

JULIAN MORDEN TALLANO, HEIR AND ADMINISTRATOR OF OCT NO. 01-4, ROYAL DECREE PROTOCOL, TCT NO. T-408 AND TCT NO. T-498, REPRESENTED HEREIN BY ROMEO P. BRAVO, ATTORNEY-IN-FACT, PL...

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

This resolves plaintiff-appellee's Motion for Reconsideration[1] of this Court's Decision dated July 23, 2014.

The plaintiff-appellee takes exception to the following finding of this Court:

"While the complaint makes mention of the alleged Petition for Reconveyance and Quieting/and for Annulment of Titles from OCT No. 01 to 100,000 filed by the Republic of the Philippines which was allegedly granted, the decision in said case does not appear to have been presented as evidence. X x x."

alleging that, contrary to the finding of this Court, he formally offered and the lower court admitted Exhibit "N" which is a copy of the Decision with Compromise Agreement dated February 4, 1972 in LRC/Civil Case No. 3957-P. However, a cursory reading of said decision with compromise agreement shows that the same was not the one mentioned in paragraph 5 of the Complaint which alleged as follows:

"5. A closer reading of the said TCT No. 39697 would readily reveal that its origins or derivatives are Original Certificate of Title No. 1969 and Oct No. 2065. However, earlier on, upon petition of the Republic of the Philippines for Reconveyance and Quieting/and for Annulment of all the Titles that had been issued from Original Certificate of Title (OCT) No. 01 to OCT 100,000, the same was granted, and the said OCT's were considered and declared null and void ab initio, and canceled en toto from the beginning. X x x." (Underscoring supplied)

It appears from the record that the Decision with Compromise Agreement in Civil Case No. 3957-P marked as Exhibit "N" was filed by a certain Wilson P. Orfinada and not by the Republic of the Philippines. It could not have been filed by the Republic of the Philippines because the Republic of the Philippines itself and some of its agencies were defendants in said case.

With regard to plaintiff-appellee's argument that TCT No. 39697 is void because the decrees of registration of its mother titles, OCT Nos. 1969 and 2065, appear to be located in different localities, this Court upon closer examination of Exhibits "S" and "T" finds that said Decrees bear different numbers from those mentioned by the plaintiff-appellee. Exhibit "S," which is barely readable, is a copy of the Decree numbered 4276-B2 and not 4276 as alleged by the plaintiff-appellee. Exhibit "T," on the other hand, is a copy of Decree numbered 6143 and not 6147 as claimed by the plaintiff-appellee. Nonetheless, granting that said copies of the decrees pertain to the mother titles of the lots of defendants-appellants Sps. Lansangan, the same have no probative value, being mere photocopies of the original thereof and no explanation whatsoever was offered why the original could not be produced before presenting the photocopies thereof as secondary evidence. This Court also takes note of the fact that Romeo Bravo was not even competent to testify on said documents as he does not appear to be connected

with the government agency which issued the same.

As for the alleged partial execution of the Decision with Compromise Agreement, the Sheriff's Returns[3] attached by the plaintiff-appellee to his motion for reconsideration do not show that the mother titles of defendants-appellants Sps. Lansangan's title were canceled pursuant to the said decision.

It becomes clear to this Court that the filing by the plaintiff-appellee of the complaint before the lower court was primarily for the purpose of enforcing the Decision with Compromise Agreement dated February 4, 1972 which had long become dormant. Unfortunately, for the plaintiff-appellee, he chose the wrong remedy.

WHEREFORE, plaintiff-appellee's Motion for Reconsideration of this Court's Decision dated July 23, 2014 is DENIED for lack of merit.

SO ORDERED.

Garcia, and Bueser, JJ., concur.

[1] Rollo, pp. 81-86

[2] Followed by a hyphen and number or letter that could not deciphered.

[3] Rollo, pp. 240-283

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