	PROVINCIAL LEGAL OFFICE	
	Accomplishment Report	
		March
		2022

I. SERVICES

SERVICES	ASSIGNED LAWYER	STATUS/REMARKS/ ACCOMPLISHMENT
1. LITIGATION		
i. NAPOCOR vs PGI and Province of Ifugao Civil Case No. 847	Atty. John Ryan P. Torio and Jann Victor D. Fermin III	Pre-Trial
ii. George Marayag vs Michael Marayag et. al. Civil Case No. 172 For: Recovery of Possession (Unlawful Detainer) and Damages	Atty. John Ryan P. Torio	Favorable Decision/Pending Appeal
iii. George Marayag vs Hon. Rogelio Anapi SCA No. 22-81	Atty. John Ryan P. Torio	Petition for Certiorari
iv. LGU Tumauni, Isabela vs Sps. Leon Bacani, et al. SCA No. 22-52 For: Expropriation	Atty. John Ryan P. Torio	Presentation of Evidence
v. Rose Phol vs Paul Anthenor Go et. al. Civil Case No. 1634 For: Cancellation of Free Patent Application of Title, Reconveyance with Injunction and Damages	Atty. John Ryan P. Torio	Pre-Trial
vi. Power Sector Assets and Liabilities Management Corporation (PSALM) vs PGI G.R. No. 254952	Atty. John Ryan P. Torio and Atty. Jean Ben G. Singson	Pending Resolution on the Certiorari filed by PSALM
vii. PGI vs National Power Corporation (NPC) and PSALM Civil Case No. 1676 For: Revival of Judgement	Atty. John Ryan P. Torio and Atty. Jean Ben G. Singson	Pending Appeal by NPC
viii. Civil Service Commission vs Hortencia R. Galapon For: Simple Neglect of Duty	Atty. John Ryan P. Torio Atty. Paul Angelo R. Uy	Decided. (CSC found Ms. Galapon not guilty of Simple Neglect of Duty but admonished Ms. Hortencia Galapon to be more circumspect with her actions)
ix. Pp vs Jocelyn Estavillo Crim. Case No. 9031 For: Malversation	Atty. John Ryan P. Torio, Atty. Paul Angelo R. Uy and Atty. Jenny Flor M. Cabaddu	Pre-Trial

x.	Wilson U. Florida, Melvin Arafles and Apolinario Jr. vs Geronimo Cabaccan et al. Civil Case No. 13493-15 For: Quasi-Delict	Atty. John Ryan P. Torio and Atty. Paul Angelo R. Uy	Presentation of Evidence for the defendants
xi.	Brgy. Paragu, Municipality of Tumauini, Isabela represented by: Punong Brgy. Fulgencio Pereda vs Virginia A. Guela Spec. Civ. No. 22-70 For: Expropriation and Determination of Just Compensation	Atty. Paul Angelo R. Uy	Issued Order of Possession
xii.	Alma Jacob et. al. vs PGI et. al. Supreme Court G.R. No. 247947	Atty. Paul Angelo R. Uy	Final Entry of Judgement
xiii.	PGI vs Alma Jacob G.R. No. 250218 CA G.R. C.V. No. 106579	Atty. Paul Angelo R. Uy	Pending Appeal
xiv.	Heirs of the late Sps. Juan Asirit and Rosalia Balicao Asirit, et. al. vs Faustino Balicao, et al. Civil Case No. 40-3916	Atty. Paul Angelo R. Uy	Pre-Trial
xv.	In re: Petition for the reconstitution of New Owner's Duplicate of Title Noel Quiatchon represented by Marciano C. Vehemente LRC Pet. No. 19-47	Atty. Paul Angelo R. Uy	Ex-Parte Presentation
xvi.	In re: Petition for the reconstitution and issuance of lost Original Owner's Copy of TCT No. 89930 issued and registered in the name of Polegena Lizardo by the Registry of Deeds of City of Ilagan, Isabela Heirs of Polegena Lizardo represented by: Edly Lizardo Balisi vs the Registry of Deeds of Isabela LRC Pet. No. 19-16	Atty. Paul Angelo R. Uy	Judgement Rendered Granting Petition
xvii.	Heirs of Sebastian Alindayu vs Banquero Elementary School Brgy. Banquero, DILG-LGU Water District and Atty. Lourdes Respicio-Saguban Municipal Mayor of Reina Mercedes, Isabela	Atty. Paul Angelo R. Uy	Submitted for Decision

xviii.	LGU Roxas, Isabela, Rep. by Hon. Jonathan Jose C. Calderon, Local Chief Executive vs Agosto Manuel et. al. Civil Case No. 1089 For: Forcible Entry with Prayer for Damages Preliminary Injunction and/or TRO	Atty. Jann Victor D. Fermin III	Pre-Trial/Relocation Survey
xix.	City of Santiago vs Municipality of Cordon, San Isidro, Echague Province of Isabela, Municipality of Saguday, Quirino and DENR Civil Case No. 35-3978 For: Boundary Dispute	Atty. Jann Victor D. Fermin III	Trial Proper/Possibility of a Compromise
xx.	Kristofer R. Agluba vs Anabel Begonia Civil Case No. 1051-2019	Atty. Jann Victor D. Fermin III	Archived
xxi.	Heirs of Primo Gaffud vs Municipality of Echague, Isabela Civil Case No. 24-663	Atty. Jann Victor D. Fermin III	For Judgement
xxii.	Margarita T. Pascua represented by Dionisio Pascua vs Municipality of San Isidro, Isabela Civil Case No. 36-3702 For: Just Compensation with Damages	Atty. Jann Victor D. Fermin III	Notice of Appeal (Appealed to CA)
xxiii.	Heirs of Facundo Licayan vs Municipality of Echague Civil Case No.24-0754	Atty. Jann Victor D. Fermin III	Plaintiff filed a Certiorari (CA)
xxiv.	Heirs of Elma A. Danao vs Fortunata Castro Tinaza PENRO Case No. 08-2021- 218-03	Atty. Jann Victor D. Fermin III	Submitted for Decision
xxv.	Heirs of Evangeline Melchor vs Sps. Rosauro and Melba Nelo and Jennifer Primero Civil Case No. 35-4366	Atty. Jann Victor D. Fermin III	Remanded to the Lower Courts (Jurisdiction)/ MTC Expanded Jurisdiction
xxvi.	LMN, father of TUV vs Nelvin Cangas Admin. Case No. 1975-42-30	Atty. Jann Victor D. Fermin III	Trial Proper (DepEd)
xxvii.	Cherry Co vs Princess Santiago Civil Case No. 36-4382	Atty. Jann Victor D. Fermin III	For Preliminary Conference
xxviii.	Josefina Villanueva vs Brgy. Taggapan, Echague Civil Case No. 1089	Atty. Jann Victor D. Fermin III	Pre-Trial/Preliminary Conference

xxix.	In re: Petition for Issuance of New Owner's Duplicate Copy of Title No. EP-30614 in the name of LGU of Brgy. Doña Paulina (Formerly Brgy. Victoria), San Isidro, Isabela represented by Brgy. Captain Jonathan V. Sales	Atty. Jean Ben G. Singson	Presentation of Evidence
xxx.	ABC vs Cristaline Castelo Admin. Case No. 1713-4-2005	Atty. Jean Ben G. Singson	Submitted Position Paper
xxxi.	Pp vs Benjamine Ramos Crim. Case No. 20-149 For: Grave Oral Defamation	Atty. Jean Ben G. Singson	Presentation of Evidence
xxxii.	Pp vs Edwin Limbauan Case No. 66-67-2021 For: Malicious Mischief & Usurpation of Property	Atty. Jean Ben G. Singson	Pre-Trial
xxxiii.	Pp vs Virgilio Lagat Crim. Case No. 163-2021 and 164-2021 For: Malicious Mischief & Grave Threats	Atty. Jean Ben G. Singson	Dismissed
xxxiv.	Pp vs Angelo Trinidad Case No. 4064-4068 For: Rape by Sexual Assault & Child Abuse	Atty. Jean Ben G. Singson	Diversion Proceeding
xxxv.	Pp vs Adrian Nicolas Roque Crim. Case No. 9973 for Malversation of Public Funds	Atty. Atty. Jenny Flor T. Manantan-Cabaddu	Pre-Trial
xxxvi.	Pp vs Adrian Nicolas Roque Crim. Case No. 8072 for Malversation	Atty. Atty. Jenny Flor T. Manantan-Cabaddu	Pre-Trial
xxxvii.	Vilma P. Mendoza, et. al. vs Brgy. Oscariz, Ramon, Isabela For: Recovery of Possession and Damages	Atty. Jenny Flor T. Manantan-Cabaddu and Atty. Jean Ben G. Singson	Summary Presentation of Evidence for the Plaintiffs
xxxviii.	Marilou Macutay vs Alfredo Alaska Case No. 1133-2020	Atty. Jenny Flor T. Manantan-Cabaddu	Presentation of Evidence
xxxix.	Aldrin Eclipse vs Esteffanie Mallavo For: Intriguing Against Honor	Atty. Jenny Flor T. Manantan-Cabaddu	Pending Preliminary Investigation
xl.	ABC vs Erlito P. Duque	Atty. Karla Louise S. Dioquino-Agbayani	Respondent at Large
xli.	Prudencio Camannong vs Mario Cabang	Atty. Karla Louise S. Dioquino-Agbayani	On Compromise Agreement

xlii.	Pp vs Jose Rodriguez	Atty. Karla Louise S. Dioquino-Agbayani	On Appeal to the Supreme Court
xliii.	Rolando Sales Aggabao vs Roselily Baquiran Special Civil Action No. 22-80 For: Mandamus	Atty. Karla Louise S. Dioquino-Agbayani	Compel for procedural steps but without prejudice to the exercise of the respondent on the merits of application
2. CONDUCT OF ADMINISTRATIVE INVESTIGATION			
	NONE	NONE	NONE
3. PROVIDES FREE LEGAL ASSISTANCE/CONSULTATIONS			
i.	Vivien Niño	Atty. Paul Angelo R. Uy	Rendered legal advice and recommend filing of Estafa Case to the adverse party
ii.	Ma. Theresa C. Vicente	Atty. Paul Angelo R. Uy	Rendered legal advice and to secure certification from previous developer re: acquisition of unit
iii.	Tersita Castro	Atty. Paul Angelo R. Uy	Rendered legal advice and file a case for reissuance of ownership
iv.	Teresita Zipagan	Atty. Paul Angelo R. Uy	Rendered legal advice and for relocation survey
v.	Normalita G. Lee	Atty. Jann Victor D. Fermin III	For Preliminary Conference
vi.	Carmelito A. Geronimo	Atty. Jann Victor D. Fermin III	Rendered legal advice
vii.	Ma. Alieczah Michelle B. Balute	Atty. Jann Victor D. Fermin III	For Preliminary Conference
viii.	Elvis T. Taguinod	Atty. Jean Ben G. Singson	Rendered legal advice
ix.	Mercedes S. Cornelio	Atty. Jenny Flor T. Manantan-Cabaddu	Rendered legal advice and request conduct of relocation survey
x.	Jocelyn Juan	Atty. Jenny Flor T. Manantan-Cabaddu	Rendered legal advice and referred the case to Department of Agrarian Reform
xi.	Melchor Yuson	Atty. Jenny Flor T. Manantan-Cabaddu	Rendered legal advice and referred back to Public Attorney's Office
xii.	George B. Acosta Sr.	Atty. Jenny Flor T. Manantan-Cabaddu	Rendered legal advice and referred to barangay for conciliation proceedings

xiii.	Rolly Tuppil Gumbi	Atty. Jenny Flor T. Manantan-Cabaddu	Drafted Deed of Absolute Sale
xiv.	Maricel Figarola	Atty. Jenny Flor T. Manantan-Cabaddu	Rendered legal advice relative to alleged slight physical injuries filed against the client before the barangay
4. DRAFTED LEGAL DOCUMENTS AND OTHER CONTRACTS			
i.	Drafted a Deed of Donation between PGI and PCSO for Patient Transport Vehicle (PTV)	Atty. Paul Angelo R. Uy	Accomplished legal document
ii.	Drafted request from the Sangguniang Panlalawigan to grant authority to the Governor to enter, sign and execute a MOA with Jinan County, Korea (Agriculture Exchange)	Atty. Paul Angelo R. Uy	Accomplished legal document
iii.	Drafted request from the Sangguniang Panlalawigan to grant authority to the Governor to enter, sign proposed Deed of Donation of one Patient Transport Vehicle (PTV) from PCSO	Atty. Paul Angelo R. Uy	Accomplished legal document
iv.	Drafted request from the Sangguniang Panlalawigan to grant authority to the Governor to enter, sign MOU and MOA with Wanju County, Korea (Agricultural Exchange)	Atty. Paul Angelo R. Uy	Accomplished legal document
v.	Drafted Affidavit for the sharing of proceeds over an agricultural land in Sto. Tomas, Isabela	Atty. Jenny Flor T. Manantan-Cabaddu	Accomplished legal document
vi.	Drafted Special Power of Attorney for Alejandra G. Malpaya for the management of agricultural lands in Sto. Tomas, Isabela	Atty. Jenny Flor T. Manantan-Cabaddu	Accomplished legal document
vii.	Drafted Promissory Note (for Jenalyn Claro in favor of Aileen Palattao)	Atty. Jenny Flor T. Manantan-Cabaddu	Accomplished legal document
viii.	Drafted of Absolute Sale in favor of Barangay Banquero and LGU Reina Mercedes	Atty. Jenny Flor T. Manantan-Cabaddu	Accomplished legal document
ix.	Drafted Notice of Suspension on the use of HealthGuard	Atty. Jean Ben G. Singson	Accomplished legal document

x.	Drafted Addendum to MOA Healthguard	Atty. Jean Ben G. Singson	Accomplished legal document
xi.	Drafted Compromise Agreement (Celestino Barber and Catherine Barber)	Atty. Jean Ben G. Singson	Accomplished legal document
xii.	Drafted Deed of Donation between PGI and NBI	Atty. Jean Ben G. Singson	Accomplished legal document
xiii.	Drafted request from the Sangguniang Panlalawigan to grant authority to the Governor to enter into a Deed of Donation with the National Bureau of Investigation-Isabela District Office	Atty. Jean Ben G. Singson	Accomplished legal document
xiv.	Drafted Release of Claim and Subrogation Receipt (Sherwin Banguilan)	Atty. Jean Ben G. Singson	Accomplished legal document
xv.	Drafted request from the Sangguniang Panlalawigan to grant authority to the Governor to represent the PGI and sign a Deed of Acceptance with LGU of Iloilo City	Atty. Jean Ben G. Singson	Accomplished legal document
xvi.	Drafted Affidavit (Sherwin Banguilan)	Atty. Jean Ben G. Singson	Accomplished legal document
xvii.	Drafted Motion to Set Aside (Heirs of Pedro Manuel vs Sps. Roberto Taccad and Luisa et. al)	Atty. Jann Victor D. Fermin III	Accomplished legal document
xviii.	Drafted request from the Sangguniang Panlalawigan to grant authority to the Governor to represent the PGI and sign a MOA with Philippine Center for Postharvest Development and Mechanization (PhilMech)	Atty. Jann Victor D. Fermin III	Accomplished legal document
xix.	Drafted request from the Sangguniang Panlalawigan to grant authority to the Governor to represent the PGI and sign a MOA between PGI and PhilMech	Atty. Jann Victor D. Fermin III	Accomplished legal document

xx.	Drafted request from the Sangguniang Panlalawigan to grant authority to the Governor to represent the PGI and sign a MOA for Post Residency Return Service Program of PGI, East Avenue Medical Center and DOH	Atty. Jann Victor D. Fermin III	Accomplished legal document
xxi.	Drafted Motion for reconsideration (Cherry Co vs Princess Santiago)	Atty. Jann Victor D. Fermin III	Accomplished legal document
xxii.	Drafted Demand letter to Micah Mhae Franco	Atty. Jann Victor D. Fermin III	Accomplished legal document

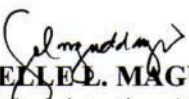

5. RENDERING OF LEGAL OPINIONS/COMMENTS ON QUESTIONS OF LAW

i.	For legal opinion Ordinance No. 2022-007 of the Municipality of Alicia, Isabela	Atty. Karla Louise D. Agbayani	Accomplished legal document
ii.	For legal opinion on Executive Order on reorganizing Philippine Health Board and creation of Management Support Unit of the province of Isabela	Atty. Karla Louise D. Agbayani	Accomplished legal document
iii.	For legal opinion Ordinance No. 01-2022 of the Municipality of Ramon, Isabela	Atty. Karla Louise D. Agbayani	Accomplished legal document
iv.	For review Ordinance No. 20-010 of the Municipality of Roxas, Isabela	Atty. Jann Victor D. Fermin III	Accomplished legal document
v.	For review Ordinance No. 05-2021 of the Municipality of Luna, Isabela	Atty. Jann Victor D. Fermin III	Accomplished legal document
vi.	For legal opinion on Sangguniang Panlalawigan Resolution No. 2021-44-09 (Authority to Donate)	Atty. Paul Angelo R. Uy	Accomplished legal document
vii.	For review on the proposed Ordinance No. 2022-855 of the municipality of San Mateo, Isabela (Sectoral Representative)	Atty. Paul Angelo R. Uy	Accomplished legal document
viii.	For review on the proposed MOA between PGI and The Medical City Clark Inc. (TMCCI) (on-site medical examination)	Atty. Paul Angelo R. Uy	Accomplished legal document

ix.	For review on the proposed MOA between PGI and Yangu, Korea (Agricultural Exchange)	Atty. Paul Angelo R. Uy	Accomplished legal document
x.	For review on the proposed MOA between PGI and The Medical City Clark Inc. (TMCCI) (Credit Line Agreement)	Atty. Paul Angelo R. Uy	Accomplished legal document
xi.	For review on the proposed MOA between PGI and The Medical City Clark Inc. (TMCCI) (Data Sharing)	Atty. Paul Angelo R. Uy	Accomplished legal document
xii.	For review on the proposed MOA between PGI and The Medical City Clark Inc. (TMCCI) (Hospital Partnership)	Atty. Paul Angelo R. Uy	Accomplished legal document
xiii.	For review draft Executive Order on the creation of Provincial Technical Committee on Organic Agriculture	Atty. Jean Ben G. Singson	Accomplished legal document
xiv.	For review Ordinance No. 08-2022 of the Municipality of Ramon, Isabela	Atty. Jean Ben G. Singson	Accomplished legal document
xv.	For legal opinion Ordinance No. 2022-1261 of the Municipality of San Mariano, Isabela	Atty. Jean Ben G. Singson	Accomplished legal document

II. OTHER PROGRAM/PROJECT/ACTIVITY

PROGRAM/PROJECT/ACTIVITY	PROJECT DESCRIPTION	STATUS/REMARKS/ACCOMPLISHMENT
NONE	NONE	NONE

PREPARED BY:  JULIBELLE L. MAGUDDAYAO Administrative Aide III	NOTED BY:  ATTY JOHN RYAN P. TORIO Provincial Legal Officer
--	--

BRIEFER

1. POWER SECTOR ASSETS AND LIABILITIES MANAGEMENT CORPORATION vs. PROVINCE OF ISABELA G.R. No. 254952

This is a Petition for Review on Certiorari with application for the issuance of Temporary Restraining Order and/or Writ of Preliminary Mandatory Injunction filed by PSALM.

The Provincial Government of Isabela filed a case for sum of money against the defendant herein for the non-payment of the franchise tax in the operation of Hydroelectric Powerplant "MAGATT HEPP" pursuant to Section 137 of R.A 7160, such powerplant is located at Municipality of Ramon, within the jurisdiction of the Province of Isabela.

The defendant herein paid the said franchise tax amounting to P9,473,275 for the year 1992 and 1993 but refused to pay the said tax for the year 1994 amounting to P 7, 116,949 with an interest of P 854,033.58 plus damages, despite of the repeated demands from the plaintiff herein.

On July 30, 1997. The RTC Br. 17 rendered a decision in favor of the plaintiff herein.

On September 3, 1997 and September 17, 1997, the Plaintiff-appellee filed a Motion for Execution Pending Appeal and Supplemental Motion for Execution Pending Appeal, alleging that The PGI suffered a budget deficit due to the non-payment of the taxes, penalties and interest. On September 29, 1997, The court granted the Motion of the Plaintiff-Appellee.

However, for one reason or another, in spite of the execution of the Memorandum of Agreement, the decision of the Honorable RTC Br. 17 dated July 30, 1997, which was affirmed by the Supreme Court First Division in its Decision dated June 16, 2006, was not fully satisfied within the five-year period from July 31, 2006, the date of its entry.

Thus, on June 26, 2014, PGI filed a complaint for revival of judgment with the Regional Trial Court Branch 18 of the Province of Isabela ("RTC Br. 18" for brevity) against NPC and PSALM to collect the remaining unpaid balance in the amount of ONE MILLION FOUR HUNDRED FIFTEEN THOUSAND SEVEN HUNDRED THIRTEEN PESOS AND TWENTY CENTAVOS (PHP 1,415,713.20) representing twenty (20%) of the Franchise Tax due for the year 1994 and the amount of FOUR HUNDRED TWENTY SEVEN THOUSAND SIXTEEN PESOS AND NINETY-FOUR CENTAVOS (PHP 427,106.94) which is fifty percent (50%) of the legal interest of the Franchise Tax due for the year 1994.

On November 26, 2019, the Honorable RTC Branch 18 issued an Order , the dispositive portion of which reads:

"WHEREFORE, premises considered, the Clerk of Court is ordered to issue a Writ of Execution in favor of the Plaintiff based on the Final Judgment in Civil Case No. 842 for the sum of One-Million Four Hundred Fifteen Thousand Pesos & Twenty Centavos Philippines Currency (Php 1,415,713.20) and Four-Hundred Sixteen Pesos and Ninety Four Centavos (Php 427,016.94) or for a total sum of One-Million Eight Hundred Forty Two Thousand Pesos & Fourteen Centavos (Php 1,842,730.14), payable in Philippine currency.

Aggrieved, Petitioner Power Sector Assets and Liabilities Management Corporation ("PSALM" for brevity) seeks reversal of Ilagan, Isabela RTC Branch 18's 26 November 2019 Decision and 1 December 2020 Order on the ground that the RTC erred in holding PSALM liable in the implementation of Ilagan, Isabela RTC Branch 17's 30 July 1997 Decision finding National Power Corporation ("NPC" for brevity) liable for franchise tax for the year 1994 and, additionally, on the ground that the RTC erred in directing the issuance of a writ of execution against PSALM despite Isabela's failure to comply with the requirements of Presidential Decree No. 1445.

At present, the Petition is pending resolution with the Supreme Court Third Division as the PGI has already filed its *Comment/Opposition* last July 2021.

**2. PROVINCE OF ISABELA vs. NATIONAL POWER CORPORATION (NPC) and
POWER SECTOR ASSETS AND LIABILITIES MANAGEMENT CORPORATION
(PSALM),
CA-G.R. CV No. 116635**

The plaintiff-appellee Provincial Government of Isabela filed a case for sum of money against the defendant herein for the non-payment of the franchise tax in the operation of Hydroelectric Powerplant "MAGATT HEPP" pursuant to Section 137 of R.A 7160, such powerplant is located at Municipality of Ramon, within the jurisdiction of the Province of Isabela.

The defendant herein paid the said franchise tax amounting to P9,473,275 for the year 1992 and 1993 but refused to pay the said tax for the year 1994 which is amounting to P 7, 116,949 with an interest of P 854,033.58 plus damages, despite of the repeated demands from the plaintiff herein.

On July 30, 1997. The RTC Br. 17 rendered a decision in favor of the plaintiff herein.

On September 3, 1997 and September 17, 1997, the Plaintiff-appellee filed a Motion for Execution Pending Appeal and Supplemental Motion for Execution Pending Appeal, alleging that The PGI suffered a budget deficit due to the non-payment of the taxes, penalties and interest. On September 29, 1997, The court granted the Motion of the Plaintiff-Appellee.

However, for one reason or another, in spite of the execution of the Memorandum of Agreement, the decision of the Honorable RTC Br. 17 dated July 30, 1997, which was affirmed by the Supreme Court First Division in its Decision dated June 16, 2006, was not fully satisfied within the five-year period from July 31, 2006, the date of its entry.

Thus, on June 26, 2014, PGI filed a complaint for revival of judgment with the Regional Trial Court Branch 18 of the Province of Isabela ("RTC Br. 18" for brevity) against NPC and PSALM to collect the remaining unpaid balance in the amount of ONE MILLION FOUR HUNDRED FIFTEN THOUSAND SEVEN HUNDRED THIRTEEN PESOS AND TWENTY CENTAVOS (PHP 1,415,713.20) representing twenty (20%) of the Franchise Tax due for the year 1994 and the amount of FOUR HUNDRED TWENTY SEVEN THOUSAND SIXTEEN PESOS AND NINETY-FOUR CENTAVOS (PHP 427,106.94) which is fifty percent (50%) of the legal interest of the Franchise Tax due for the year 1994.

On November 26, 2019, the Honorable RTC Branch 18 issued an Order , the dispositive portion of which reads:

"WHEREFORE, premises considered, the Clerk of Court is ordered to issue a Writ of Execution in favor of the Plaintiff based on the Final Judgment in Civil Case No. 842

for the sum of One-Million Four Hundred Fifteen Thousand Pesos & Twenty Centavos Philippines Currency (PhP 1,415,713.20) and Four-Hundred Sixteen Pesos and Ninety Four Centavos (PhP 427,016.94) or for a total sum of One-Million Eight Hundred Forty Two Thousand Pesos & Fourteen Centavos (PhP 1,842,730.14), payable in Philippine currency.

Aggrieved, NPC filed the present appeal with the Court of Appeals. At present, the case is already submitted for resolution as the PGI has already filed its *Appellee's Brief* last December 20, 2021.

3. In Re: PETITION FOR ISSUANCE OF OWNER'S DUPLICATE COPY OF TRANSFER CERTIFICATE OF TITLE NO. EP-30614 OF IN LIEU OF THE LOST ONE

LRC Case No. 36-6742

LOCAL GOVERNMENT UNIT OF BRGY. DOÑA PAULINA (FORMERLY BRGY. VICTORIA) SAN ISIDRO, ISABELA REP. BY BRGY. CAPTAIN JONATHAN V. SALES

This is a Petition for Issuance of Owner's Duplicate Copy of Transfer Certificate of Title No. EP-30614 in lieu of the lost one filed by the Local Government Unit of Brgy. Doña Paulina, San Isidro, Isabela.

A portion of the land was donated to the Barangay on December 5, 2000 by Mr. Pedro Urbano while the remaining portion was acquired by virtue of a *Deed of Absolute Sale*.

Sometime last 2019, Brgy. Captain Jonathan Sales asked Ex-Brgy. Captain Norberto R. Urbano for the duplicate copy of TCT No. EP-30614 as the Barangay would like to effect the transfer of the title under its name but Ex-Brgy. Captain Norberto R. Urbano said that he is not in possession of the said title. He further stated that the owner's duplicate of the said title could no longer be found as it was his late father who was in last possession of the said title. Mr. Norberto Urbano conducted further inquiries as to the whereabouts of the said title from his other relatives but the same proved futile. Thus, this present Petition.

At present, the case is set for *Ex-parte Presentation of Evidence* as PGI has already submitted the *Judicial Affidavit of Brgy. Captain Jonathan Sales*.

4. VILMA PABLO MENDOZA, NORA. R. PABLO, and DELMAR R. PABLO vs. BARANGAY OSCARIZ, RAMON, ISABELA, ET AL.

Civil Case No. 36-4228

This is a case for Recovery of Possession and Damages file by Mendoza et. Al., against Brgy. Oscariz, Ramon, Isabela alleging that they are the true and actual owners of Lot 3188-B of TCT No. T-289892 which the barangay has been occupying since 1970s. The case proceeded but during the course of the hearing, Brgy. Oscariz was suddenly abandoned by their previous counsel before the scheduled date of Pre-Trial. As a result, Brgy. Oscariz failed to attend the Pre-Trial and file their Pre-Trial Brief. Thus, on November 16, 2022, judgment was rendered against them ex-parte.

Subsequently, they sought the assistance of the Provincial Legal Office in seeking to overturn the judgment. In response, PGI filed a *Motion for Reconsideration* which among others, cited the recent discovery of the *Deed of Absolute of Sale* in favor of the Barangay.

At present, the *Motion* is scheduled for *Summary Hearing*.

BRIEFER

People of the Philippines vs. Adrian Nicolas D. Roque
Criminal Case No. 8072 for Malversation
Regional Trial Court, Branch 18, City of Ilagan, Isabela

Facts and status of the case

On July 11, 2017, an information was filed against accused Adrian Nicolas D. Roque, for Malversation of Public Funds under Article 217 of the Revised Penal Code committed as follows:

From May 6, 2016 to June 22, 2016, accused Adrian Nicolas D. Roque, being then the Revenue Collection Clerk I of the Provincial Government of Isabela, and as such, was allowed regular cash advances for the purpose of paying various financial assistance granted by the PGI by reason of his position and having received the amount Php 1,099,890.40 representing his cash advances, obligated and intended for the payment of various financial assistance granted by the PGI, with grave abuse of confidence, misappropriated, embezzled and took away said amount which he converted to his personal use and benefit.

Arraignment was set on March 31, 2022 wherein accused pleaded not guilty. Pretrial was set on June 9, 2022 at 8:30 in the morning.

People of the Philippines vs. Adrian Nicolas D. Roque
Criminal Case No. 9973 for Malversation (OMB-L-C-18-0010)
Regional Trial Court, Branch 18, City of Ilagan, Isabela

Facts and status of the case

On October 17, 2018, Graft Information and Prosecution Officer III of the Office of the Deputy Ombudsman for Luzon accused Adrian Nicolas D. Roque, for Malversation of Public Funds under Article 217 of the Revised Penal Code committed as follows:

That on July 8, 2016, or sometime prior or subsequent thereto, at the Provincial Treasurer's Office of the Provincial Government of Isabela, accused Adrian Nicolas Roque, a public official, being then the Revenue Collection Clerk/Special Disbursing Officer, and as such, accountable for the funds received by him by reason of his position, taking advantage of his position, feloniously took, misappropriated and converted to his own personal use and benefit the amount of Php 1,099,890.40 to the damage and prejudice of the government in the amount aforestated.

During the arraignment of March 31, 2022, accused pleaded guilty. Pretrial was set on June 9, 2022 at 8: 30 in the morning.

BRIEFER

1. Civil Service Commission vs. Hortencia Galapon For: Simple Neglect of Duty

Brief Statement of Facts:

Ms. Hortencia Galapon (Respondent) was the Provincial Human Resources Management Officer of the Provincial Government of Isabela. She was tasked to oversee and implement personnel policies in accordance with Civil Service Rules and Regulations.

Ms. Mary Joselyn M. Cayaba (Private Complainant) was a retired employee of the PGI (Cauayan District Hospital). Ms. Cayaba retired from government service and sought computation of her terminal pay. She was paid creditable leave of 10.107 days amounting to PHP 25,243.59 as terminal leave pay.

Ms. Cayaba asked for a re-computation of her creditable leaves. Respondent Galapon sent a letter in response thereto stating that based on available records, Ms. Cayaba only has 4.315 days of leave credits and was further requested to return the excess payment amounting to PHP. 14,466.00.

Ms. Cayaba lodged a complaint before the Civil Service Commission-R02. The CSC ordered respondent to Submit Ms. Cayaba's DTR from 2011 to March 2016 and leave Card and to likewise comment on the complaint.

The CSC in another issuance further ordered Respondent Galapon to file her Counter-affidavit. In a resolution in 2018, the CSC issued a formal charge for Simple Neglect of Duty against respondent Galapon.

Formal proceedings ensued despite the passing of Ms. Cayaba. The Prosecution was able to present and formally offered evidence for their case.

The Respondent was scheduled to present her evidence but was overtaken by the COVID-19 Pandemic. Thus, the CSC, in view of the of parties to speedy disposition of cases issued an Order dated July 14, 2021 requiring the parties to submit a manifestation or motion to submit the case for resolution based on position paper. Pursuant thereto, the prosecution and defense both manifested for the resolution of the case based on position paper.

On December 14, 2021 the defense was able to submit the position paper and formally offered documentary exhibits in support thereto.

On February 17, 2022 the CSC issued a Notice of Decision finding Respondent Galapon not guilty of Simple Misconduct but Admonished Respondent Galapon to be more circumspect with her actions.

2. LRC PET NO. 19-47 (PETITION FOR ISSUANCE OF NEW OWNER'S DUPLICATE COPY OF TRANSFER CERTIFICATE OF TITLE NO. 035- 2016001516 IN LIEU OF THE LOST ONE.)

Brief Statement of Facts:

TCT No. 035-2016001516 registered in the name of Mr. Noel Quiatchon is a subject of a Certificate of Sale in favor of Chinabank Savings Inc.

The instant Certificate of Sale was subject to the process of registration before the Registry of Deeds (ROD) of Isabela which was last handled by Mr. Marciano Vehemente, Land Registration Examiner.

Follow up made by Chinabank Savings Inc. revealed that the folder of TCT No. 035-2016001516 went missing. Despite efforts, the ROD was not able to locate the same.

Atty. Egdon Madriaga-Mananquil wrote to Land Registration Authority Administrator Bermejo to inform him of the state of the transaction involving TCT No. 035-1016001516.

Due to the last touch policy of the ROD, Mr. Marciano Vehemente was the last person in possession of TCT No. 035-2016001516 before it was lost. It was incumbent upon him to cause the reissuance of an owner's duplicate of TCT No. 035-2016001516. Hence, Mr. Marciano sought the assistance of the Provincial Legal Aid Office for the filing of a Petition for Reissuance of an Owner's Duplicate of TCT No. 035-2016001516 before the Regional Trial Court Br. 18 of Ilagan City, Isabela.

Current Status: For Initial Hearing on May 16, 2022.

3. People of the Philippines Vs. Jocelyn Estavillo
Crim. Case No. 9031
For: Malversation

Brief Statement of Facts:

Accused Jocelyn Estavillo was a former employee of the Provincial Government of Isabela holding the position of Cashier II at the Governor Faustino N. Dy Sr. Memorial Hospital. As a cashier, among of her duties is to receive payments on admission of patients and make financial settlement on times of discharge, thus making her an accountable office.

Sometime in 2019, the Commission on Audit (COA) issued an Audit Observation Memorandum (AOM) for the accountability of accused Estavillo as Cashier II of GFNDY for the period of October 5, 2018 to December 18, 2019 that involved a Cash Deficiency of PHP. 3,099,511.00.

The cash accountability of accused Estavillo after verification of her remaining accountability under the General Fund (GF), Health Care (HC), and Blood Bank (BB) for the period of October 5, 2018 to December 19, 2018 amounted to PHP. 3,099,511.00.

COA Audit Team Leader Antonette Guliman sent a Final Demand to accused Estavillo which was acknowledged by the latter on February 18, 2019.

On April 8, 2019, the Provincial Legal Office sent a demand letter to accused Estavillo for the restitution of the amount of PHP. 3,099,511.00 in cash and make a written explanation on how the shortage occurred within 72 hours from receipt thereof.

Instead of a restitution and explanation letter, accused Estavillo tendered her resignation letter dated April 8, 2019 to the HRMO. Accused Estavillo was not able to tender an accounting of her accountabilities nor was she able to reconstitute the amount mentioned.

The Provincial Government of Isabela through the Provincial Legal Office filed a complaint for malversation against accused Estavillo which was raffled to the Regional Trial Court Br. 17 of Ilagan City, Isabela.

Current Status of the Case: Continuation of Pre-Trial on July 4, 2022.

4. Brgy. Paragu, Municipality of Tumauni, Isabela vs. Virginia A. Guela
Spec. Civ. No. 22-70
For: Expropriation and Determination of Just Compensation

Brief Statement of Facts:

Sometime in the 1950s, Brgy. Paragu of the Municipality of Tumauni, Isabela is a recipient of a Donation of a parcel of land with an area of 538sqm from Respondent Guela's predecessor-in-interest. However, the donation was never embodied in a formal instrument or Deed of Donation. The Barangay never requested the said donation to be put in to writing as dictated by customs then prevailing.

By virtue of the Donation, the Barangay occupied the property and erected therein the Barangay Hall, Multi-Purpose Pavement, Basketball Court and the Barangay Stage using public funds.

Defendant Guela, being the recipient of the parcel of land distributed after the death of her predecessor-in-interest demanded from the Barangay that they immediately vacate the aforementioned property as the same belongs to her.

The Barangay recognizing the inefficacy of the donation, negotiated with the defendant for the purchase of the property and made an offer thereto in the amount of PHP. 15,090.00 being the fair market value as per tax declaration.

However, the formal offer was declined by defendant and reiterated her previous demand that the property be vacated immediately.

The Barangay left without any other recourse, promulgated an Ordinance authorizing Punong Barangay Fulgencio Pereda to initiate the necessary Expropriation proceedings with the determination of just compensation involving the subject property.

The case was formally docketed as Spec. Civ. No. 22-70 before the Regional Trial Court Br. 22 of Cabagan, Isabela. Formal proceedings ensued. The Court in its discretion tried to explore the possibility of settlement but the demand of the respondent cannot be met by Barangay Paragu.

Current Status: Set for hearing on June 14, 2022.

5. Alma Jacob Et. Al., vs. PGI, et. al.
Supreme Court G.R. No. 247947
Petition for review of C.A. Decision

6. PGI et. al., vs. Alma Jacob et. al.
Supreme Court G.R. No. 250218
Petition for review of C.A. Decision

Brief Statement of Facts:

Sometime in March 2003, the PGI purchased a parcel of land from the Heirs of Mariano Ofilada which now houses the Echague District Hospital for the amount of PHP. 1,175,000.00. Subsequently, TCT No. T-333264 was issued in favor of PGI.

Subsequent to the consummation of the sale, Alma Jacob Et. Al. notified the PGI, through a letter dated March 25, 2003, that the parcel of land previously sold by the heirs of Mariano Ofilada is owned by them through their father Gerardo Cauilan by virtue of TCT No. 37078 dated March 22, 1968 issued in his favor.

On August 8 2003, Alma Jacob Et. Al. instituted a complaint for Declaration of Nullity of Emancipation Patent, Sale, and Injunction before the RTC Br. 24 of Echague, Isabela and praying for, among others, the removal of the Hospital constructed on the land subject matter of the case.

PGI, after learning of the adverse claim of Jacob Et. Al., and pending the decision on the validity of the sale, consigned the amount of PHP. 1,000,000.00 with the Regional Trial Court of Br. 24, Echague, Isabela.

On November 26, 2015, RTC Br. 24 rendered a decision dismissing the complaint of Alma Jacob Et. Al. and declaring, among others, that the sale was valid. Alma Jacob Et. Al.'s motion for reconsideration was denied in an order dated February 10, 2016.

Consequently, the case was elevated before the Court of Appeals and was docketed as C.A.-G.R. C.V No. 106579.

The Court of Appeals reversed the RTC Br. 24 in its decision dated August 15, 2018 and declared, among others that, the sale between the Province of Isabela and Heirs of Mariano is void; Province of Isabela is not an innocent purchaser for value.

As resolved by the C.A., the amount of PHP. 175,000.00 and PHP. 1,000,000.00 was ordered to be surrendered to and released in favor of Alma Jacob Et. Al. Further, the Province of Isabela being in bad faith was ordered to pay Alma Jacob Et. Al. the amount of PHP. 200,000.00 as temperate damages. As to the removal of the hospital, the C.A. ruled against the same and stated "It would not only cause tremendous cost on the local government, but would also hamper the well-being and development of the Province of Isabela by removing a hospital that clearly benefits its residents."

On September 17, 2018, the PGI filed a motion for reconsideration arguing that it was not in bad faith when it bought the subject land and that the award of temperate damages was excessive.

On October 8, 2018, Alma Jacob Et. Al. filed a motion for partial reconsideration reiterating its previous prayer that the hospital be demolished and the PGI should pay rent from 2003 until the execution of the Court's decision, or in the alternative, order PGI to pay the prevailing purchase price of the property at PHP. 200.00 per square meter and rent of PHP. 200,000.00 per year for the use of the subject land in 2003 until the execution including interest.

On November 26, 2018, the PGI filed its Comment/Opposition to the motion for partial reconsideration arguing that it was not in bad faith when it dealt with the Heirs of Mariano Ofilada and that the claim for rent of PHP. 200,000.00 per year the Jacob Et. Al. is unsubstantiated and excessive, thus, the instant motion be denied for lack of merit.

On May 16, 2019, the C.A. issued a resolution denying the motion for partial reconsideration filed by Jacob Et. Al. for lack of merit. Further, on October 21, 2019, the Motion for Reconsideration filed by PGI was likewise denied for being a rehash.

Jacob Et. Al. elevated the matter to the Supreme Court and docketed under G.R. No. 247947. Likewise, the PGI filed a petition for review before the Supreme Court under G.R. 250218.

On June 29, 2020, the Supreme Court Second Division issued a resolution acting on Jacob Et. Al.'s motion for reconsideration of the resolution dated September 18, 2019 which denied their petition for review on certiorari, the Court resolves to DENY the motion with FINALITY and an entry of final judgment be issued immediately.

Current Status of Case:

G.R. No. 247947: Petition for Review Denied with Finality and entry of final judgment be issued immediately

G.R. No. 250218: Pending Resolution of Petition for Review.

- 7. In re: Petition for the Reconstitution and issuance of lost Original Owner's Duplicate of TCT No. 89930 issued in the name of Polegena Lizardo by the Registry of Deeds of Isabela.**
LRC Pet. No. 19-16

Brief Statement of Facts:

Petitioner Edly Lizardo Balisi is among the heirs of Polegena Lizardo Balisi the registered owner of a parcel of land covered by TCT No. 89930 situated at Gamu, Isabela.

However, the death of Polegena Balisi, the owner's copy of TCT No. 89930 cannot be located by her heirs and was considered lost and beyond recovery. Further, the original copy of TCT No. 89930 kept by the Registry of Deeds was among those lost due to a fire.

Petitioner, was empowered by his siblings to lodge a Petition for Reconstitution and reissuance of an owner's duplicate of TCT No. 89930 before the Regional Trial Court Br. 16 of Ilagan City, Isabela.

During the initial hearing, the State appeared through the Solicitor General's Office which deputized the Office of the Provincial Prosecutor to appear.

Formal Proceedings ensued and petitioner was able to present evidence and subsequently made a formal offer of documentary exhibits in support of his case.

In an Order dated 23 August 2021, the Honorable RTC Br. 16 granted the petition. A copy of the order is hereby attached.

- 8. Heirs of Sebastian Alindayu vs. Banquero Elementary School, Barangay Banquero, Reina Mercedes, Isabela, DILG-LGU Water District, and Atty. Ma. Lourdes Respicio-Saguban in her capacity as Municipal Mayor of Reina Mercedes, Isabela.**

Brief Statement of Facts:

On August 1, 1966, the actual public cadastral survey for the Reina Mercedes Cadastre was conducted. During said survey, along with other Lots surveyed for specific owner/claimant, Lot No. 2492 was surveyed for then Banquero Elementary School now Banquero Integrated School (BIS) with an area of Eight Thousand Four Hundred Ninety-Two 74/100 (8492.74) square meters more or less. The Cadastral survey was approved on July 15, 1969.

Protestees/respondents (Barangay Banquero and BUB-Banquero Water System represented by Atty. Ma. Lourdes Respicio-Saguban as Municipal Mayor) are the occupants of Lot No. 2492, CAD 390-D with the consent of the survey claimant Banquero Integrated School.

Protestees/respondents peacefully occupied, and utilized portions (areas mentioned above) of Lot No. 2492 with the consent and permission of Banquero Integrated School (BIS for brevity). Up to this date, the protestees/respondents and BIS continue to have a good relationship without any issues whatsoever regarding the occupation of portions of the lot mentioned above.

Meanwhile, protestants (Heirs of Sebastian Alindayu) allegedly by themselves and through the predecessors-in-interest are the owners of an un-surveyed parcel of land (allegedly became Lot No. 2479, CAD 390-D after survey) since time immemorial located in Banquero, Reina Mercedes, Isabela containing an area of Twenty-seven Thousand (27,000) square meters.

Protestants' predecessors-in-interest claimed that the un-surveyed parcel of land was declared for tax purposes in the 1950's. Further, they claim that in recognition of their ownership over the un-surveyed parcel of land mentioned, protestants' predecessors-in-interest allegedly verbally donated the lot where Banquero Integrated School is currently standing in gratitude to Barangay Banquero. Likewise, they allegedly donated around Two Thousand (2,000) square meters to BIS in 1995.

Protestants' predecessors-in-interest claimed that Lot 2479 was erroneously declared and surveyed for Banquero Integrated School and not in the name of Sebastian Alindayu from the time that the Cadastral Survey was approved on July 15, 1969.

Protestants claimed that the occupation of the barangay and BWS are illegal and made without the consent of the former or of their predecessors-in-interest. This is allegedly in gross disregard of the property rights of the protestants. Protestants then filed an administrative action or protest before this Honorable Office which is now the subject of this position paper for the protestees/respondents (Barangay and BWS).

Mayor Ma. Lourdes Respicio-Seguban in a letter dated March 5, 2020 requested the assistance of the Provincial Legal Office for the instant case.

A Preliminary Conference was conducted by the DENR-CENRO on March 6, 2020 which was attended by the Provincial Legal Office on behalf of Barangay Banquero, and Mayor Ma. Lourdes Respicio-Seguban in her capacity as Municipal Mayor.

During the conference, it was agreed by the parties that an ocular inspection be conducted to reveal the actual status of the subject parcel of land. After which, in an Order dated 15 September 2020, the instant investigation of the case pursuant to DENR A.O. No. 2016-31 was terminated and ordered the parties through their counsels to submit their position papers within a non-extendible period of thirty (30) days from receipt of order.

Barangay Banquero, and Mayor Ma. Lourdes Respicio-Seguban in her capacity as Municipal Mayor was able to submit their position paper within the reglementary period. Other parties were not able to.

Current Status of Case: Submitted for Resolution to the DENR Regional Director.

Republic of the Philippines
REGIONAL TRIAL COURT
Second Judicial Region
BRANCH 16
City of Ilagan, Isabela

**IN RE: PETITION FOR THE
RECONSTITUTION AND ISSUANCE OF
LOST ORIGINAL OWNERS COPY OF
TRANSFER CERTIFICATE OF TITLE
NO. T-89930 ISSUED AND REGISTERED
IN THE NAME OF POLEGENA LIZARDO
BY THE REGISTRY OF
DEEDS OF ISABELA,**

HRS. OF POLEGENA LIZARDO, Rep.

By: EDLY LIZARDO BALISI

Petitioner,

-versus-

LRC Case No. 19-16

**THE REGISTER OF DEEDS
OF ISABELA,**

Respondent

X- -----X

ORDER

This is to resolve the verified Petition for Reconstitution of the Original Copy of Transfer Certificate of Title No. T-89930 of a parcel of land, located at Brgy. Mabini, Gamu, Isabela, under the name of Polegena LizarDO with the Register of Deeds of Isabela, duly filed by the petitioner through counsel.

To prove the jurisdictional requirements, the petitioner, through her counsel Atty. Paul Angelo R. Uy of the Provincial Legal Aid Office of Isabela offered and marked the following exhibits, to wit:

1. Exhibit "A" Official Receipt No. 1371855D dated Aug. 16, 2019 for the payment of Docket Fee in the amount of Php. 473.00;
2. Exhibit "B", Official Receipt No. 1370879 D dated Aug. 16, 2019 for payment of Docket Fee in the amount of Php. 1,677.00; ;
3. Exhibit "C" - Official Receipt No. 1371853 D dated Aug, 16, 2019 for the payment of Docket Fee in the amount of Php. 473.00;
4. Exhibit "D" - Official Receipt No. 1370877 D for payment of Docket Fee in the amount of Php. 1,677.00;
5. Exhibit "E" - Copy of the Petition dated October 1, 2019 found on pages 37-42 of the records;
6. Exhibit "F" - Order of the court finding the petition to be in due form and substance dated November 11, 2019 found on page 63 of the records;
7. Exhibit "G" - Notice of Appearance filed by the Office of the Solicitor General designating the Office of the Provincial Prosecutor to appear in this case, dated December 4, 2019 found on page 64 of the records;
8. Exhibit "H" - Letter from the OSG Deputizing the Office of the Provincial Prosecutor of Isabela to assist the OSG in this case dated December 4, 2019 found on page 65 of the records;
9. Exhibit "I" - Copy of Official Gazette dated December 16, 2019 where the Order of the court was published (1st Issue);

10. Exhibit "J"- Copy of Official Gazette dated December 23, 2019 where the Order of the court was published (2nd Issue);
11. Exhibit "K"- Certificate of Posting issued by the Sheriff of this Court dated November 18, 2019 found on page 72 of the records

All the aforementioned exhibits were admitted by the Court there being no objection or opposition from the public prosecutor who was deputized by the Office of the Solicitor General to represent the latter in this petition. The petitioner have thus, successfully established the jurisdiction of the Court to hear and decide the merits of the petition by complying with all the jurisdictional requirements of Republic Act No. 26 as shown by the marked and admitted documents.

From the testimonial and documentary evidences presented by the petitioner represented by one of the heirs of Polegena Lizardo Balisi and likewise as representative of the other siblings, Edly Lizardo Balisi, it was established among others, that the latter is one among the seven (7) legal heirs of Spouses Polegena Lizardo and Lope Balisi. He was authorized by his siblings to file the instant petition and reason for which, the latter executed Special Power of Attorney marked as "Exhibit "M". In his Judicial Affidavit, marked as Exhibit "Y" he confirmed and affirmed that he is one of the legal heirs of Polegena Lizardo and Lope Balisi as evidence by his Certificate of Live Birth marked as Exhibit "O". After the death of their mother Polegena on March 10, 1988 and their father on June 12, 2003 as evidenced by their Certificate of Death marked as Exhibit "Q" and Exhibit "P" respectively, they agreed upon to divide the properties of their parents among themselves as evidenced by Extra Judicial Settlement marked as Exhibit "N" and one of those properties is a parcel of land covered by TCT No. T-89930 located at Brgy. Mabini, Gamu, Isabela subject matter of the instant petition. After the death of their parents and despite their diligent effort to locate for the original copy of the title, the same proved futile reason for which he executed an Affidavit of Loss, marked as Exhibit "T". Likewise, when he went to the Office of the Registry of Deeds to ask for a copy of their lost title, the said office thru Mr. Resty S. Cadelina instead issued a Certification marked as Exhibit "R", certifying among others that said title is one of the titles in their possession which was destroyed when the Office of the Registry of Deeds was gutted by fire. Edly Lizardo Balisi was in possession of the photo copy of the title of their mother under TCT No. T-89930, marked as Exhibit "S", and the land subject matter of the instant petition is under his actual possession together with his other siblings. They were regularly paying the realty tax of the land as evidenced by Exhibit "V" and the land in issue under TCT No. T-89930 was then mortgaged to Development Bank of the Philippines but the same was already released as evidenced by Exhibit "X" ¹

Resty S. Cadelina, an employee of the Registry of Deeds of Isabela declared that he executed a Judicial Affidavit in connection with this case and he affirmed and confirmed all the contents thereof in open court and the same was offered and marked as Exhibit "Z" which form part of his direct testimony. ²

After the testimony of herein petitioner Edly Lizardo Balisi and the markings of exhibits, the latter thru counsel formally offered the following documentary exhibits, to wit:.

1. Exhibit "A"- Official Receipt No. 1371855 to prove compliance with the jurisdictional requirements;³
2. Exhibit "B"- Official Receipt No. 1370879 to prove compliance with the jurisdictional requirements;⁴
3. Exhibit "C"- Official Receipt No. 1371853 to prove compliance with the

¹ Page 80-91 of the Records

² Page 134-136 of the Records

³ Page 1 of the Records

⁴ id

jurisdictional requirements;⁵

4. Exhibit "D"-Official Receipt NO. 1370877 to prove compliance with the jurisdictional requirements;⁶

5. Exhibit "E"- Amended Petition to prove compliance with the jurisdictional requirements;⁷

6. Exhibit "F"- Order giving due course to the petition to prove compliance with the jurisdictional requirements;⁸

7. Exhibit "F-1"- Letter package addressed to the Solicitor General to prove compliance with the jurisdictional requirements;⁹

8. Exhibit "F-2"- Letter package addressed to the Office of the Provincial Prosecutor to prove compliance with the jurisdictional requirements;¹⁰

9. Exhibit "F-3"- Letter package addressed to the Registry of Deeds of Isabela to prove compliance with the jurisdictional requirements;¹¹

10. Exhibit "F-4"- Letter package addressed to the Commissioner of LRA to prove compliance with the jurisdictional requirements;¹²

11. Exhibit "F-5"- Letter package addressed to the Regional Director of DENR to prove compliance with the jurisdictional requirements;¹³

12. Exhibit "G"- Entry of Appearance of the Solicitor General dated December 4, 2019 to prove compliance with the jurisdictional requirements;¹⁴

13. Exhibit "H"- Deputation of the Office of the Provincial Prosecutor to prove compliance with the jurisdictional requirements;¹⁵

14. Exhibit "I"- Official Gazette December 16, 2019 issue, Vol. 115, No. 50 to prove compliance with the jurisdictional requirements;¹⁶

15. Exhibit "I-1"- Page 13806 of the Official Gazette, Vol. 115, No. 50, December 16, 2019 to prove compliance with the jurisdictional requirements;¹⁷

16. Exhibit "J"- Official Gazette December 23, 2019 issue, Vol. 115, No. 51 to prove compliance with the jurisdictional requirements;¹⁸

17. Exhibit "J-1"- Page 14008 of the Official Gazette, Vol. 115, No. 51, December 23, 2019 to prove compliance with the jurisdictional requirements;¹⁹

18. Exhibit "K"- Certificate of Posting to prove compliance with the jurisdictional requirements;²⁰

19. Exhibit "L"- Certificate of Publication dated December 20, 2019 to prove compliance with the jurisdictional requirements;²¹

20. Exhibit "M"- Special Power of Attorney to prove that the petitioner was duly authorized by his co-heirs to file the petition;²²

21. Exhibit "N"- Extra Judicial Settlement of Estate to prove that the petitioner is among the heirs of the deceased Polegena Lizardo Balisi to prove that he has personality to file the petition;²³

22. "Exhbit "O"- Authenticated Certificate of Live Birth of the petitioner issued by PSA to prove that the petitioner is among the heirs of deceased Polegena Lizardo

⁵ id

⁶ id

⁷ Page 37 of the Records

⁸ Page 63 of the records

⁹ id

¹⁰ id

¹¹ id

¹² id

¹³ id

¹⁴ Page 64 of the Records

¹⁵ Page 65 of the Records

¹⁶ Attached on the Records

¹⁷ id

¹⁸ id

¹⁹ id

²⁰ Page 72 of the Records

²¹ Page 67 of the Records

²² Page 92 of the Records

²³ Page 95 of the Records

Balisi;²⁴

23. Exhibit "P"- Authenticated Certificate of Death of Lope Balisi issued by PSA to prove that Lope Balisi have already died;²⁵

24. Exhibit "Q"- Authenticated Certificate of Death of Polegena Lizardo issued by PSA to prove that Polegena Lizardo have already died;²⁶

25. Exhibit "R"- Certification issued by the Registry of Deeds of Isabela to prove that the physical/Owners Original Copy of Certificate of Title No. T-88930 in the name of Polegena Lizardo Balisi in the ROD of Isabela was lost/destroyed by fire;²⁷

26. Exhibit "S"- Photo copy of TCT No. T-89930 to prove that Polegena Lizardo is the registered owner of the parcel of land covered by TCT No. T-88930;²⁸

27. Exhibit "T"- Affidavit of Loss to prove that the Owners Duplicate Copy in possession of the late Polegena Lizardo Balisi was lost and to prove compliance with the jurisdictional requirements in the issuance of Owners Duplicate copy;²⁹

28. Exhibit "U"- Tax Declaration No. 18-019-011-02774 issued by the Office of the Provincial Assessor of Isabela to prove that the late Polegena Lizardo Balisi is the registered owner of the parcel of land and actual possessor of the land covered by TCT No. T-89930;³⁰

29. Exhibit "V"- Real Property Tax Clearance issued by the Office of the Municipal Treasurer of Gamu, Isabela to prove that the petitioner and his co-heirs are continuously and religiously paying the Real Property Tax;³¹

30. Exhibit "W"-Approved Subdivision Plan of Lot No. 4584, PLS-62 issued by DENR to prove that Polegena Lizardo Balisi is the registered owner of the parcel of land covered by TCT No. T-89930 and to prove the identity and exact boundaries of the land;³²

31. Exhibit "W-1"- Technical Description of Lot 4854, PLS-62 to prove the identity and exact boundaries of the land covered by TCT T-89930;³³

32. Exhibit "X"- Cancellation of Mortgage issued by the DBP to prove that T-88930 is not subject of any mortgage or encumbrance and to prove that the copy of T-89930 is not in possession of any bank;³⁴

33. Exhibit "Y"- Judicial Affidavit of petitioner Edly Lizardo Balisi to form part of his direct testimony in court;³⁵

34. Exhibit "Y-1"- Signature of Edly Lizardo Balisi to prove that petitioner affirmed and confirmed the contents of his Judicial Affidavit;³⁶

35. Exhibit "Z"- Judicial Affidavit of Resty Cadelina, Record Officer of ROD Isabela to form part of his direct testimony in court;³⁷

36. Exhibit "Z-1" Signature of Resty Cadelina to prove that he affirmed and confirmed the contents of his Judicial Affidavit;³⁸

After the hearings coupled with the publication of the petition in the Official Gazette in Two(2) successive issues, there are no claimants of the subject portion of land presently in possession of the herein petitioner. With this development on hand and after the testimony of the petitioner Edly Lizardo Balisi and his witness Resty Cadelina

²⁴ Page 98 of the Records

²⁵ Page 100 of the Records

²⁶ Page 101 of the Records

²⁷ Page 102 of the Records

²⁸ Page 103 of the Records

²⁹ Page 104 of the Records

³⁰ Page 106 of the Records

³¹ Page 107 of the Records

³² Page 108;110 of the Records

³³ id

³⁴ Page 109 of the Records

³⁵ Page 80 of the Records

³⁶ Page 89 of the Records

³⁷ Page 116 of the Records

³⁸ Page 121 of the Records

and the documentary evidences marked and presented in court, this court is thus convinced that said petitioner has the right over the subject portion of land covered by TCT No. T-89930 under the name of his mother Polegena Lizardo with the Registry of Deeds of Isabela.

WHEREFORE, conformably with Section 15 of Republic Act No. 26, the Register of Deeds of Isabela is hereby ordered to reconstitute the Original copy of Transfer Certificate of Title (TCT) No. T-89930, using as a basis thereof the Photo Copy of the Owner's Duplicate copy in the possession of the herein petitioner Edly Lizardo Balisi, provided the reconstituted title should be made subject to such encumbrance as may be subsisting; and provided further, that no Certificate of Title covering the same parcel of land exists in the Office of the Register of Deeds concerned, after payment of legal fees prescribed by law.

SO ORDERED

Issued in Chambers this 23 day of August 2021 at City of Ilagan, Isabela

(Sgd.) ANDREW U. BARCENA
Executive/Presiding Judge

Certified True Copy:



ATTY. BERNARD D. PAAT
Clerk of Court V

BRIEFER

Local Government Unit of Roxas, Isabela vs Agosto Manuel et al. - Civil Case No. 1089 for: Forcible Entry with Prayer for Damages, Preliminary Injunction and/or TRO

BRIEF STATEMENT OF FACTS AND STATUS OF THE CASE:

Agosto Manuel and other individuals forcibly entered the premises of the Dairy Farm located at Brgy. Sinamar, Roxas, Isabela which is owned and utilized by LGU Roxas, Isabela. Subsequently, the defendants constructed farm houses, planted crops and dispossessed the LGU Roxas, Isabela. Thus, the plaintiff filed this instant case. Defendants, on the other hand denied the allegations in the complaint and interposed the defense that Pedro Manuel, their father, had been in possession of the subject lot since 1950.

LGU Roxas filed a Forcible Entry with Prayer for Damages, Preliminary Injunction and/or TRO. The case was subsequently set for hearing relative to the prayer for Temporary Restraining Order. Consequently, the Court issued a Temporary Restraining Order and set the Case for Pre-trial Conference.

During Pre-trial Conference, both parties manifested that they are willing to settle the case amicably within reasonable terms and conditions. Thereafter, the case was referred to the Philippine Mediation Center (PMC) Unit for the settlement of the dispute. The parties cannot agree with the terms and conditions of the proposed settlement and by reason thereof the case proceeded to Judicial Dispute Resolution (JDR). During the pendency of the JDR, however, the defendants filed a petition before the DAR questioning the title of the LGU and the Court referred the case to the DAR. Accordingly, DAR ruled that agrarian dispute is absent and referred it back to the lower Courts. Thus, the Court deemed it necessary that the area of the Subject Lot be surveyed and commissioned the DENR to Conduct the Survey before it can render a decision on the case. At present, the Case is set for Pre-trial Conference for the submission of the result of the relocation survey and submission of position papers will proceed accordingly.

City of Santiago vs DENR, Municipality of Cordon, San Isidro, Echague Province of Isabela, Municipality of Saguday, Province of Quirino. – Civil Case No. 35-3978

BRIEF STATEMENT OF FACTS & STATUS OF THE CASE:

DENR conducted a survey to update their maps which prompted the City of Santiago to file an injunction for the reason that the area of the City would be reduced. Areas of Municipality of Cordon, San Isidro, Echague for the Province of Isabela, and Saguday, Quirino will increase if the survey conducted by the DENR will be followed. Isabela stands that the Court has no jurisdiction and the same should be lodged before the Sanggunian of the respective Provinces. However, in the scheduled pre-trial conference, DENR and City of Santiago, Isabela opted to settle the case in an amicable manner. At present, DENR thru their counsel filed a motion and

submitted its proposal for the conduct of a relocation survey at the expense of the petitioner and that the DENR has acknowledged the same subject to the approval of their main office.

Heirs of Primo Gaffud vs Municipality of Echague, Isabela – Civil Case No. 24-663

BRIEF STATEMENT OF FACTS & STATUS OF THE CASE:

A lot in Echague, where structures owned by the LGU are situated, is being claimed by the Heirs of Primo Gaffud, allegedly, as owners thereof. In the same vein, LGU Echague also filed an Unlawful Detainer case involving the same lot in which the Court rendered a decision in favor of Echague, Isabela. In this case, however, both parties already presented their respective witnesses and documentary exhibits. However, the Court issued a notice that this case will be heard in the twenty-fourth Branch of this Court on May 26, 2022 for clarification of certain facts and issues.

Margarita T. Pascua represented by Dionisio Pascua vs Municipality of San Isidro, Isabela – Civil Case No. 36-3702 for: Just Compensation and Damages

BRIEF STATEMENT OF FACTS & STATUS OF THE CASE:

Land owned by Margarita T. Pascua was allegedly converted into a farm to market road by the Municipality of San Isidro. Thus, Mrs. Pascua represented by Dionisio Pascua filed a case of inverse condemnation before the Court. The attempt to settle the case amicably failed and the case proceeded to a full blown trial. The Court, however, decided in favor of Margarita T. Pascua and ordered the LGU of San Isidro to pay just compensation. LGU San Isidro filed a motion for reconsideration which was subsequently denied by the Court. At present, the LGU of San Isidro elevated the case before the Court of Appeals.

Heirs of Facundo Licayan vs Municipality of Echague – Civil Case No. 24-0754 for: Recovery of Possession and Ownership

BRIEF STATEMENT OF FACTS & STATUS OF THE CASE:

This Civil case stemmed from the claims of Heirs of Facundo Licayan over a land presently occupied and used by the Municipality of Echague. This case has long been pending for decades and was continuously set for pre-trial conference for purposes of mediation. Recently, however, the Court dismissed the case with prejudice by reason of the failure of the plaintiff and his counsel to attend the scheduled pre-trial conference. Aggrieved with the order of the Court, the plaintiff filed a motion for reconsideration which was subsequently denied by the Trial court. Consequently, the plaintiff filed a petition for Certiorari questioning the aforesaid order. The Court of Appeals dismissed the petition on the grounds that it is not the proper remedy and the petition was defective in form. The plaintiff persistently filed a motion for reconsideration. Thus, at present, the CA ordered the defendants to submit their comment on the motion with which they complied.

**Josefina Villanueva vs Brgy. Taggapan, Echague – Civil Case No. 1089 for:
Unlawful Detainer**

BRIEF STATEMENT OF FACTS & STATUS OF THE CASE:

A lot situated in Brgy. Taggapan, Echague, which is claimed by the alleged owners Josefina Villanueva, is currently used and occupied by Brgy. Taggapan, Echague of Isabela. Also, Brgy. Taggapan constructed structures such as Barangay Community Center, Health Center and others. Thus, Josefina Villanueva filed a case of Unlawful Detainer against Brgy. Taggapan.

In the scheduled pre-trial conference, the parties are amenable in settling the case in a peaceful manner. After the documentary exhibits were marked and witnesses identified, the case was referred to Court Annexed Mediation (CAM). As a result, the parties agreed that it is considered best that the Barangay will buy the land. However, Brgy. Taggapan's fund is insufficient for the proposed consideration by the plaintiffs. Thus, the defendant sought the assistance from LGU Echague for financial assistance. In view thereof, both parties prayed before the Court to give them additional days to give chance to the parties to settle the case amicably with which the Court agreed and granted their prayer.