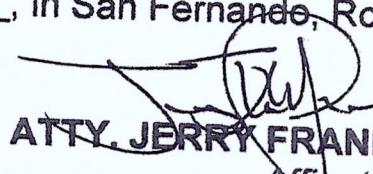
REPUBLIC OF THE PHILIPPINES)
CAJIDIOCAN, ROMBLON) S.S.

ATTESTATION

I, ATTY. JERRY FRANK C. PARCON, of legal age, Filipino citizen, married, with office address at Barangay Poblacion, San Agustin, Romblon, after having been duly sworn to in accordance with the law, do hereby depose and say that:

1. I am the lawyer who conducted the direct examination of the witness Eddie G. Reyes;
2. I faithfully recorded or caused to be recorded the questions I asked and the corresponding answers that the witnesses gave; and
3. Neither I nor any other person then present or assisting me coached the witnesses regarding their answers.

IN WITNESS WHEREOF, I have hereunto set my hand this _____, in San Fernando, Romblon.


ATTY. JERRY FRANK C. PARCON

Affiant

SUBSCRIBED AND SWORN TO before me this 17 AUG 2022
2022, in Cajidiocan, Romblon, affiant exhibiting to me his UMID ID
CRN 021 1695 0793 5, issued in Quezon City as competent evidence
of identity.

SUBSCRIBING OFFICER


ATTY. EMERSON J. FELONGCO
PAO LAWYER III
Pursuant to R.A. 9406

REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
MUNICIPAL CIRCUIT TRIAL COURT
CAJIDIOCAN-SAN FERNANDO-MAGDIWANG

SPOUSES EDDIE G. REYES AND
ANGELINA R. REYES AND
SPOUSES JAYSON R. REYES
AND HAZEL JOYCE P. REYES,
Plaintiffs,

- VERSUS -

CIVIL CASE NO. _____
For: QUIETING OF TITLE AND
DAMAGES

SPOUSES GERARDO AND
LOURDES ESTEBAN, GERARD
LOUISE ESTEBAN, TIMOTHY
JOHN ESTEBAN, JERILOU
ATASHA ESTEBAN, ENRICO
ROTONI, ARCHITECT
ALPINIANO ENCARNACION,
AND ARCHITECT EDDIE
ABOGADO

THE HEIRS OF IBARRA R.
ROVIRA AND BARBARA R.
ROVIRA REP. BY ALDAN
ROVIRA

Defendants.

DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES REGION IV-B,

PROVINCIAL ASSESSOR OF THE
PROVINCE OF ROMBLON

Nominal Defendants.

X-----X

JUDICIAL AFFIDAVIT (RICARDO GALANG)

PREFATORY STATEMENT

This is the Judicial Affidavit of **RICARDO GALANG** ("Ricardo") 77 years old, Filipino, married, and presently residing in Brgy. Poblacion, Cajidiocan, Romblon. The Examination is conducted by **ATTY. JERRY FRANK C. PARCON**, with office address in San Fernando, Romblon.

The counsel freely explained to the witness the purpose of the Judicial Affidavit and he certifies that he is answering the questions asked of him; that he is fully conscious of the answers given and he does so under oath; and that he may face criminal liability for any false testimony or perjury given by him in this Judicial Affidavit. Likewise, the Q and A portion of this Judicial Affidavit is in Filipino language since it is the medium that the witness is at ease in explaining his thoughts with this counsel.

OFFER OF TESTIMONY: The testimony of the witness is being offered to prove the following:

1. That his uncle Ibarra Rovira ("Ibarra") requested him to check and prepare the measurement of Ibarra's property that was planned to be sold to Eddie G. Reyes ("Eddie") located in Brgy. Marigondon, Cajidiocan, Romblon;
2. That he still remember the estimated boundary until now of the property that was sold by Ibarra to Eddie as he was present at that time when the property was physically measured before it was sold to Eddie;
3. To corroborate with the testimony of Eddie;
4. To identify pertinent documents in relation to his testimony.

Q: Atty. Parcon: Mr. Witness, maaari mo bang sabihin ang inyong pangalan at personal na sirkumstansya ng iyong buhay?

Witness: Ako po si Ricardo Galang, 77 na taong gulang, kasal, at nakatira sa Brgy. Poblacion, Cajidiocan, Romblon.

Q: Atty. Parcon: Paano po kayo nagkaroon ng kaalaman sa kasong ito?

Witness: May personal po akong nalalaman sa kasong ito Sir, dahil nandoon po ako ng panahon na sinukat ang lupa ni Ibarra, bago po ito binili ni Eddie.

Q: Atty. Parcon: Anong lupa po itong binabanggit nyo Sir.

Witness: Yung lupa po sa Brgy. Marigondon, Cajidiocan, Sir, malapit sa tabing dagat na ngayon ay may restaurant at bahay ng anak ni Eddie na si Jayson R. Reyes ("Jayson").

Q: Atty. Parcon: Paano po kayo naroon sa nasabing lupa ni Ibarra ng ito ay sukatin?

Witness: Ang sabi po sa akin ng aking uncle na si Ibarra sa tawag niya sa cellphone, dahil nasa Manila siya noon, na tingnan ko raw ang sukat ng lupa niya sa Brgy. Marigondon, malapit sa baybay dahil binibili raw po ito ni Eddie. Sabi ko sa kanya, sige ako nap o ang bahala.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Sinukat po muna namin ang lupa ni Ibarra sa tabing baybay kasama si Eddie, noong nasukat na namin, lumalabas mga 423 sq. m. ang pwedeng bilhin ni Eddie.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Nalaman ko na lang na binayaran na po nila Eddie si Ibarra sa Manila. Ako naman ay nandito lang sa Sibuyan noong mga panahon na yon.

Q: Atty. Parcon: Naalala nyo po ba kung saan banda ang boundary ng lupa ni Ibarra, na sinukat ninyo para ibenta kay Eddie?

Witness: Ang naalala kung boundary niyan ay banda sa lupa nila Male at sa kabilang naman sa lupa ni Vicente Rovira, kapatid ni Ibarra.

Q: Atty. Parcon: Kung e-aapply po natin ang actual na position dito sa lupa na nabili ni Eddie, saan po dito ang boundary Sir.

Witness: Kung titingnan po natin ang 423 sq. m. yan po ang actual kung saan nakatayo ang structure nila Jayson Reyes. Aabutin yung building na pinagagawa ngayon ni Lourdes Esteban.

Q: Atty. Parcon: Paano po ninyo sinukat ang lupa noong inutusan ka ni Ibarra na sukatin ang lupa na binibili ni Eddie?

Witness: Sinukat po namin yang lupa, kasama si Eddie at may isa pa kaming kasama, gamit yung mahabang tape measure. Kinuha po

namin ang salvage zone doon sa pinaka abot ng tubig papunta rito sa taas kung naalala ko mga 20 meters, tapos nilagyan po namin ng palatandaan na kahoy yung mga boundaries.

Q: Atty. Parcon: Alam po ba ninyo kung nasaan na si Ibarra sa ngayon?

Witness: Patay na po siya, Sir, at may naiwan po siyang tatlong anak na sina Aldan, Marichu, at yung isa pa nilang anak, di ko na maalala.

Q: Atty. Parcon: Ano po ang nangyari sa lupa ni Ibarra noong siya ay namatay na, kung alam mo?

Witness: Binenta na po nila ang property nila sa Brgy Marigondon, at sa pagkakarinig ko si Lourdes Esteban ang nakabili ng lupa ni Ibarra sa Brgy. Marigondon.

Q: Atty. Parcon: Pinatotohanan nyo po ba ang lahat ng inyong sinasabi dito sa inyong panghukumang salaysay?

Witness: Opo, Sir.

Q: Atty. Parcon: That is all for the witness your Honor.



RICARDO GALANG
Affiant

SUBSCRIBED AND SWORN TO before me this 17 AUG 2022
in Cajidiocan, Romblon, Philippines affiant having exhibited to me his

as competent evidence of identity.

SUBSCRIBING OFFICER

ATTY. EMERSON J. FELONGCO
PAO LAWYER III
Pursuant to R.A. 9406

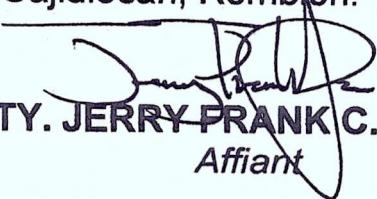
REPUBLIC OF THE PHILIPPINES)
CAJIDIOCAN, ROMBLON) S.S.

ATTESTATION

I, ATTY. JERRY FRANK C. PARCON, of legal age, Filipino citizen, married, with office address at Barangay Poblacion, San Agustin, Romblon, after having been duly sworn to in accordance with the law, do hereby depose and say that:

1. I am the lawyer who conducted the direct examination of the witness Ricardo Galang;
2. I faithfully recorded or caused to be recorded the questions I asked and the corresponding answers that the witnesses gave; and
3. Neither I nor any other person then present or assisting me coached the witnesses regarding their answers.

IN WITNESS WHEREOF, I have hereunto set my hand this _____, in Cajidiocan, Romblon.


ATTY. JERRY FRANK C. PARCON
Affiant

SUBSCRIBED AND SWORN TO before me this 17 AUG 2022
2022, in Cajidiocan, Romblon, affiant exhibiting to me his UMID ID
CRN 021 1695 0793 5, issued in Quezon City as competent evidence
of identity.

SUBSCRIBING OFFICER


ATTY. EMERSON J. FELONGCO
PAO LAWYER III
Pursuant to R.A. 9406

REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
MUNICIPAL CIRCUIT TRIAL COURT
CAJIDIOCAN-SAN FERNANDO-MAGDIWANG

SPOUSES EDDIE G. REYES
AND ANGELINA R. REYES AND
SPOUSES JAYSON REYES AND
HAZEL JOYCE P. REYES,

Plaintiffs,

- VERSUS -

CIVIL CASE NO. _____

For: QUIETING OF TITLE AND
DAMAGES

SPOUSES GERARDO AND
LOURDES ESTEBAN, GERARD
LOUISE ESTEBAN, TIMOTHY
JOHN ESTEBAN, JERILOU
ATASHA ESTEBAN, ENRICO
ROTONI, ARCHITECT
ALPINIANO ENCARNACION,
AND ARCHITECT EDDIE
ABOGADO

THE HEIRS OF IBARRA R.
ROVIRA AND BARBARA R.
ROVIRA REP. BY ALDAN
ROVIRA

Defendants.

DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES REGION IV-B,

PROVINCIAL ASSESSOR OF
THE PROVINCE OF ROMBLON,

Nominal Defendants.

X-----X

JUDICIAL AFFIDAVIT
(JAYSON R. REYES)

PREFATORY STATEMENT

This is the Judicial Affidavit of **JAYSON R. REYES** ("Jayson") 37 years old, Filipino, married, and presently residing in Brgy. Marigondon, Cajidiocan, Romblon. The Examination is conducted by **ATTY. JERRY FRANK C. PARCON**, with office address in Brgy. Poblacion, San Agustin, Romblon.

The counsel freely explained to the witness the purpose of the Judicial Affidavit and he certifies that he is answering the questions asked of him; that he is fully conscious of the answers given and he does so under oath; and that he may face criminal liability for any false testimony or perjury given by him in this Judicial Affidavit. Likewise, the Q and A portion of this Judicial Affidavit is in Filipino language since it is the medium that the witness is at ease in explaining his thoughts with this counsel.

OFFER OF TESTIMONY: The testimony of the witness is being offered to prove the following:

1. That his father Eddie R. Reyes ("Eddie") purchased a 423 sq. m. beach lot ("subject property"), from Ibarra R. Rovira ("Baring"), on 22 June 2015, which is a portion of Cadastral Lot Number 4639, previously under Real Property Tax Declaration Number 0535, originally consisting of 3038 sq. m. located in Brgy. Marigondon, Cajidiocan, Romblon using the money which he and his wife gave to Angelina R. Reyes in Macau;

2. That after Eddie bought the subject property, Baring delivered to Eddie the separate real property tax declaration of the subject 423 sq. m. lot, now under Real Property Tax Declaration 0658 with PIN 033-03-012-17-054, separate from the mother tax declaration of Cadastral Lot Number 4639;

3. That they immediately took active possession of the subject property wherein they developed the area because originally the area was muddy and dense. They also planted a quite number of dwarf coconut trees in the subject lot including the portion where the Spouses Gerardo and Lourdes Esteban is now occupying. In September 2015 they started the construction of their family home inside the subject lot;

4. That when he went back home in 2020, he discovered that Spouses Gerardo and Lourdes Esteban ("Spouses Esteban"), thru their geodetic engineer, already placed some boundary stones inside their property and wanted to advance inside their property.

Immediately, he placed a barbwire fence near his comfort room to prevent the Spouses Esteban from further intruding their property;

5. That sometime in March - April 2022, the construction workers of the Spouses Esteban constructed a small barracks adjacent to his barbwire fence and pretended to be a workers of a telephone company;

6. That in April 2022, Architect Alpiniano Encarnacion ("Encarnacion") and his workers illegally entered his property and wanted to get the portion of his lot for the intended construction project of the Spouses Esteban, but he strongly opposed and did not concede to the idea of Encarnacion;

7. That sometime in April 2022, he received a letter from Encarnacion Builders Corporation through Architect Encarnacion requesting him to demolish his house and their Restaurant – Haze By Craze, and further demanded him to pay damages in the amount of ONE HUNDRED FORTY-NINE THOUSAND SEVENTY PESOS (P149, 070.00);

8. That in May 2022, spouses Esteban, through Encarnacion already started the construction of a concrete tenement in the portion of their property. Encarnacion and his workers illegally cut coconut trees which their family planted in 2015, without any permit from the Philippine Coconut Authority;

9. That on 06 June 2022, he engaged the services of Geodetic Engineer Joevannie M. Saguid ("Engr. Saguid") to verify the 423 square meters lot that his father bought from Baring;

10. That based from the relocation/verification survey of Engr. Saguid, the Spouses Esteban encroached 141 sq. m. of the property of the plaintiffs;

11. That on 18 June 2022, the construction workers of the Spouses Esteban, by force and stealth, swiftly barged inside their property, and constructed several post inside the subject property.

12. To prove material allegations in the complaint;

13. To corroborate with the testimony of Eddie G. Reyes; and,

14. To identify pertinent documents in relation to his testimony.

Q: Atty. Parcon: Mr. Witness, maaari mo bang sabihin ang inyong pangalan at personal na sirkumstansya ng iyong buhay?

Witness: Ako po si Jayson Reyes 37 na taong gulang, kasal, at nakatira sa Brgy. Marigondon, Cajidiocan, Romblon.

Q: Atty. Parcon: Paano po kayo nagkaroon ng kaalaman sa kasong ito?

Witness: Alam ko po ang kasong ito, dahil pera po naming mag-asawa ang ginamit na pambili ni papa Eddie sa lupa na nasa kasong ito, Sir, dahil nagdesisyon po kaming mag-asawa na bumili na ng lupa sa Pilipinas.

Q: Atty. Parcon: Bakit si papa po ninyo ang bumili kay lolo Baring mo, at hindi kayo?

Witness: Noong binili itong lupa ni papa, wala po kami dito, Sir, nasa Macau po kami ng aking asawa na si Hazel Pinsan Reyes ("Hazel") at nagtrabaho bilang Overseas Filipino Worker ("OFW").

Q: Atty. Parcon: Ano po ang dahilan at nagdesisyon kayo mag-asawa na bumili na ng lupa dito sa Pilipinas?

Witness: Nagsimula po yan Sir, mga 2015, noong nagkasundo po kami ni papa na bibili kaming mag-asawa ng lupa dahil baka mag stay na kami sa Pilipinas, dahil naisip naming mag-asawa na hindi namin control ang buhay namin bilang OFW sa Macau.

Q: Atty. Parcon: Ano po ang napagkasunduan ninyo ng papa mo tungkol sa pagbili ninyong mag-asawa ng lupa dito sa Pilipinas?

Witness: Sabi sa akin ni papa, kakausapin niya po ang uncle niya na si lolo Baring.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Mga ilang buwan ang lumipas noong nagkasundo kami ni papa, sabi ni papa na binibenta na raw po sa amin itong lupa namin na ito (subject of this case).

Q: Atty. Parcon: Ano naman po ang ginawa ninyo matapos sabihin ng papa mo na binibenta na ni lolo Baring ang lupang kinatatayuan ngayon ng bahay mo?

Witness: Napaisip po ako dahil ang gusto ko sana na bilhin kay lolo Baring yung sa kabilang side - opposite ng dagat, dahil halos wala

pong silbi itong lupa na binenta sa amin noong hindi pa namin ito nadevelop, ka-nipaan, maraming putik, at matubig, at mababa sa kalsada.

Q: Atty. Parcon: Ano po ang sumunod na nangyari matapos kang makapag-isip tungkol sa lupa ni lolo Baring mo?

Witness: Nagdesisyon po kaming mag-asawa, Sir, na bilhin na po namin ang lupa na ino-offer ni lolo Baring, kaya nagbigay po kami ng pera kay mama Angelina R. Reyes.

Q: Atty. Parcon: Ano po ang sumunod na nangyari matapos kayong magbigay ng pera sa inyong ina?

Witness: Binili na po ni papa ang lupa, Sir, kay lolo Baring at nagkaroon po sila ng Deed of Absolute Sale na may petsang 22 June 2015.

Q: Atty. Parcon: Ipapakita ko sayo ang isang Deed of Absolute Sale na may petsang 22 June 2015 na may pirma sa ibabaw ng pangalan ng inyong lolo Baring at ng iyong ama, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the subject document be marked as Exhibit "___".)

Q: Atty. Parcon: Matapos pong mabili ng inyong ama kay Baring, gamit ang pera ninyong mag-asawa, ang lupa na kinatatayuan ng bahay ninyo ngayon, ano po ang sunod ninyong ginawa sa lupa?

Witness: Dinivelop at pinaganda po namin nila papa ang lupang ito, Sir. Yung mga dwarf coconut na nakatayo at namumunga na ngayon sa lupang ito ay patanim ko na po lahat yan, yung iba kay papa. Pati po yung doon sa tinayuan ng bahay ng defendants na mga pinutol na niyog, ako rin po ang nagtanim at nagpatanim niyan sir. Yung iba pong puno ng niyog diyan inutos ko na po sa iba ipatanim lalo pag matigas ang lupa, at nahihirapan akong butasin para ilagay ang seedlings ng niyog.

Q: Atty. Parcon: Bakit po pinutol yung mga niyog na tinanim ninyo sa lupa mo?

Witness: Noong nagtayo po ng bahay sila Lourdes Esteban Sir ("Lourdes"), at inangkin nila ang portion ng aking lupa, pinutol po nila ang mga niyog na tinanim ko roon sa lupa na walang kaukulang

permit mula sa Barangay at sa Philippine Coconut Authority, yung iba po pina-backhoe po nila, may larawan po ako na kinunan diyan Sir.

Q: Atty. Parcon: Ippakita ko po sa inyo ang mga larawan ng mga niyog na pinutol na nasa loob ng portion ng lupa mo, ano po ang kaugnayan nito sa iyong sinasabi?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the said documents be marked as Exhibits "___" and "___".)

Q: Atty. Parcon: Mga ilang puno ng niyog ang pinutol ng defendants na tinanim mo sa lupa ninyo?

Witness: Mga nasa 20 to 30 piraso po Sir, karamihan doon ay dwarf coconut.

Q: Atty. Parcon: Kailan po ninyo tinanim ang mga dwarf coconut na yan?

Witness: Mga 2015 po namin natanim ang mga nasabing puno, noong nag start na po kaming ayusin itong nabili naming lupa kay lolo Baring. Yung mga pinutol ng defendants ganito na kalalaki sa picture (witness is pointing to the picture of dwarf coconut tree inside the Craze by Haze Restaurant), kasi mga kapatid ng mga puno nila ito sir, sabay sabay sila tinanim namin dito sa lupa. Pati po yang talisay na puno na makikita sa lupa Sir, ako po ang nagtanim niyan noong 2015. Ako rin po ang naglilinis at nagmemaintain dyan sa area na tinatayuan ng bahay nila Esteban noong wala pa sila diyan.

(Respectfully requesting that the picture of the dwarf coconut taken inside the Craze by Haze Restaurant be marked as Exhibit "___".)

Q: Atty. Parcon: Ano po ang dahilan bakit dinivelop ninyo ang lupa na binili ninyo kay Baring na ngayon ay kinatitirikan na ng inyong bahay at restaurant?

Witness: Kung hindi po namin dinivelop sir, halos hindi pwedeng tirahan ang nasabing lupa dahil napakapangit po, maputik, matubig, at napakasukal po nito dati. Lalo na noong hindi pa binuksan ang creek at ginawan ng culvert ng gobyerno pumapasok po sa amin ang tubig pag umuulan. Wala pong makaisip noon na magagawan ito ng bahay.

Q: Atty. Parcon: Ano po ang patunay ninyo na matubig at maputik itong lupa na nabili ninyo at hindi ito maganda?

Witness: Ito pong larawan na ito Sir, na kinunan ko gamit ang aking cell phone nitong June 2022, makikita po na ang lupa namin sa portion ng katabing kalsada ay nandon pa yung mga kanipaan, at mataas po masyado ang level ng kalsada kumpara sa aming lupa, kaya kapag umulan, dito lahat papasok ang tubig sa amin, para kaming embudo, yan po ang patunay na kanipaan at maputik itong lupa na ito dati, Sir.

(Respectfully requesting that the said picture be marked as Exhibit "____".)

Q: Atty. Parcon: Paano po ninyo inayos ang lupa na nabili ninyo kay lolo Baring mo?

Witness: Nagpatambak po ako ng lupa, Sir, dito mismo po sa area ng bukana ng lupa namin, yung ibang lupa na natambak dito sa lupa namin ay galing naman sa lupa noong ginagawa ng DPWH ang highway.

Q: Atty. Parcon: Kailan naman po kayo nagsimulang magpatayo ng bahay sa nabili ninyong lupa kay lolo Baring mo?

Witness: Nagsimula kaming magpatayo ng bahay dito sa lupa namin noong 2015, Sir. Ito lang po (witness is showing a picture), anim na poste, wala pa itong restaurant. Noong nagkaroon ng pandemic at kelangan namin ng pagkakakitaan, dito na kami nagdagdag ng structures para sa aming restaurant.

Respectfully requesting that the said picture be marked as Exhibit "____".)

Q: Atty. Parcon: Sa pagkakaalam mo, papaano po pumasok sa eksena si Lourdes Esteban sa lupa na nabili ninyo kay Baring?

Witness: Noon pong 2019, habang nasa Macau kami noon ni Hazel, nabalitaan ko na may binili raw na portion ng lupa ni lolo Baring si Lourdes, na katabi namin, pero wala pa naman po silang ginawang development sa lupa noong 2019 at narinig ko na pinagawan na nga raw po kami ng subdivision plan ni Lourdes. Yon din po ang taon na tumawag sa akin si papa na meron daw geodetic engineer sila Lourdes na magsusukat sa lupa namin. Nasa isip ko na para formal na maayos na rin ang pwesto ng lupa na binili ko, nakumbinse na rin ako at pumayag na ipasukat ang lupa ko noong mga panahon na yon.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Noong umuwi po kami galing Macau, mga 2020, dahil gagraduate na yung panganay namin na nag-aaral dito sa Cajidiocan, nakita ko may mohon na ang lupa namin, at parang lumiit ito, pero wala naman kaming survey plan para malinawan man lang kami sa tunay na sukat ng lupa na ginawa ng geodetic engineer ni Lourdes. Nagtanong ako kay papa, sabi ko ilang taon na, wala pa ring sketch plan, paano tayo magkaroon ng formal na sukat ng lupa. Hanggang nakita ko yung geodetic engineer nila Lourdes, nitong panahon ng pandemic, na bumaba dito sa area namin kaya tinanong ko siya bakit ganun yung mohon doon sa lupa ko at bakit walang binibigay sa aking plano ng lupa ko. Sinagot niya ako na nandoon daw kay Enrico Rotoni, ang katiwala sa lupa ni Lourdes.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Tinawagan ni papa yung geodetic engineer na nagsukat kay Lourdes, na si Jerome, ang sinabi niya rin kay papa nandoon daw kay Enrico Rotoni ("Enrico"), katiwala ni Lourdes sa Lupa. Nag suggest si Jerome na puntahan raw niya si Enrico at pagnandon na raw si papa kila Enrico, kausapin niya raw si Enrico para ibigay kay papa ang survey plan ng lupa.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Noong nandon na po kami kila Enrico, binigay po sa amin ni Enrico Rotoni ang survey plan pero matagal na po pala niya itong hawak at tinatago lang sa amin.

Q: Atty. Parcon: Ano naman po ang napansin ninyo sa survey plan na binigay ni Enrico Rotoni kung meron man?

Witness: Napansin ko po hindi po siya survey plan, subdivision plan po, at na nilagay po nila kami Sir sa Lot-C ng nasabing subdivision plan na may sukat na 423 sq. m., pero salvage zone area, na hindi naman dapat dahil bawal tirahan at ibenta ang salvage zone.

Q: Atty. Parcon: Ipapakita ko sayo ang isang subdivision plan na ginawa ni Engr. Jovito Cadatal na may petsang 21 October 2019 para sa Cadastral Lot No. 4639, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the said document be marked as Exhibit "____".)

Q: Atty. Parcon: Paano po ninyo nasabi na bawal tirahan at ibenta ang salvage zone na binigay ni Lourdes sa inyo sa nasabing subdivision plan?

Witness: Noon pong nagpameeting ang DENR sa Barangay tungkol sa mangroves diyan sa aming lugar, kinausap ko po ang DENR tungkol sa subdivision plan na pinagawa ni Lourdes kung saan nilagay ako ni Lourdes sa nasabing subdivision plan sa area ng Lot-C. Ang sabi po sa akin ng taga DENR, niloko raw kami ni Lourdes dahil hindi raw po pwede ibenta ang salvage zone. At noong binabasa po ng DENR ang Deed of Sale ni papa at Lolo Baring, dapat daw pahaba ang lupa paayon sa kalsada, hindi raw po papunta sa dagat, base doon sa boundaries na nakalagay sa Deed of Sale.

Q: Atty. Parcon: Maliban sa paglalagay sa inyo sa Lot-C area sa nasabing subdivision plan, ano pa po ang napansin ninyo sa nasabing subdivision plan na ginawa ni Engr. Jovito Cadatal, kung meron man?

Witness: Palsipikado po Sir yung pirma ni lolo Baring sa "with my conformity".

Q: Atty. Parcon: Bakit po ninyo nasabing palsipikado ang pirma ni Baring?

Witness: Dahil malayong malayo po ito sa pirma niya sa Deed of Absolute Sale.

Q: Atty. Parcon: Ano naman ang inyong ginawa ng makita mo sa subdivision plan na pinagawa ni Lourdes na kayo ay nilagay sa salvage zone area o Lot-C?

Witness: Bilang respeto dahil halos second cousin siya ni papa, tumawag po ako kay Lourdes at kinausap ko po siya ng maayos para ereklamo sa kanya na bakit salvage zone ang binibigay niya sa akin na lupa. Sinabi ko kay Lourdes na, "maam gagamitin na po namin ang lupa na nabili namin, bakit naman po dito sa subdivision plan na binibigay ninyo sa amin ay puro salvage zone naman ito". Ang sabi sa akin ni Lourdes, "hintayin mo ako Jayson, uuwi ako diyan at titingnan ko yang lugar." Sinabi niya rin na lugi raw sila sa nabili nilang lupa kay lolo Baring dahil ang lupa daw na nabili nila kay lolo Baring ay lumiit daw dahil umusog daw ang highway.

Q: Atty. Parcon: Nabanggit ninyo kanina na pag-uwi mo galing Macau, may mohon na ang lupa ninyo na ginawa ng geodetic engineer ni Lourdes, at lumiit ang sukat nito, bakit mo nasabi na lumiit ang lupa na binili ninyo kay Baring noong nalagyan na ito ng mohon?

Witness: Dahil ang alam at paniniwala po namin Sir magsimula noong nabili namin itong lupa, magmula sa Lot B hanggang Lot D po sa drawing ni Engr. Saguid at Engr. Cadatal yan po ang aming 423 sq. m. dahil yon po ang sabi sa amin na magmula kila Male na lupa papunta roon kila Vicente Rovira ang aming boundary, at yan din po ang nakalagay sa boundary ng Deed of Absolute Sir ang North boundary ay Lot 4646 at ang South Boundary ay Lot 4638. Kaya rin po tinaniman namin ng niyog at puno ng talisay yang lupa ngayon na sinasakop ng mag-asawang Gerardo at Lourdes Esteban dahil alam namin sa amin po ang lupa. Hindi naman po ako maglalakas loob na basta magtanim na lang po ng puno ng niyog kung wala po akong pinanghahawakan na katibayan po.

Q: Atty. Parcon: Paano naman po nagsimulang pumasok sa lupa ninyo si Lourdes?

Witness: Noong nagsimula ang mga tauhan sa construction ni Lourdes nagtayo po sila ng maliit na barracks, mga March-April 2022 po yon, Sir.

Q: Atty. Parcon: Paano po nila tinayo ang nasabing barracks?

Witness: Napagpanggap po sila sa amin Sir, na trabahador ng PLDT, kaya hinayaan ko lang po dahil nandoon naman sila sa labas ng bakod ko. Hanggang lumaki na yung ginawa nilang construction.

Q: Atty. Parcon: Ano naman ang ginawa mo, kung meron?

Witness: Noon pong pumapasok na yung foreman nila sa lupa ko, sinisita ko po siya bakit siya pumapasok, ang bilin raw sa kanila ni Lourdes, pasukin raw itong lupa ko.

Q: Atty. Parcon: Ano po ang sunod na nangyari?

Witness: Mga April 2022, pinasok po nila at gusto po nilang kunin yung portion ng lupa ko sa may parting comfort room ng restaurant namin, yung aking binakuran ng barbwire fence, dahil plano po nila patayuan ng swimming pool ito, pero hindi po ako pumayag, at ipinaglaban ko po karapatan ko Sir, dahil lupa po namin yon.

Q: Atty. Parcon: Ano po ang sunod na nangyari?

Witness: Nakatanggap po ako ng sulat galing sa opisina ni Architect Alpiniano Encarnacion ("Encarnacion") may petsa pong April 12, 2022.

Q: Atty. Parcon: Ano po ang laman ng sulat?

Witness: Kelangan raw po namin Sir magbayad ng P149, 070.00 bilang danyos dahil raw po na delay raw po ang construction ni Lourdes noong hindi ko po sila pinayagan na tayuan nila ng construction ang lupa ko.

Q: Atty. Parcon: Ipapakita ko sa inyo ang isang sulat galing kay Alpiniano na may petsang April 12, 2022, na binubuo ng apat na pahina, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the said document be marked and sub-marked as Exhibits "____", "____", "____", and "____".)

Q: Atty. Parcon: Ano naman po ang ginawa ninyo matapos mong matanggap ang nasabing sulat?

Witness: Humingi po ako sa inyo ng payo, Sir, at pinadalhan ninyo rin po ng sulat si Encarnacion na may petsang 25 April 2022 copy furnished ang Barangay Captain ng Barangay Marigondon, Cajidiocan, Romblon.

Q: Atty. Parcon: Ipapakita ko po sa inyo ang isang sulat na galing sa representasyong ito na may petsang 25 April 2022, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the said document be marked as Exhibit "____".)

Q: Atty. Parcon: Ano pa po ang inyong ginawa maliban sa pagpapadala ng sulat kay Alpiniano, kung meron man?

Witness: Noon din pong 25 April 2022, sir, nagpunta po ako sa Barangay Marigondon para ereklamo ang mag-asawang Gerardo at Lourdes Esteban, at si Encarnacion ng trespassing at land grabbing pero sinabihan po ako ng opisina ng Barangay Marigondon na hindi na raw po kelangan e barangay dahil hindi raw po sila residente ng Cajidiocan, kaya binigyan po nila ako ng Certification.

Q: Atty. Parcon: Ipapakita ko po sa inyo ang isang Certification na inisyu ng Barangay Marigondon, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Yan din po ang aking sinasabi, Sir.

(Respectfully requesting that the said document be marked as Exhibit _____.)

Q: Atty. Parcon: Ano naman po ang sumunod na nangyari?

Witness: Noon pong mga May 2022, umuwi si Lourdes para mag-usap kami sa lupa. Pero noong nandito na siya, hindi po siya nakipag-ayos, sinumbatan lang kaming mag-asawa na kesyo sampid lang, hanggang inungkat na niya ang mga ninuno namin, na wala namang kaugnayan sa problema namin sa lupa at sinasabihan din kami ng kapatid ni Lourdes na hindi raw namin kilala si Lourdes, mayaman daw sila Lourdes, kaya wala daw kaming kalaban laban.

Q: Atty. Parcon: Ano po ang sumunod na nangyari?

Witness: Noong May 2022 din po, nagtuloy tuloy na ang pagpapatayo nila ng bahay o gusali sa lupa at pinutol po ng mga tauhan ni Lourdes ang tanim namin na dwarf coconut sa loob ng lupa na walang kaukulang permit, yung iba na-backhoe, wala po akong magawa, dahil hindi ko po alam kung anong legal na gagawin. Yung comfort room ko po, pinag-iinitan nilang gibain dahil doon daw nila ilalagay ang swimming pool. Yung bago nilang foreman, hindi po pumayag na doon ilagay ang swimming pool kaya iniba po nila ang plano. Tapos nagsimula po sila ng pagtayo ng construction doon sa labas ng bakod ko.

Q: Atty. Parcon: Ano po ang sunod ninyong ginawa?

Witness: Pinasukat ko po ang lupa na nabili namin kay lolo Baring, Sir, kay Engr. Joevannie M. Saguid ("Engr. Saguid"), noong 06 June 2022, para malaman namin ang mga eksaktong boundaries nito, halos tumutugma po ito doon sa sukat na ginawa nila Ricardo Galang at David Rizo, Sir, noong bilhin ni papa ang lupa.

Q: Atty. Parcon: Ano po ang katibayan ninyo tungkol sa sinabisabi ninyong sukat noong 06 June 2022.

Witness: Meron pong relocation/verification plan po ito Sir na ginawa ni Engr. Saguid.

Q: Atty. Parcon: Ipapakita ko sayo ang isang relocation/verification ng isang Engr. Saguid na may petsang 06 June 2022, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the said document be marked as Exhibit _____.)

Q: Atty. Parcon: Paano po ninyo nasabi na halos tumutugma po itong sukat na ginawa ni Engr. Saguid doon sa sukat na ginawa nila Ricardo Galang at David Rizo, Sir, noong bilhin ni papa mo ang lupa?

Witness: Pinakita ko po kay Ricardo Galang ang drawing ni Engr. Saguid, Sir, at ang sabi niya halos ganyan daw po ang pagsukat nila ng lupa ko, pahaba, paayon sa kalsada, hindi po papunta sa dagat.

Q: Atty. Parcon: Ano po ang naging resulta ng pagsukat ni Engr. Saguid sa inyong lupa?

Witness: Iginuhit po ni Engr. Saguid ang 423 sq. m. na lupa na nabili namin kay lolo Baring sa kanyang verification plan, at base doon sa ginawa niyang plano, yung 141 sq. m. ay nakasama sa pinatayuan ng building nila Lourdes Sir.

Q: Atty. Parcon: Bakit may existing barb wire fence itong lupa mo sa Lot-C (please refer to the drawing of Engr. Saguid) kung ang paniniwala ninyo ay sa inyo ang lupa hanggang Lot-D?

Witness: Nilagay ko po yang barbwire fence sa tabi ng Comfort Room ("C.R.") namin sir, pag-uwi ko sa Cajidiocan, Romblon mga taong 2020, galing po ako Macau noon, para ipakita kila Lourdes at Gerardo Esteban na hindi po ako sang-ayon sa ginawa nilang paglagay ng mohon sa lupa ko kung saan ako ay inilagay nila sa Lot-C, kaya nilagyan ko po ng existing barbwire yung diyan malapit sa C.R. ko para di na po sila maka abante papasok sa portion ng lupa namin at para sa depensa na rin sa aking pamilya dahil pinipilit po nilang kunin ang aming lupa at gusto po nilang ipasunod sa amin na doon kami sa Lot-C sa ginawang plano ni Engr. Cadatal.

Q: Atty. Parcon: Ano po ang sumunod na nangyari matapos masukat ang inyong lupa?

Witness: Noon pong 18 June 2022 Sir ng umaga, pwersahan pong pumasok sa loob ng lupa namin si Architect Eddie Abogado Jr. ("Abogado") at ang kanilang mga trabahador, kaya nagulat at natakor po kami dahil nagtatayo na po sila ng mga malalaking poste ng bakod sa loob ng aming ari-arian, kahit po pinapatigil namin sila ayaw po nilang tumigil, nagbi-bingihan lang ang mga trabahador at si Architect at tuloy tuloy lang po sila sa paglalagay ng poste sa loob mismo ng aming lupa, Sir.

Q: Atty. Parcon: Ano po ang patunay ninyo sa inyong sinasabi?

Witness: Kinunan po ng video at pictures ng asawa ko Sir ang pangyayari, at nilagay po namin sa USB ang video?

Q: Atty. Parcon: Ipapakita ko sayo ang isang USB, at dalawang larawan, ito po ba ang inyong tinutukoy?

Witness: Yan po ang aking sinasabi, Sir.

(Respectfully requesting that the said USB, be marked as Exhibit "____", "____" and "____".)

Q: Atty. Parcon: Ano po ang sunod ninyong ginawa matapos kayong pasukin nila Abogado at ng kanilang mga tauhan?

Witness: Tumawag po ako ng pulis Sir, at nagmadali po ako na pumunta sa Municipal Police Station ng Cajidiocan, Romblon ("MPS") para humingi ng tulong dahil ayaw po nilang tumigil sa paglalagay ng poste sa loob ng aming lupa at nang dumating na po ako kasama ang dalawang pulis ng MPS doon pa lang po sila napatigil. Pinagtatanggal ko na rin po ang mga poste na kinabit nila Architect Eddie Abogado Jr. sa loob ng bakuran namin pagkadating ko galing sa MPS, wala na rin po sila Abogado ginawang reaksyon.

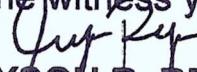
Q: Atty. Parcon: Ano po ang epekto sa inyo ng mga ginawa nila Gerardo at Lourdes Esteban, Architect Alpiniano Encarnacion, Architect Eddie Abogado, Enrico Rotoni, at ng kanilang mga tauhan, sa ginawa nilang pagpasok sa inyong lupa na labag sa inyong kalooban at pagtago sa subdivision plan na ginawa ni Engr. Cadatal para hindi ninyo malaman?

Witness: Lagi ako po akong kinakabahan Sir, dahil sa dami po ng construction worker nila, baka bigla na lang kaming lusubin sa des-oras ng gabi, kaya di po ako nakakatulog, pag may kumakalabog, bigla bigla po akong nagigising. Gumastos din po kami Sir ng pambayad sa inyo sa halagang P50, 000. 00 na acceptance fee, P5, 000. 00 bawat hearing, at P2, 000 – P10, 000 para sa mga dokumento o pleading. Nagbayad din po ako ng P18,000 kay Engr. Saguid para sa verification survey.

Q: Atty. Parcon: Pinatotohanan po ba ninyo ang inyong sinasabi dito sa inyong panghukumang-salaysay?

Witness: Pinatotohanan ko po lahat Sir, ang aking sinasabi dito.

Q: Atty. Parcon: That is all for the witness your Honor.


JAYSON R. REYES
Affiant

SUBSCRIBED AND SWORN TO before me this 17 AUG 2022, 2022
in Cajidiocan, Romblon, Philippines affiant having exhibited to me his
_____ as competent evidence of identity.

SUBSCRIBING OFFICER

ATTY. EMERSON J. FELONGCO
PAO LAWYER II
Pursuant to R.A. 9406

REPUBLIC OF THE PHILIPPINES)
CAJIDIOCAN, ROMBLON) S.S.

ATTESTATION

I, ATTY. JERRY FRANK C. PARCON, of legal age, Filipino citizen, married, with office address at Barangay Poblacion, San Agustin, Romblon, after having been duly sworn to in accordance with the law, do hereby depose and say that:

1. I am the lawyer who conducted the direct examination of the witness Jayson R. Reyes;
2. I faithfully recorded or caused to be recorded the questions I asked and the corresponding answers that the witnesses gave; and
3. Neither I nor any other person then present or assisting me coached the witnesses regarding their answers.

IN WITNESS WHEREOF, I have hereunto set my hand this
_____, in Cajidiocan, Romblon.


ATTY. JERRY FRANK C. PARCON
Affiant

SUBSCRIBED AND SWORN TO before me this 17 AUG 2022, 2022, in Cajidiocan, Romblon, affiant exhibiting to me his UMID ID CRN 021 1695 0793 5, issued in Quezon City as competent evidence of identity.

SUBSCRIBING OFFICER

ATTY. EMERSON J. FELONGCO
PAO LAWYER II
Pursuant to R.A. 9406

REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
MUNICIPAL CIRCUIT TRIAL COURT
CAJIDIOCAN-SAN FERNANDO-MAGDIWANG

SPOUSES EDDIE G. REYES AND
ANGELINA R. REYES AND
SPOUSES JAYSON R. REYES
AND HAZEL JOYCE P. REYES,
Plaintiffs,

- versus -

CIVIL CASE NO. _____
For: QUIETING OF TITLE AND
DAMAGES

SPOUSES GERARDO AND
LOURDES ESTEBAN, GERARD
LOUISE ESTEBAN, TIMOTHY
JOHN ESTEBAN, JERILOU
ATASHA ESTEBAN, ENRICO
ROTONI, ARCHITECT
ALPINIANO ENCARNACION,
AND ARCHITECT EDDIE
ABOGADO

THE HEIRS OF IBARRA R.
ROVIRA AND BARBARA R.
ROVIRA REP. BY ALDAN
ROVIRA

Defendants.

DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES REGION IV-B,

PROVINCIAL ASSESSOR OF THE
PROVINCE OF ROMBLON

Nominal Defendants.

X-----X

**JUDICIAL AFFIDAVIT
(BERNARDO R. ROJAS)**

PREFATORY STATEMENT

This is the Judicial Affidavit of **BERNARDO R. ROJAS** ("ROJAS"), 58 years old, Filipino, married, and presently residing in Sitio Cambicang, Brgy. Marigondon, Cajidiocan, Romblon. The Examination is conducted by **ATTY. JERRY FRANK C. PARCON**, with office address in Brgy. Poblacion, San Agustin, Romblon.

The counsel freely explained to the witness the purpose of the Judicial Affidavit and he certifies that he is answering the questions asked of him; that he is fully conscious of the answers given and he does so under oath; and that he may face criminal liability for any false testimony or perjury given by him in this Judicial Affidavit. Likewise, the Q and A portion of this Judicial Affidavit is in Filipino language since it is the medium that the witness is at ease in explaining his thoughts with this counsel.

OFFER OF TESTIMONY: The testimony of the witness is being offered to prove the following:

1. That he drafted the Deed of Absolute Sale of the 423 sq. m. real property sold by Ibarra R. Rovira ("Baring") to Eddie Reyes ("Eddie");
2. That he accompanied Delfin Reyes ("Delfin") to the house of Baring in Dalandanan, Valenzuela City for the payment of the 423 sq. m. real property;
3. That he was with Delfin when the latter paid the purchase price of the 423 sq. m. to Baring in Dalandanan Valenzuela City;
4. That he saw Baring sign the Deed of Absolute Sale;
5. That he also signed the Deed of Absolute Sale as witness after Baring signed the said document;
6. To prove other material allegations in the complaint;
7. To identify pertinent documents in relation to his testimony.

Q: Atty. Parcon: Mr. Witness, maaari mo bang sabihin ang inyong pangalan at personal na sirkumstansya ng iyong buhay?

Witness: Ako po si Bernardo R. Rojas, 58 na taong gulang, kasal, at nakatira sa Sitio Cambicang, Brgy. Marigondon, Cajidiocan, Romblon.

Q: Atty. Parcon: Paano po kayo nagkaroon ng kaalaman sa kasong ito?

Witness: Alam ko po ang kasong ito Sir, dahil ako po ang gumawa ng Deed of Absolute Sale na pinapirmahan namin ni Delfin kay Baring noong pumunta kami sa bahay nila sa Dalandanan, Valenzuela.

Q: Atty. Parcon: Sino po si Delfin?

Witness: Kapatid po siya ni ninong Eddie, Sir.

Q: Atty. Parcon: Paano po kayo nagkasama ni Delfin papunta kay Baring sa Dalandanan, Valenzuela?

Witness: Nagpasama po siya sa akin papunta kila nong Baring dahil hindi niya po alam papunta roon, Sir, dahil noong panahon na iyon pinadalhan po siya ng pera ni ninong Eddie para pambayad sa lupa kay nong Baring?

Q: Atty. Parcon: Ano ang sumunod na nangyari noong nagpasama sayo si Delfin papunta kila Baring?

Witness: Sinamahan ko po siya papunta sa Dalandanan, Valenzuela, at noong nandoon na po kami sa bahay ni nong Baring, binayaran na po ni Delfin si nong Baring, at pinapirma rin po namin siya ng Deed of Sale, katunayan na inabot namin ang pera.

Q: Atty. Parcon: Sino po ang gumawa ng Deed of Absolute Sale na pinapirmahan ninyo kay Baring, kung alam mo?

Witness: Ako po ang gumawa ng Deed of Absolute Sale, Sir, nag research po ako ng form sa google. Ako na rin po ang nagprint dahil may printer naman po kami sa bahay.

Q: Atty. Parcon: Ano po ang dahilan at ikaw ang gumawa ng Deed of Absolute Sale?

Witness: Ito po yung naisip namin ni Delfin na paraan para may patunay po kami sa pag-abot namin ng bayad sa lupa kay nong Baring kaya gumawa po ako ng Deed of Absolute Sale.

Q: Atty. Parcon: Papaano naman po ninyo na-punuan ang mga detalye sa Deed of Absolute Sale na ginawa mo?

Witness: Pinadala po ni ninong Eddie ang sukat ng lupa kay Delfin pati po yung Real Property Tax Declaration ni nong Baring, kaya yon po ang nilagay ko sa Deed of Absolute Sale, Sir.

Q: Atty. Parcon: Ipapakita ko po sa inyo ang isang Deed of Absolute Sale na may petsang 22 June 2015, na may pirma ni Ibarra R. Rovira bilang vendor, ano po ang kaugnayan nito sa inyong sinasabi?

Witness: Iyan po ang aking sinasabi, Sir.

(Respectfully requesting that the subject document be marked as Exhibit "___")

Q: Atty. Parcon: Meron pong pirma dito sa ibabaw ng pangalan ng pangalawang testigo Bernardo R. Rojas, kaninong pirma po ito, kung alam mo?

Witness: Pirma ko po yan, Sir.

Q: Atty. Parcon: Meron din po ditong pirma sa ibabaw ng pangalan ng vendor na Ibarra R. Rovira, kaninong pirma po ito, kung alam mo?

Witness: Pirma po yan Sir ni nong Baring.

Q: Atty. Parcon: Ano ang iyong katibayan na iyan nga ay pirma ni Baring?

Witness: Dahil nakita ko po Sir at nandoon po ako ng pinirmahan nya ang Deed of Absolute Sale na ginawa ko sa bahay nila sa Dalandanan, Valenzuela.

(Respectfully requesting that the said signatures of Baring and the witness be sub-marked as Exhibits "___" and "___" respectively.)

Q: Atty. Parcon: Paano po pumirma si Baring sa ginawa mong Deed of Absolute Sale?

Witness: Noon pong binayaran na ni Delfin si nong Baring, ang sumunod po noon pumirma na ng Deed of Absolute Sale si nong Baring, pagkatapos po pumirma ni nong Baring pumirma din po ako sa Deed of Absolute Sale bilang witness.

Q: Atty. Parcon: Sino naman ang may hawak ng pera pambayad kay Baring noong mga oras na iyon?

Witness: Si Delfin po ang may bitbit ng pera, Sir.

Q: Atty. Parcon: Pagkatapos po ninyo ni Baring na pumirma sa nasabing Deed of Absolute Sale, ano po ang sumunod na nangyari?

Witness: Nag-iwan po kami ng isang kopya ng Deed of Absolute Sale kay nong Baring, Sir, yung ibang kopya hawak po ni Delfin.

Q: Atty. Parcon: Noong nandoon po kayo sa bahay ni Baring noong mga oras na nagpirmahan ng Deed of Absolute Sale, ano po ang napansin ninyo sa kilos at itsura ni Baring?

Witness: Napansin ko po na maayos naman ang kanyang itsura, kilos, at pangangatawan, Sir, maliban po sa kanyang asawa na nakita ko roon sa bahay nila na bed ridden na, at may sakit na, dahil daw po sa stroke.

Q: Atty. Parcon: Pinatotohanan nyo po ba ang lahat ng inyong sinasabi dito sa inyong panghukumang salaysay?

Witness: Opo, Sir, lahat po ng sinabi ko ay totoo.

Q: Atty. Parcon: That is all for the witness your Honor.


BERNARDO R. ROJAS
Affiant

SUBSCRIBED AND SWORN TO before me this 7 AUG 2022 2022
in Cajidiocan, Romblon, Philippines affiant having exhibited to me his
_____ as competent evidence of identity.

SUBSCRIBING OFFICER

ATTY. EMERSON J. FELONGCO
PAC LAWYER III
Pursuant to R.A. 9406

REPUBLIC OF THE PHILIPPINES)
CAJIDIOCAN, ROMBLON) S.S.

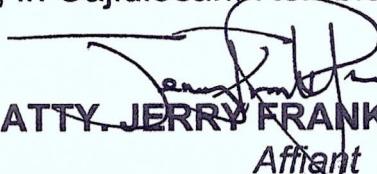
ATTESTATION

I, ATTY. JERRY FRANK C. PARCON, of legal age, Filipino citizen, married, with office address at Barangay Poblacion, San Agustin, Romblon, after having been duly sworn to in accordance with the law, do hereby depose and say that:

1. I am the lawyer who conducted the direct examination of the witness Bernardo R. Rojas;
2. I faithfully recorded or caused to be recorded the questions I asked and the corresponding answers that the witnesses gave; and,

3. Neither I nor any other person then present or assisting me coached the witnesses regarding their answers.

IN WITNESS WHEREOF, I have hereunto set my hand this _____, in Cajidiocan, Romblon.


ATTY. JERRY FRANK C. PARCON
Affiant

SUBSCRIBED AND SWORN TO before me this 17 AUG 2022
2022, in Cajidiocan, Romblon, affiant exhibiting to me his UMID ID
CRN 021 1695 0793 5, issued in Quezon City as competent evidence
of identity.

SUBSCRIBING OFFICER


ATTY. EMERSON J. FELONGCO
PAO LAWYER III
Pursuant to R.A. 9406

REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
MUNICIPAL CIRCUIT TRIAL COURT
CAJIDIOCAN-SAN FERNANDO-MAGDIWANG

SPOUSES EDDIE G. REYES AND
ANGELINA R. REYES AND
SPOUSES JAYSON R. REYES
AND HAZEL JOYCE P. REYES,
Plaintiffs,

- versus -

CIVIL CASE NO. _____
For: QUIETING OF TITLE AND
DAMAGES

SPOUSES GERARDO AND
LOURDES ESTEBAN, GERARD
LOUISE ESTEBAN, TIMOTHY
JOHN ESTEBAN, JERILOU
ATASHA ESTEBAN, ENRICO
ROTONI, ARCHITECT
ALPINIANO ENCARNACION,
AND ARCHITECT EDDIE
ABOGADO

THE HEIRS OF IBARRA R.
ROVIRA AND BARBARA R.
ROVIRA REP. BY ALDAN
ROVIRA

Defendants.

DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES REGION IV-B,

PROVINCIAL ASSESSOR OF THE
PROVINCE OF ROMBLON

Nominal Defendants.

X-----X

**JUDICIAL AFFIDAVIT
(ENGR. JOEVANNIE M. SAGUID)**

PREFATORY STATEMENT

This is the Judicial Affidavit of **ENGR. JOEVANNIE M. SAGUID** ("Engr. Saguid") of legal age, Filipino, single, and with office address at Unit 601, 1880 Visayan Avenue, Sampaloc, Manila. The Examination is conducted by **ATTY. JERRY FRANK C. PARCON**, with office address in Brgy. Poblacion, San Agustin, Romblon.

The counsel freely explained to the witness the purpose of the Judicial Affidavit and he certifies that he is answering the questions asked of him; that he is fully conscious of the answers given and he does so under oath; and that he may face criminal liability for any false testimony or perjury given by him in this Judicial Affidavit.

OFFER OF TESTIMONY: The testimony of the witness is being offered to prove the following:

1. That he is a licensed Geodetic Engineer;
2. That he made a relocation/verification survey of Lot 4639, Cad 538-D, Cajidiocan Cadastre for the Spouses Eddie G. Reyes and Angelina R. Reyes;
3. That he prepared a relocation/verification plan on 08 June 2022;
4. That based from the result of his relocation/verification plan, the Spouses Gerardo and Lourdes Esteban encroached 141 sq. m. area from the property purchased by Eddie G. Reyes from Ibarra R. Rovira, which portion should be included in the 423 sq. m. lot that was sold by Ibarra R. Rovira to Eddie G. Reyes;
5. That Lot 4639-C which was planned to be given for the plaintiffs as their 423 sq. m. property by the Spouses Gerardo and Lourdes Esteban, in the approved subdivision plan made by Engineer Jovito T. Cadatal of Lot 4639 Cad 538-D, has only an actual land area of 79 sq. m., and the rest are salvage zone area;
6. To prove other material allegations in the complaint;
7. To identify pertinent documents in relation to his testimony.

Q: Atty. Parcon: Mr. Witness, can you please state your name and other personal circumstances?

Witness: I am Engr. Joevannie M. Saguid, Filipino, of legal age, single, and with office address at Unit 601, 1880 Visayan Avenue, Sampaloc, Manila.

Q: Atty. Parcon: How long have you been working as a geodetic engineer?

Witness: I started Sir around 2008, after I graduated and passed the board exam, since then, I worked in different companies, and in 2015 I put up my own office.

Q: Atty. Parcon: What is your proof that you passed the board exam?

Witness: I have my PRC ID Sir.

Q: Atty. Parcon: I am showing to you a PRC ID of one Joevannie M. Saguid, what is the relation of this PRC ID to the one that you mentioned?

Witness: That is the one that I mentioned, Sir.

(Respectfully requesting that the said PRC ID be marked as Exhibit
"___")

Q: Atty. Parcon: How did you know about this case?

Witness: I know this case, Sir, because I was engaged by Jayson R. Reyes ("Jayson") to conduct a relocation/verification survey of his property consisting of 423 sq. m. which is part and portion of Cadastral Lot No. 4639 ("Lot 4639") and which has already an approved subdivision survey of Engr. Jovito Cadatal ("Engr. Cadatal").

Q: Atty. Parcon: Can you enlighten us about this approved subdivision survey made by Engr. Cadatal?

Witness: Engineer Cadatal had already subdivided Lot 4639 Sir, and it was already approved on 13 December 2019.

Q: Atty. Parcon: How did you make your relocation/verification survey of lot 4639?

Witness: I checked the boundaries of lot 4639, and I actually saw 4 boundary stones ("mohon") that are existing, which I observed being placed in their respective area as the boundaries of the whole area of lot 4639.

Q: Atty. Parcon: What did you do next, after you checked the boundaries of lot 4369?

Witness: I measured the corner of mohon 1, 2, 3, and 4 – two of the four mohons are located along Sibuyan Sea and the remaining 2 mohons along the highway or provincial road, then, I found out that the four mohons were correctly placed in the boundaries of lot 4639. Thereafter, I advanced to get the 423 sq. m. of sir Jayson stated in the Deed of Absolute Sale that he showed to me, excluding the 20 meters salvage zone, because according to sir Jayson the original intention of the Deed of Absolute Sale does not include the salvage zone as part the property that was sold to them by the seller.

Q: Atty. Parcon: What happened next after you advanced to your verification survey to get the 423 sq. m. of Jayson?

Witness: I found out in my verification survey that the 423 sq. m., which was assigned to Jayson as 4639 Lot-C in the subdivision plan made by Engr. Cadatal consisted only of 79 sq. m. if we will not include the salvage zone, Sir.

Q: Atty. Parcon: What else did you find out in your verification survey, if any?

Witness: I found out that the total area stated in the subdivision plan amounting to 3, 039 sq. m. of Lot 4639 had included the salvage zone area which is reserved for public use or purpose. If you can see I placed a dotted line in my verification plan to show the salvage zone portion of Lot 4639. Likewise, the total area of the lot was also reduced by 759 sq. m. when the provincial road changed its direction and consumed the seaside portion of Lot 4639. The said 759 sq. m. can be seen in Lot-A of my verification plan. The one that I put in my relocation/verification plan as Lot A, B, C, and D that is the whole area of Lot 4639, Sir. Basically, the real area of Lot 4639 without including the salvage zone is just small, Sir. So the only area left without the easement and salvage zone of Lot 4639 are as follows: Lot 4639-B is 38 sq. m., Lot 4639-C is 79 sq. m., and Lot 4639-D is 459 sq. m. (165 sq. m., 141 sq. m. and 153 sq. m.). That is the area that Jayson can get his 423 sq. m. - from 38 sq. m., 79 sq. m., 165 sq. m. up to 141 sq. m. where there is an ongoing construction of a building of my relocation/verification plan, Sir.

Q: Atty. Parcon: How about this barracks that you wrote in your verification plan, what is this all about?

Witness: That is the boundary of Lot 4639, Sir.

survey?

Witness: The Lot Data Computation Sir, and also the correlates in the subdivision plan made by Engr. Cadatal.

Q: Atty. Parcon: You mentioned that you made a relocation/verification plan of Lot 4639, I am showing to you a relocation verification plan of Lot 4639 made by Engr. Joevannie M. Saguid, what is the relation of this relocation/subdivision plan that you mentioned earlier?

Witness: That is the one that I mentioned, Sir.

(Respectfully requesting that the said relocation/verification plan be made as Exhibit " " and Lot "A" to "D" in the said relocation/verification plan be sub marked as " " and series.

Q: Atty. Parcon: Do you confirm and affirm the truthfulness and veracity of this Judicial-Affidavit?

Witness: Yes, Sir.

Q: Atty. Parcon: That is all for the witness your Honor.

ENGR. JOEVANNIE SAGUID
Affiant

SUBSCRIBED AND SWORN TO before me this 2022
in Romblon, Romblon, Philippines affiant having exhibited to me his
as competent evidence of identity.

ATTY. JEFFERSON & INDAP
SUBSCRIBING OFFICER
1111 BUREAU
MANHATTAN TO R.A. 9408

Agustin, Romblon, after having been duly sworn to in accordance with the law, do hereby depose and say that:

1. I am the lawyer who conducted the direct examination of the witness Engr. Joevannie M. Saguid;
2. I faithfully recorded or caused to be recorded the questions I asked and the corresponding answers that the witnesses gave; and
3. Neither I nor any other person then present or assisting me coached the witnesses regarding their answers.

IN WITNESS WHEREOF, I have hereunto set my hand this _____, in Romblon, Romblon.


ATTY. JERRY FRANK C. PARCON
Affiant

SUBSCRIBED AND SWORN TO before me this AUG 31 2022
2022, in Romblon, Romblon, affiant exhibiting to me his UMID ID CRN
021 1695 0793 5, issued in Quezon City as competent evidence of
identity.


SUBSCRIBING OFFICER:
(Signature)