

ALABANG DEVELOPMENT CORPORATION AND RAMON D. BAGATSING, PETITIONERS, VS. HON. MANUEL E. VALENZUELA, (PRESIDING JUDGE, CFI, RIZAL, PASAY CITY, BRANCH XXIX), AND NICOLAS A. PASCU...

G.R. No. 54094. August 30, 1982

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

On the authority of relevant and controlling pronouncements in the related case of "Director of Lands, petitioner, vs. Court of Appeals and Demetria Sta. Maria Vda. de Bernal, respondents; Green-field Development Corporation, intervenor; Alabang Development Corporation and Ramon D. Bagatsing, intervenors,"* the Court declares as null and void the decision of the Court of First Instance of Pasay City, Branch XXIX in Reconstitution Case No. 504-P, Land Registration Case No. 9368 granting the reconstitution of the certificate of title, original and owner's duplicate copy, in the name of Manuela Aquial supposedly covering Lots 2 and 4 of Survey Plan II-4374. As in the authoritative case above mentioned, the said decision suffers from jurisdictional infirmity, fatal to the petition for reconstitution since said petition and the notice thereof lacked essential data mandatorily required by the law,[1] and, just as importantly, the decision was invalidly issued without actual and personal notice having been served upon possessors, actual occupants and adjoining owners of the property involved who are indispensable parties in interest and without whom a valid judgment cannot be rendered.

The petition for certiorari and prohibition filed against the order of reconstitution alleges that the petitioners are registered owners as evidenced by certain Transfer Certificates of Title[2] all issued by the Register of Deeds of Rizal covering parcels of land located at Barrio Cupang, Muntinlupa, Metro Manila; that TCT Nos. 175223 to 175235 were the subject of petition for Consolidation-Subdivision Plan PCS-5878, LRC Record No. 6137 after approval by the Bureau of Lands and the Land Registration Commission on petition of Alabang Development Corporation with the Court of First Instance of Rizal, Branch XIII; that after hearing the Court issued an order dated April 19, 1969, by virtue of which the Register of Deeds of Rizal issued among others sixty-seven (67) Transfer Certificates of Title[3]; that said parcels of land surrounded by a high perimeter wall on their boundaries were sold to innocent purchasers in good faith for valuable consideration as part of Alabang Hills Village Subdivision, owned by petitioner Alabang Development Corporation, many of whom were already issued in turn the corresponding Transfer Certificates of Title in their favor; and that these innocent purchasers for value have been in open, actual, adverse, continuous, notorious and uninterrupted possession of their respective lands since 1969.

Petitioners further allege that in the reconstitution case below, filed only in 1977, herein respondents as petitioners therein sought to reconstitute a lost certificate of title, original and owner's duplicate copy (allegedly lost or destroyed over 30 years earlier in the last World War II) and issued allegedly pursuant to Decree No. 15170 dated March 4, 1914 in the name of their predecessor-in-interest, deceased Manuela Aquial, covering two lots, 2 and 4, indicated in Plan II-4374, situated in Barrio San Dionisio, Parañaque, Rizal, now Barrio Cupang, Muntinlupa,

Rizal; that on the basis of the technical descriptions contained in petitioners' titles and as appear in the alleged title sought to be reconstituted, the latter overlap the parcels of land owned by petitioners and duly registered in their names; that petitioners and their predecessors-in-interest have been in open, actual, continuous, adverse, notorious possession since time immemorial of these parcels of land and that they have been paying religiously the real estate taxes thereon up to the present time; that petitioners being actual possessors and registered owners were not served with notice of the hearing of the petition for reconstitution in violation of section 13 of Republic Act 26 such that the court a quo acted without or in excess of its jurisdiction in granting the reconstitution and that there is no appeal nor plain, speedy and adequate remedy in the ordinary course of law.

As prayed for, the Court issued on June 27, 1980 a temporary restraining order upon the filing of the petition and restrained the respondents from enforcing the challenged decision, and specifically the Register of Deeds of Rizal from issuing a reconstituted title based on Decree No. 15170 in the name of the respondents-members of the Aquil-Pascual family.

Respondents on the other hand allege that the petitioners filed in the court below a belated intervention and motion for new trial which were denied by respondent judge, and since neither appealed therefrom nor did they question such denials by way of certiorari, the petition is barred by laches; that the petition is not accompanied by copies of all pleadings and documents relevant and pertinent thereto as required by Rule 65, sections 1 and 2, Rules of Court; that certiorari being a remedy against jurisdictional infirmity, the absence of any allegation of ultimate facts tending to show such infirmity is fatal to the petition; that there is no allegation that private respondents knew of such alleged facts and the addresses of petitioners' vendees and/or that they have better rights than the alleged boundary owners who were notified; that petitioner Alabang Development Corporation is an intangible juridical person incapable of physical possession of the property and petitioner Bagatsing who is publicly known to be residing in Manila is not in physical possession or occupation of any property adjacent to the property in question; that the question of boundary owners not having been notified is a factual question not determinable a priori but in a proper action for ownership of any overlapping; that if there is any "sensible question" (sic) raised in the petition, the same is ownership over the alleged overlappings which cannot be sweepingly adjudicated in a certiorari proceeding or a reconstitution case "especially if a good issue is on the validity of petitioners' titles;" "that nonjoinder of some alleged owners would render ineffective any judgment petitioners may get in these proceedings;" that the existence of respondents' title is indubitably established with the existence of the corresponding decree in the Land Registration Commission which was examined and found authentic and genuine by NBI and PC handwriting experts, approved plans reproduced from the microfilm (the plans duly approved by the Director of Lands on July 25, 1911), survey plan, and relocation and verification plans in the Bureau of Lands - all government documents; and that private respondents have been in continuous possession of the land and have been up to date in the payment of land taxes thereof.

After both parties had submitted their respective memoranda, Greenfield Development Corporation moved to intervene in the proceedings stating, in brief, that upon comparison of the technical descriptions of the two parcels of land with an aggregate area of 43 hectares designated as Lots 2 and 4 of Plan II-4374, as set forth in the alleged copy of Decree No. 15170, Land Registration Case 9368, relied upon by respondents in their petition for reconstitution, with those technical descriptions set forth in the certificates of title in the name of said intervenor,[4] it appears that the lots supposedly covered by the title sought to be reconstituted overlap and include a substantial portion of intervenor's land covered by its titles. As in the Bernal case, supra,[5] the Court is called upon to allow such intervention of an indispensable party "in view of the higher and greater interest of the public and in order to administer justice consistent with a just, speedy and inexpensive determination of the respective claims of the parties and their numerous successors-in-interest," in view of the overlapping titles that respondent judge would authorize in his questioned decision in derogation of the underlying indefeasibility and

stability of the Torrens System of registration. As the Court therein stressed, "the sprawling area of the property in question where various subdivisions, residential houses and homes and infrastructures have mushroomed and the great number of people living or having proprietary rights and interests in such a vast property would certainly bring about the swamping of the courts and the clogging of their dockets with cases involving not only the original parties and the movants but also their successors-in-interest. This litigation will have no end, which this Court will not allow nor tolerate." [6]

Unlike in the Bernal case, however, the Director of Lands need not be directed to conduct anew a relocation-verification survey of the properties involved in this case, as the petition before us is simply a special civil action attacking the jurisdiction of the lower court, and not a petition for review where the court would need to delve deep into the issues on the merits. But even if the Court found some need to do so, the land involved insofar as herein petitioners and intervenor are concerned refers to one and the same area involved in the Bernal case, and the report of the Bureau of Lands in that sister case would suffice to enlighten us on the question of surrounding improvements, boundaries and overlappings.

The basic issue in the case at bar is the jurisdiction of the lower court to act upon the petition for reconstitution.

Sections 12 and 13 of Republic Act 26 entitled "An Act Providing a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed," read -

"Sec. 12. Petitions for reconstitution from sources enumerated in sections 2(c), 2(d), 2(e), 2(f), 3(c), 3(d), 3(e), and/or 3(f) of this Act, shall be filed with the proper Court of First Instance, by the registered owner, his assigns, or any person having an interest in the property. The petition shall state or contain, among other things, the following: (a) that the owner's duplicate of the certificate of title had been lost or destroyed; (b) that no co-owner's, mortgagee's or lessee's duplicate had been issued, or, if any had been issued, the same had been lost or destroyed; (c) the location, area and boundaries of the property; (d) the nature and description of the buildings or improvements, if any, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements; (e) the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and of all persons who may have any interest in the property; (f) a detailed description of the encumbrances, if any, affecting the property; and (g) a statement that no deeds or other instruments affecting the property have been presented for registration, or, if there be any, the registration thereof has not been accomplished, as yet. All the documents, or authenticated copies thereof, to be introduced in evidence in support of the petition for reconstitution shall be attached thereto and filed with the same: Provided, That in case the reconstitution is to be made exclusively from sources enumerated in section 2(f) or 3(f) of this Act, the petition shall be further accompanied with a plan and technical description of the property duly approved by the Chief of the General Land Registration Office, or with a certified copy of the description taken from a prior certificate of title covering the same property.

"Sec. 13. The court shall cause a notice of the petition, filed under the preceding section, to be published, at the expense of the petitioner, twice in successive issues of the Official Gazette, and to be posted on the main entrance of the municipality or city in which the land is situated, at the provincial building and of the municipal building at least thirty days prior to the date of hearing. The court shall likewise cause a copy of the notice to be sent, by registered mail or otherwise, at the expense of the petitioner, to every person named therein whose address is known, at least thirty days prior to the date of hearing. Said notice shall state, among other things, the number of the lost or destroyed certificate of title, if known, the name of the registered owner, the names of the occupants or persons in possession of the property, the owners of the adjoining properties and all other interested parties, the location, area and boundaries of the property, and the date on which all persons having any interest therein must appear and file their claim or objections to the petition. The petitioner shall, at the hearing, submit proof of the publication, posting and service of the notice as directed by the court."

Upon examination of the subject petition for reconstitution, the Court notes that some essential data required in

section 12 and section 13 of Republic Act 26 have been omitted: the nature and description of the buildings or improvements, which do not belong to the owner of the land, and the names and addresses of the owners of such buildings or improvements, and the names and addresses of the occupants or persons in possession of the property, of the owners of the adjoining properties and of all persons who may have any interest in the property. Neither do these data appear in the Notice of Hearing,[7] such that no adjoining owner, occupant or possessor was ever served a copy thereof by registered mail or otherwise. On these glaringly conspicuous omissions, the Court repeats its pronouncement in the Bernal case, to wit:

"And since the above data do not appear in the Amended Petition, the same data do not also appear in the Notice of Hearing of the petition published in the Official Gazette. Patently, the provisions of Section 12 which enumerates mandatorily the contents of the Petition for Reconstitution and Section 13 which similarly require the contents of the Notice have not been complied with. In view of these multiple omissions which constitute non-compliance with the above-cited sections of the Act, We rule that said defects have not invested the Court with the authority or jurisdiction to proceed with the case because the manner or mode of obtaining jurisdiction as prescribed by the statute which is mandatory has not been strictly followed, thereby rendering all proceedings utterly null and void. We hold that the mere Notice that 'all interested parties are hereby cited to appear and show cause if any they have why said petition should not be granted' is not sufficient for the law must be interpreted strictly; it must be applied rigorously, with exactness and precision. We agree with the ruling of the trial court granting the motion to amend the original petition provided all the requisites for publication and posting of notices be complied with, it appearing that the amendment is quite substantial in nature. As We pointed above, respondent Demetria Sta. Maria Vda. de Bernal failed to comply with all the requirements for publication and posting of notices, which failure is fatal to the jurisdiction of the Court. (Emphasis supplied)

"The rule on notification to the possessor or one having interest in the property whose title is sought to be reconstituted is laid down explicitly in Manila Railroad Company vs. Hon. Jose M. Moya, et al., L-17913, June 22, 1965, 14 SCRA 358, thus:

"Where a petition for reconstitution would have the certificates of title reconstituted from the plans and technical descriptions of the lots involved, which sources may fall properly under section 3(e) or 3(f) of Republic Act No. 26, the possessor thereof or the one who is known to have an interest in the property should be sent a copy of the notice of the petition at the expense of the petitioner, pursuant to section 13 of the said Act.

"If no notice of the date of hearing of a reconstitution case is served on a possessor or one having interest in the property involved, he is deprived of his day in court and the order of reconstitution is null and void, even if otherwise the said order should have been final and executory.

"Under Section 13 of Republic Act No. 26, notice by publication is not sufficient but such notice must be actually sent or delivered to parties affected by the petition for reconstitution."

x x x

"The rule We have stated and quoted from Manila Railroad Company vs. Hon. Jose M. Moya, et al., supra, is rightly so because one who seeks the reconstitution of his title to the property is duty-bound to know who are the occupants, possessors thereof, or persons having an interest in the property involved, specially where the property is so vast and situated in a suitable residential and commercial location, where buildings and improvements have been or are being constructed openly and publicly. As stated earlier, indispensable parties have appeared, claiming ownership, possession, and valuable interests in the property, which are not only numerous but also patently conspicuous that private respondent cannot feign ignorance, much less unawareness, nor blindness as to their existence of her or within her claimed property." (Emphasis supplied)

After passing upon the jurisdiction issue, the Court cannot just let go unmentioned its observation that the lots[8] involved in this re-constitution case are part of the survey plan (Plan II-4373) allegedly covering also Lots 1 and 3 which are involved in the Bernal case. In other words, these lots are covered by the same survey plan and they are contiguous. As a matter of fact, "Annex 5-A"[9] of respondents' memo-ramum which they claim to be a survey plan for their mother Manuela Aquial is actually entitled "Plan of Property of Olimpia D. Sta. Maria." Olimpia Sta. Maria is supposed to be the predecessor-in-interest of petitioner Demetria Sta. Maria Vda. de Bernal, the petitioner in the Bernal reconstitution case involving Lots 1 and 3. Also, in each of the technical descriptions of Lots 1 and 3 of Plan II-4374 embodied in the petition for reconstitution filed by Demetria Sta. Maria Vda. de Bernal[10], Manuela Aquial consistently appears to be an adjoining owner. This remarkable coincidence warrants a reproduction here of the Court's findings as to the non-veracity and falsity of the survey plan II-4374 submitted in support of reconstitution in the Bernal case.

It is to be remembered that per resolution of this Court dated September 25, 1979 in the Bernal case, the Chief of the Survey Division of the Bureau of Lands was directed to conduct a relocation survey of the property involved therein. Pursuant to such directive, a "Final Report" on the matter was submitted by Amante R. Dumag, Officer-in-Charge, National Capital Regional Office of the Bureau of Lands, based upon a memorandum addressed to him by the Staff Supervisor for Tech-nical Plan and Standards of said Bureau. Excerpts from both the report and the memorandum as reproduced in the decision in the Bernal case are hereunder quoted.

I. From the Final Report:

"3. That while making a research on the survey data of the lands involved in this case the surveyors of the Bureau of Lands found out that the properties claimed by private respondent Demetria Sta. Maria Vda. de Bernal consisting of lots 1 and 3, Plan II-4374, does not have an original copy of a plan in the Records Division of the Bureau of Lands. Attached with this Report is a certified photocopy of a letter dated January 30, 1978 marked as Annex 'A' to form an integral part of this Report sent by the Staff Supervisor for Tech-nical Plan and Standards, Bureau of Lands, Manila, addressed to the Officer-in-Charge, Region IV, Bureau of Lands, Metro Manila, informing the lat-ter of the non-existence of the original copy of plan II-4374. However, he further informed that there exists a microfilm copy of plan II-4374 with Ac-cession No. 385637, but he expressed his doubts as to its source and authenticity, and gave his rea-sons for his apprehension in his aforementioned let-ter dated January 30, 1978 to the Officer-in-Charge of Region IV, Metro Manila;

x x x

"6. That it was ascertained during the verification survey that the lands known as Lots 1 and 3, plan II-4374 claimed by private respondent Demetria Sta. Maria Vda. de Bernal does not actually exist on the ground;

"7. That the properties claimed by private respondent Sta. Maria Vda. de Bernal consisting of Lots 1 and 3, plan II-4374, were platted on the plan Vs-04-000153 using the xerox copies of uncertified tech-nical descriptions furnished by the Office of the Solicitor General;

"8. That as directed by this Honorable Court, the location of industries, factories, warehouses, plants and other commercial infrastructures, resi-dential buildings, public or private roads and other landmarks found inside the areas concerned are properly indicated on the white print copies of plan Vs-04-000153 (Annex 'D')."

II. From the Memorandum:

"1. Inventory record book of the maps and plans salvaged after the last world war and subsequently microfilmed during the Booz, Allen and Hamilton Consultancy, clearly shows that Plan II-4374 was not among those salvaged. Indeed, there is no copy of this plan in the file of Technical Reference Section which records were recently turned over to the Records Division. A perusal of the folder of the case in the Records Division also shows that on July 17, 1972 Mr. Gabriel Sansano, the then Chief of the Records Division

certified that his division (Survey Records Section in particular) has no copy of II-4374 (page 183 of the folio).

"2. A further perusal of the records (pages 1 and 2) shows that on May 15, 1970 Mr. Angel Sogueco, retired surveyor, issued technical descriptions of Lots 1 and 3 of II-4374 allegedly approved on July 25, 1911. This record was submitted to the Court. Stated therein is the alleged source of data Accession No. 195551. This record turns out to be Plan II-4005 approved on February 7, 1911 and the land is the property of the Municipality of Liloan, Island of Pandan, Province of Leyte.

"3. Apparently because of this finding, on November 5, 1971, Mr. Anselmo Almazan, then Chief of Reconstruction Section upon request of the interested party, issued technical descriptions for Lots 1 and 3 of II-4374. (This document was submitted to the Court as part of the petition for reconstitution of title [pp. 1 and 2 of folio]). As to how the data were reconstituted by the then Chief of Reconstruction Section in the absence of the original copy of the plan is not known. This is not our standard operating procedure since we always issue technical descriptions based on available approved survey records.

"4. It appears in the records of the case that later Mr. Modesto Eloriaga, then Chief, Reproduction Section, certified a copy of the microfilm enlargement of a frame with Accession No. 385637 which frame bears the survey number II-4374. As to how a record that was not salvaged after the war got micro-filmed is a mystery. Furthermore, as to how this frame is pinpointed without the locator card indeed confounds us. We are not now privy to the testimonies made in Court regarding this microfilm.

"5. We are surprised to learn that Reel No. 560 now bears II-4374. For this reason, we caused the preparation of an enlargement of said microfilm for further examination and evaluation.

"6. A closer examination of said microfilm enlargement showed the following significant discrepancies and deviations from similar survey plans on record x x x

"7. Considering the discrepancies and deviations of the microfilm enlargement of the frame that purports to be that of survey plan II-4374 bearing Accession No. 385637, our conclusion is that said plan is not authentic and does not and has never represented any parcel of land properly surveyed and approved by this Bureau." (Emphasis supplied)

As the Court accepted and approved in the Bernal case the above final report on the relocation-verification survey of the regional officer of the Bureau of Lands and admitted it as evidence of the falsity of the survey plan in question, there is no reason for this Court not to use it likewise as basis for reaching the conclusion that Lots 2 and 4 supposedly covered by the same Survey Plan II-4374 are purely imaginary and "do not actually exist on the ground."

There are a number of other observations in the Bernal case that would warrant rejection of the totality of the evidence presented by respondents in support of their petition for reconstitution[11] but a discussion thereon would be superfluous since the weight of all such other evidence is anchored upon the veracity or falsity of Survey Plan II-4374 as determined by the office of the Bureau of Lands commissioned by the Court for that purpose, and also considering, as stated earlier, that this is a special civil action wherein a ruling on jurisdiction is sufficient to adjudicate the matter in controversy.

The herein respondents attribute laches to the petitioners for not appealing from the order of the lower court denying their motion to intervene and motion for new trial hence allowing the said order/decision to become final. There is no laches nor finality of any decision to speak of since the decision under question is herein pronounced null and void for having been rendered without jurisdiction. Prescinding therefrom, as admitted by themselves in their comment, the judgment of reconstitution is "ineffective" against the owners of lands covered thereby who were not joined as parties in the proceeding. As the Court ruled in the Bernal case on the matter of intervention[12] "a valid judgment cannot even be rendered where there is want of indispensable parties" such as

petitioners who hold subsisting Torrens Titles to the properties in question and "this aspect of the case com-mands the joinder of indispensable parties to allow them to uphold their interests based upon the Torrens titles they hold overrides any question of late intervention." Petitioners have precisely availed of the proper, speedy and adequate remedy of the present special civil action of certiorari and prohibition to annul and set aside for want of jurisdiction the decision and all proceedings of respondent judge.

If there is any laches at all to speak about, it is the respondents who should be held culpable thereof. For they appear to have slept on their supposed rights to the property claimed by them. It is of record that the petition for reconstitution was prepared and filed in September 1977, more than thirty years after the alleged loss or destruction of the alleged certificate of title in the last World War II. During this long span of time, herein respondents never protested the development and building of residential subdivisions as well as fac-tories, roads and infrastructures in the area which unexplained inaction taken together with the falsity of their basic survey plan, supra, impress upon their petition a most dubious character to say the least.

To repeat what the writer hereof said in his concurring opinion in the Bernal case, "The first lesson to be drawn here is that courts must exercise the greatest caution in entertaining such petitions for reconstitution of allegedly lost certificates of title, particular-ly where the petitions are filed, as in this case, after an inexplicable delay of 25 years after the alleged loss. Furthermore, the courts must likewise make sure that indispensable parties, i.e. the actual owners and possessors of the lands involved, are duly served with ac-tual and personal notice of the petition (not by mere general publication), particularly where the lands involved constitute prime developed commercial land including a part of the South Superhighway. The sta-bility and indefeasibility of the Torrens System would have been greatly imperiled had the appellate court's judgment granting reconstitution prevailed, resulting in two holders of Torrens certificates over the same lands. We can take judicial notice of innumerable litigations and contro-versies that have been spawned by the reckless and hasty grant of such reconstitution of alleged lost or destroyed titles as well as of the numerous purchasers who have been victimized only to find that the 'lands' purchased by them were covered by forged or fake titles or their areas simply 'expanded' through 'table surveys' with the cooperation of unscrupu-lous officials." (Emphasis copied)

The Court stresses once more that lands already covered by duly issued existing Torrens titles (which become incontrovertible upon the expiration of one year from their issuance under section 38 of the Land Registration Act) cannot be the subject of petitions for reconstitu-tion of allegedly lost or destroyed titles filed by third parties without first securing by final judgment the cancellation of such existing titles. (And as the Court reiterated in the recent case of *Silvestre vs. Court of Appeals*,^[13] "in cases of annulment and/or reconveyance of title, a party seeking it should establish not merely by a preponderance of evi-dence but by clear and convincing evidence that the land sought to be re-conveyed is his.") The courts simply have no jurisdiction over petitions by such third parties for reconstitution of allegedly lost or destroyed titles over lands that are already covered by duly issued subsisting titles in the names of their duly registered owners. The very concept of stability and indefeasibility of titles covered under the Torrens System of registration rules out as anathema the issuance of two certificates of title over the same land to two different holders thereof. A fortiori, such proceedings for "reconstitution" without actual notice to the duly registered owners and holders of Torrens Titles to the land are null and void. Applicants, land officials and judges who disregard these basic and fundamental principles will be held duly accountable therefor.

WHEREFORE, the subject judgment of the lower court ordering the register of deeds of Metro Manila, Makati Branch IV to reconstitute from De-cree No. 15170 and the plan and technical descrip-tions submitted, the alleged certificate of title, ori-ginal and owner's duplicate copy, in the name of Manuela Aquial, is hereby annulled and set aside, and the petition for reconstitution is ordered dismissed.

The temporary restraining order of June 27, 1980 issued against respondents is hereby made and declared permanent. With costs jointly and several-ly against private respondents.

The Division Clerk of Court is hereby directed to furnish the Honorable Minister of Justice a copy of the decision at bar (as well as a copy, for ready reference, of the decision of January 27, 1981 in the related Bernal case, G.R. No. L-45168, previously ordered furnished to him) for the institution of appropriate criminal proceedings against private respondents and all others who have assisted or cons-pired with them as may be warranted by the evidence of record.

SO ORDERED.

Melencio-Herrera, Plana, Vasquez, Relova, and Gutierrez, Jr., JJ., concur. Makasiar, J., on official leave.

* G.R. No. 45168, decided on January 27, 1981; reported in 102 SCRA 370.

[1] Sections 12 and 13, Republic Act 26, entitled "An Act providing a special procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed."

[2] Nos. 175223, 175224, 175225, 175226, 175231, 175232, 175233, 175234, 175235 and 165473.

[3] Nos. 247999 to 248017; 247681 to 247685; 247692 to 247708; 247927, 247929, 247931, 247933, 247935 to 247937, 247981 to 247998-A.

[4] Annexes 1 to 6 of the Motion to Intervene.

[5] G. R. No. L-45168, Director of Lands vs. Court of Appeals and Bernal, Resolution of September 25, 1979 allowing intervention; reported in 93 SCRA 238.

[6] 93 SCRA at p. 247; emphasis supplied.

[7] Issues Nos. 46, 47, 48, Vol. 73 of the Official Gazette. Penultimate paragraph reads:

"Let copies of this Notice be published in the Official Gazette and in the Newspaper of general circulation in the Greater Manila Area, once a week for three (3) consecutive weeks at the expense of the petitioners, and likewise posted in the bulletin board of the Court of First Instance of Pasay City."

[8] Lots 2 and 4.

[9] P. 180, Record.

[10] Copied in pages 2 and 3, Supreme Court decision in L-45168.

[11] Evidence relied upon are: "(1) Said Decree No. 15170 issued on March 4, 1914 (Annex 'A') and the certification thereof by the Chief, Docket Division, Land Registration Commission (Annex 'A-1'); (2) Survey Plan II-4374 from microfilm Reel 560 under Accession No. 385637 on file with the Bureau of Lands (Annex 'B'), and certification thereof (Annex 'B-1'), and the corresponding affidavit of the Chief, Reproduction Section, Bureau of Lands, attesting to such fact (Annex 'B-2'); (3) Certified Technical Description of Lots 2 and 4 under said Plan II-4374, by the Chief, Surveys Division, Bureau of Lands (Annexes 'C' and 'C-1'); (4) Certification by the Acting Chief, Records Division, Bureau of Lands, that there is no record of any Sales Patent, Sales Certificates or any land grant affecting or embracing the subject lands to an person (Annex 'D'); (5) Tax Declaration (Annexes 'E', 'E-1', 'E-2' and 'E-3'); (6) Tax Receipts (Annexes 'F' and 'F-1'); (7) Affidavit of adjoining owner Pedro L. Flores executed before Notary Public Atty. F. S. Guanco for Quezon City (Annex 'G');"

(8) White print copy of Re-location Plan dated July 7-12, 1974, with the certification of Geodetic Engineer Restituto L. Beltran who conducted said relocation survey of Lots Nos. 2 and 4, Plan II-4374 in the presence of the adjoining owners (Annex 'H'). All of which are xerox copies and made integral parts of this petition but the originals thereof shall be presented at the hearing."

[12] 93 SCRA at pp. 247, 248.

[13] G.R. Nos. L-32694 and L-33119, July 16, 1982.

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