



PROVINCIAL ADJUDICATION BOARD
B O H O L
Tagbilaran City

IN THE MATTER OF DETERMINATION OF
JUST COMPENSATION OF REAL PROPERTY (JCS)
UNDER VOLUNTARY OFFER TO SELL (VOS)
OR COMPULSORY ACQUISITION (CA):

GERARDO VIRADOR & PARO - BOHOL,
Petitioner/s,

- VERSUS -

REGISTER OF DEEDS OF BOHOL,
Respondent/s.

X ----- /

DARAB CASE NO. VII-210 to 212-BOH-

F O R :
OCT NOS. 2194 to 2205

NOTICE OF ORDER/RESOLUTION/DECISION

TO :
Gerardo Virador
Mr. Isidro A. Landagan
Atty. Romeo Chatto
Register of Deeds of Bohol

Bugsoc, Sierra Bullones, Bohol
PARO Bohol

DARPO, LAD, Tagbilaran City
Capitol Bldg., Tagbilaran City

G R E E T I N G S :

Please be informed/notified that on 22nd May 1997, an
Order/Resolution/Decision has been issued in the above-entitled case, a
copy hereto attached for your information/guidance.

WITNESS THE HONORABLE DARAB PROVINCIAL ADJUDICATOR, ATTY. FLORENCIO
M. ORCULLO, JR., this 25th day of June 1997, at Tagbilaran
City, Philippines.

A. Bantugan
ALMA LILIBETH T. BANTUGAN
Acting Clerk of the Board

-jsah
05-07-97

IN RE: PETITIONS FOR THE CANCELLATION
OF ORIGINAL CERTIFICATES OF TITLE AND
ISSUANCE OF TRANSFER CERTIFICATES OF
TITLE AS REPLACEMENT THEREOF:

GERARDO VIRADOR & THE PROVINCIAL
AGRARIAN REFORM OFFICER OF BOHOL,
Petitioners,

DARAB CASE NO. VII-210-BOH-97

- versus -

For:

REGISTER OF DEEDS FOR BOHOL,
Respondent.

ORIGINAL CERTIFICATE OF TITLE
NO. 2194

X -----/

GERARDO VIRADOR & THE PROVINCIAL
AGRARIAN REFORM OFFICER OF BOHOL,
Petitioners,

DARAB CASE NO. VII-211-BOH-97

- versus -

For:

REGISTER OF DEEDS FOR BOHOL,
Respondent.

ORIGINAL CERTIFICATE OF TITLE
NO. 2199

X -----/

GERARDO VIRADOR & THE PROVINCIAL
AGRARIAN REFORM OFFICER OF BOHOL,
Petitioners,

DARAB CASE NO. VII-212-BOH-97

- versus -

For:

REGISTER OF DEEDS FOR BOHOL,
Respondent.

ORIGINAL CERTIFICATE OF TITLE
NO. 2205

X -----/

DECISION

The above-captioned petitions are for the cancellation of titles because of a mere technicality. The said titles issued in the name of Private Petitioner were *original* title not transfer certificates of title considering that the whole property of the landowners was already covered by an original title.

Today Private Petitioner Gerardo Virador (Private Petitioner for short) and his DAR Counsel, Atty. Romeo Chatto, have appeared, while Public Respondent Register of Deeds has failed to file an Answer and/or to appear today despite the Summons and Notice of Hearing served upon him. Hence, the hearing proceeds.

RD

The only witness presented is Private Petitioner himself who has identified his affidavit marked Exhibit "A" which serves as his direct testimony, in which he substantially states as follows:

He is the grantee of Emancipation Patents Nos. A-044608, A-044632 and A-044633 pursuant to P.D. No. 27 and entered in the Original Certificates of Title Nos. 2194, 2199 and 2205.

After he was given the three OCTs he went to the Office of the Local Assessor, Sierra Bullones, Bohol and requested for the issuance of Tax Declarations corresponding the three titles in his own name.

The Local Assessor denied his request as the parcels of land covered by the aforesaid OCTs issued to him were already portions of the land formerly owned by Pedro Maceren covered by Original Certificate of Title No. 63, hence the supposed documents to be issued are Transfer Certificates of Title.

After such denial, he went to the Agrarian Reform Office of Sierra Bullones, Bohol, and the Public Petitioner Provincial Agrarian Reform Officer in Tagbilaran City, for the filing of the instant petitions. (See Affidavit dated 21 April 1997 of Gerardo Virador, Exh. "A", Records; Also see TRANSCRIPT OF STENOGRAPHIC NOTES, 22 May 1997 Hearing)

Moreover, Private Petitioner had identified the titles issued to him, particularly Original Certificates of Title Nos. 2194, 2199, and 2205 (Exhs. "B", "C", and "D" respectively), as well as the title of the previous owners, the Maceren, particularly Original Certificate of Title No. 63 (Exh. "E"). (TSN, Ibid.)

Indeed, it is glaring from the titles aforesaid that the titles issued to Private Petitioner ought to have been TRANSFER Certificates of Title since the whole property of the landowners were already covered by an ORIGINAL title. Hence, there is a felt need to cancel aforesaid original titles Nos. 2194, 2199 and 2205 and replace them with transfer certificates of title.

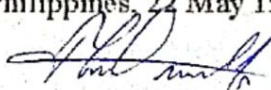
WHEREFORE, premises considered, the instant petitions are hereby GRANTED and given due course.

The aforesaid titles, OCT Nos. 2194, 2199 and 2205, are hereby declared null and void.

The Public Petitioner is hereby directed to turn the owner's duplicate copies of aforesaid titles issued in the name of Private Petitioner over to the Public Respondent.

The Public Respondent is hereby directed, upon receipt of said titles, to cancel the same and replace them with transfer certificates of title in the name of Private Petitioner upon the latter's compliance of the legal requirements.

SO ORDERED, Tagbilaran City, Philippines, 22 May 1997.


FLORENCIO M. ORCULLO, JR.
Provincial Adjudicator

Received
13-7-97

PROVINCIAL ADJUDICATION BOARD
B O H O L
Tagbilaran City

GERARDO VIRADOR & PARO-Bohol,
Complainants.

DAVE CASE NO. VII-210-212-BOL-97

- VERSUS -

F O R

THE REGISTER OF DEEDS OF BOHOL,
Respondents.

Cancellation of OCT Nos. 2194, 2199
& 2205 and issuance of new TCTs as re-
placement in Petitioner's name

NOTICE OF HEARING

NAME

ADDRESS

GERARDO VIRADOR

Bugsoc, Sierra Bullones, Bohol

ATTY. ROMEO CHATTO

LAD, DARPO, Tagbilaran City

THE REGISTER OF DEEDS OF BOHOL

Capitol Building, Tagbilaran City

The parties and their respective counsel, if any, are re-
quired to appear at the continuation of hearing initial
hearing on:

Date : May 22, 1997

Time: 9:00 A.M.

Place: DARAB Office, Tagbilaran City

On said date, the parties are required to submit their
respective Sworn Statements or Affidavits and supporting documen-
tary evidence and the affidavits of their witnesses, which shall
be the place of their direct testimony.

THE HONORABLE PARAD FLORENCIO I. ORCULLO, JR.,
Adjudicator, at Tagbilaran City, Philippines, this
April 1997

J. Bantugan
ALM. LILIE H. BANTUGAN
Acting Clerk of the Board

FOR OF DEEDS FOR THE

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF AGRARIAN REFORM
Provincial Adjudication Board
B O H O L

ROMUALDO VIRADOR; and the
PROVINCIAL AGRARIAN REFORM OFFICER
OF BOHOL,

Petitioners,

-versus-

THE REGISTER OF DEEDS FOR THE
PROVINCE OF BOHOL,

Respondent.

NEMESIO VIRADOR; and THE
PROVINCIAL AGRARIAN REFORM OFFICER
OF BOHOL,

Petitioners,

-versus-

THE REGISTER OF DEEDS FOR THE
PROVINCE OF BOHOL,

Respondent.

ZENON SAGUING; and THE PROVINCIAL
AGRARIAN REFORM OFFICER OF BOHOL,

Petitioners,

-versus-

THE REGISTER OF DEEDS OF THE PROVINCE
OF BOHOL,

Respondent.

SILVERIO TACGUS; and the PROVINCIAL
AGRARIAN REFORM OFFICER OF BOHOL,

Petitioners,

-versus-

THE REGISTER OF DEEDS FOR THE
PROVINCE OF BOHOL,

Respondent.

HERMINIGILDO VIRADOR; and THE
PROVINCIAL AGRARIAN REFORM OFFICER
OF BOHOL,

Petitioners,

-versus-

THE REGISTER OF DEEDS FOR THE
PROVINCE OF BOHOL,

Respondent.

DARAB CASE N . VII-188-189-BOH-97
For: Cancellation of OCT Nos.
2189 & 2198 and issuance
of new TCTs as replacement
in Petitioner's name

DARAB CASE N . VII-190-BOH-97
For: Cancellation of OCT No.
2204 and issuance of new
TCT as replacement in
Petitioner's name

DARAB CASE N . VII-191-BOH-97
For: Cancellation of OCT No.
2222 and issuance of new
TCT as replacement in
Petitioner's name

DARAB CASE N . VII-192-194-BOH-97
For: Cancellation of OCT Nos.
2236, 2237 & 2238 and
issuance of new TCTs as
replacement in Petitioner's
name

DARAB CASE N . VII-195-198-BOH-97
For: Cancellation of OCT Nos.
2216, 2241, 2252, & 2253
and issuance of new TCTs
as replacement in Petitioner's
name

APOLINARIO VIRADOR; and the
PROVINCIAL AGRARIAN REFORM OFFICER
OF BOHOL,

Petitioners,

-versus-

THE REGISTER OF DEEDS FOR THE
PROVINCE OF BOHOL,

Respondent.

DARAB CASE NO. VI -199-202-BOH-97
For: Cancellation of OCT No. Nos.
2248, 2249, 2250 & 2258 and
issuance of new TCTs as
replacement in Petitioner's
name

HUGO VIRADPR; and THE PROVINCIAL
AGRARIAN REFORM OFFICER OF BOHOL,

Petitioners,

-versus-

THE REGISTER OF DEEDS OF BOHOL,
Respondent.

DARAB CASE NO. VI - 203-209-BOH-97
For: Cancellation of OCT Nos.
2190, 2191, 2212, 2214, 2229,
2240 & 2245 and issuance of
new TCTs as replacement in
Petitioner's name

GERARDO VIRADOR; and THE PROVINCIAL
AGRARIAN REFORM OFFICER OF BOHOL,

Petitioners,

-versus-

THE REGISTER OF DEEDS OF THE
PROVINCE OF BOHOL,

DARAB CASE NO. VI -210-212-BOH-97
For: Cancellation of OCTs 2194, 2199,
& 2205 and issuance of new TCTs
as replacement in Petitioner's name

S U M M O N S
with
NOTICE OF HEARING

TO:

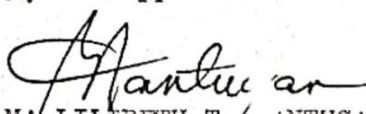
Atty. Narciso S. de la Serna
Register of Deeds of the Province of Bohol

G r e e t i n g s :

You are hereby summoned and required to file and serve to this Adjudicator your Answer or Comment (not a Motion to Dismiss) to the complaint/Petition in the above-entitled case, a copy herewith served upon you, within 10 days of service, furnishing the complainant or petitioner with a copy thereof.

Should you fail to answer the herein complaint within the above prescribed period, the hearing of the instant case shall nevertheless commence until the termination of the reception of the evidence for the complainant/petitioner. The hearing will be conducted at the DAR Provincial Adjudication Board, Tagbilaran City on May 22, 1997 at 9:00 in the morning.

WITNESS THE HONORABLE PROVINCIAL ADJUDICATOR, ATTY. FLORENCE M. ORCULLO JR.
this 22nd day of April 1997 at Tagbilaran City, Philippines.


ALMA LILIBETH T. ANTUGAN
Acting Clerk of the Board

DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
Region VII
City of Tagbilaran

DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
BOHOL
RECEIVED
DATE: 4/1/97 TIME: 3:30 P.M.
NAME: GA

GERARDO VIRADOR; and THE
PROVINCIAL AGRARIAN REFORM OFFICER
OF BOHOL,

Petitioners,

-versus-

THE REGISTER OF DEEDS FOR THE
PROVINCE OF BOHOL,

Respondent.

X - - - - - /

P E T I T I O N

COME NOW Petitioners through counsel and unto this Honorable
Adjudication Board most respectfully allege that:

1. Private Petitioner is of legal age, Filipino, married to
Zosima Acapulco, and a resident of Bugsoc, Sierra
Bullones, Bohol, where he can be served with summons and
other board processes;

Public Petitioner is holding office at the Department
of Agrarian Reform Office, Tagbilaran City where summons and
other board processes can be served;

2. Public Respondent is holding office at the Capitol
Building, Capitol Compound, Tagbilaran City where he can be
likewise served with summons and other board processes;

3. On January 4, 1989, private Petitioner was issued
Emancipation Patents Nos. A-044608, A-044632 and A-044633
pursuant to the provisions of Presidential Decree No. 27
and entered in the Original Certificates of Title Nos. 2194,
2199 and 2205 issued by the Registry of Deeds for the
Province of Bohol in accordance with Presidential Decrees Nos.
266 and 1529, machine copies of which are hereto appended and
form part and parcel of this petition and marked as
Annexes "A-1", "A-2" and "A-3";

4. The parcels of land covered by the aforementioned Original Certificates of Title were portions of the land formerly owned by the Heirs of Pedro Maceren located at Bugsoc, Sierra Bullones, Bohol which falls under the Operation Land Transfer (OLT) by virtue of Presidential Decree No. 27, and covered by Original Certificate of Title No. 63, a copy of which is hereto appended and forms part and parcel of this petition and marked as Annex "B";

5. The issuance of the Original Certificates of Title Nos. 2194, 2199 and 2205 is erroneous as the parcels of land covered by them were portions of the whole land covered already by an Original Certificate of Title, hence, the proper documents supposed to be issued were Transfer Certificates of Title;

6. Being a poor actual tiller-litigant compelled to uphold his rights, private Petitioner also humbly petitions this Honorable Adjudication Board that he be allowed to litigate as pauper litigant pursuant to the provisions of R.A. No. 635 and Rule V, Sc. 2 of the New DARAB Rules.

P R A Y E R

WHEREFORE, premises considered, prayer is made of this Honorable Adjudication Board to issue judgment:

1. Ordering the public Respondent to cancel the Original Certificates of Title Nos. 2194, 2199 and 2205 erroneously issued to grantee Gerardo Virador; and

2. Ordering the public Respondent to issue Transfer Certificates of Title in replacement of the above-cited erroneously issued Original Certificates of Title in the name of private Petitioner as it appeared in this Petition.

Other reliefs and remedies consistent with law, justice and equity are likewise prayed for.

Tagbilaran City, Philippines, March 31, 1997.

Department of Agrarian Reform
BUREAU OF AGRARIAN LEGAL ASSISTANCE
Counsel for Petitioners

By:

ATTY. ROMEO M. CHATTO
Attorney III
IBP No. 128448
LAD, PARO Bohol

VERIFICATION AND CERTIFICATION

Republic of the Philippines)
City of Tagbilaran) S.S.

We, the Provincial Agrarian Reform Officer and Gerardo Virador, Petitioners of the above-captioned case, after having been duly sworn to in accordance with law do hereby depose and state that:

We have caused the preparation and filing of the said petition and we fully understood all its contents, the same being true and correct to the best of our own personal knowledge;

We further CERTIFY that there is no other case or action between the same parties and cause of action that is pending in any other court, tribunal or board;

To our personal knowledge, we have not filed any similar action with the same respondent in any court, tribunal or board and if it turns out that there was one, we hereby obligate ourselves to inform this Adjudication Board of whatever development in said action or actions within five (5) days from knowledge pursuant to existing Supreme Court Circular.

31M IN WITNESS WHEREOF, we have hereunto set our hands this day of March, 1997 at Tagbilaran City, Philippines.

ISIDRO A. LAMDAGAN
Provincial Agrarian Reform Officer
of Bohol
Affiant

Gerardo Virador
GERARDO VIRADOR
Affiant

SUBSCRIBED AND SWORN to before me this 31M day of March, 1997.

ATTY. ROMEO M. CHATTO
NOTARY PUBLIC
until December 31, 1997
IBP No. 428448
PTR No. 1715311 1-8-97

Copy furnished:

THE REGISTER OF DEEDS
PROVINCE OF BOHOL
Capitol Building
Tagbilaran City

No. A- 044608

REPUBLIC OF THE PHILIPPINES

MINISTRY OF JUSTICE

NATIONAL LAND TITLES AND DEEDS REGISTRATION ADMINISTRATION

REGISTRY OF DEEDS FOR THE PROVINCE OF BOHOL

Original Certificate of Title

No. 2194

Entered in accordance with Presidential Decree Nos. 266 and 1529, pursuant to an EMANCIPATION PATENT issued by the Ministry of Agrarian Reform, at Quezon City, on the 4th day of January, in the year nineteen hundred and eighty nine, and spread in the records of the said Ministry of Agrarian Reform, as follows:

"REPUBLIC OF THE PHILIPPINES, MINISTRY OF AGRARIAN REFORM EMANCIPATION PATENT No. A-044608

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, pursuant to the provisions of Presidential Decree No. 27, dated October 21, 1972, DECREES THE EMANCIPATION OF TENANTS FROM THE BONDAGE OF THE SOIL, TRANSFERRING TO THEM THE OWNERSHIP OF THE LAND THEY TILL AND PROVIDING THE INSTRUMENTS AND MECHANISM THEREFOR, a Certificate of Emancipation and Transfer was issued on none, unto GERARDO VIRADOR, covering a parcel of agricultural land, located in the Barrio of Bugsoc, Sierra Bullones, Province of Bohol, Philippines, containing an area of NINETY HUNDRED SEVENTY 970 square meters, more or less, which is now more particularly bounded and described at the back hereof;

WHEREAS, it has been established that the herein grantee has fully complied with the requirements for the final grant of title under said Presidential Decree No. 27;

NOW, THEREFORE, KNOW YE, That by authority of the provisions of Presidential Decree No. 266, dated August 4, 1973, issued in relation to Presidential Decree No. 27, dated October 21, 1972, there is hereby granted unto the said GERARDO VIRADOR, married to Mosima Acapulco, of legal age, Filipino and a Resident of Bugsoc, Sierra Bullones, this EMANCIPATION PATENT covering the parcel of agricultural land herein described. Bohol.

TO HAVE AND TO HOLD said parcel of agricultural land in absolute ownership, with all the rights and privileges appurtenant thereto, subject to the condition that it shall not be transferred except by hereditary succession or to the Government in accordance with the provisions of Presidential Decree No. 27, Code of Agrarian Reforms of the Philippines and other existing laws and regulations, and to the further conditions that the herein grantee shall remain a member of a duly registered farmers' cooperative and that he shall not at any time employ tenants in the cultivation of the land.

Ownership over the parcel of agricultural land subject hereof has been originally recorded in the National Land Titles and Deeds Registration Administration and in the office of the Register of Deeds of Bohol in the name of the herein grantee pursuant to a Certificate of Emancipation and Transfer numbered see annexation at the back

IN TESTIMONY WHEREOF, and by authority vested upon me by law, I, CORAZON C. AQUINO, President of the Philippines, hereby caused these presents to be hereunto affixed.

Given at Quezon City, Philippines, this 4th day of January, in the year of Our Lord nineteen hundred and eighty nine.

CORAZON C. AQUINO

President of the Philippines

By:

PHILIP ELLA JUICO
Minister of Agrarian Reform"

Entered in the Registry of Deeds of Province of

Bohol

pursuant to Section 2 of Presidential Decree No. 266 and Section 105 of Presidential Decree No. 1529, on this 18th day of October, nineteen hundred and ninety five

at 11:00 a.m.

PABLO F. BRIONES
Dep. Register of Deeds

Bugsoc, Sierra Bullones, Bohol
(Owner's postal address)

* State the civil status, name of spouse if married, age if a minor, citizenship and residence of the grantee