#### LEYTE STATE UNIVERSITY Visca, Baybay, Leyte 6521 A Philippines



# EXCERPTS OF APPROVED MINUTES OF THE 10<sup>th</sup> LSU Board of Regents Meeting 01 May 2003 \* FARMI Bldg. LSU, Visca, Baybay, Leyte

Petition for the Issuance of Second Owner's
Copy of TCT No. 86012 to the Registry of Deeds
In Cebu City

Board Resolution No. 37, s. 2003

Approving the Request of President Paciencia P. Milan to Petition for the Issuance of Second Owner's Copy of TCT No. 86012 to the Registry of Deeds in Cebu City" and to immediately undertake measures for the re-survey of University owned lots.

Certified True and Correct

DANIEL M. TUDTUD JR.

Board Segretary

Board Action:

APPROVED

Date:

01 May 2003

Attachment:

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Cc: OP OVPAF - 00 6 30 ODA - COLV



#### LEYTE STATE UNIVERSITY

Visca, Baybay, Leyte 6521 Philippines

#### Office of the President

1 May 2003

The Honorable Chairman and Members of the LSU Board of Regents

Ladies/Gentlemen:

I am hereby endorsing the petition for the issuance of second owner's copy of the Transfer Certificate Title (TCT) No. 86012 to the Registry of Deeds-Cebu City. The loss of the original owner's copy was noticed during an inventory of the university's land titles conducted by the Records Officer sometime in 1998. The Cebu City Registry of Deeds was immediately informed about the matter, and, further steps of acquiring a second owner's copy were likewise, undertaken.

I am therefore, recommending the petition FOR CONFIRMATION by the Board of Regents.

Very truly yours,

PACIENCIA P. MILAN

President

Cuthrity to proceed in CSU.

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# Republic of the Philippines REGIONAL TRIAL COURT 7th Judicial Region Branch , Cebu City

IN THE MATTER OF A PETITION FOR THE ISSUANCE OF SECOND OWNER'S COPY OF TCT NO. 86012 OF THE REGISTER OF DEEDS OF CEBU CITY,

	CAD	CASE	NO.	
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LEYTE STATE UNIVERSITY, Represented by its President, Dr. PACIENCIA P. MILAN, Petitioner.

X -----x

### **PETITION**

PETITIONER, through counsel, respectfully avers that:

- 1. Petitioner, Leyte State University (LSU), formerly the Visayas State College of Agriculture (VISCA) is an educational institution created pursuant to the provisions of Presidential Decree No. 470 as amended by P.D. 700 and converted into a state university by virtue of Republic Act No. 9158, herein represented by its President, Dr. Paciencia P. Milan;
- 2. For the furtherance of its goals and objectives, it acquired a property at Cebu City to serve as its liason office thereat;
- 3. Said LSU is the owner in fee simple of a parcel of land together with all the buildings and improvements thereon, situated in Barangay Camputhaw, City of Cebu, Philippines, covered by Transfer Certificate of Title No. T-86012 of the Register of Deeds of Cebu City and is registered and declared in the name of Visayas State College of Agriculture under Tax Declaration No. GR2K-04-023-01049 for Year 2000 and which are more particularly bounded and described, to wit:

"A parcel of land (Lot 7, Blk 13, of the consolidation-subd. Plan Pcs-389, being a portion of the consolidation Lots 1395-C, 1395-C-7, 1395-C-8, & 1395-C-1-B, of plan Psd – 5565, Lot 1395-C-3-A, of plan Fls. 249-D and Lot 905, of Banilad Estate. GLRO. Rec. 5988) situated in the Bo. Of Camputhaw, City of Cebu, Bounded on the N, by Lot 909-A, on the NE,, by Road Lot 14 of the consolidation-subd plan, on the SE, by Lot 6, Blk 13, of the Consolidation plan and on the SW, by Lots 8 & 9 Blk 13, of the consolidation-subdivision plan.

Beginning at a point marked "1" on plan being N. 62 deg. 42'E, 182.23m from 5 Banilad Estate, thence N. 26 deg. 58'W, 20.00 m. to point 2; thence N. 26 deg. 58'W, 14.96 m. to point 3; thence S. 81 deg 56'E, 36.68 m. to point 4; thence S. 26 deg. 13.89 m. to point 5; thence S. 63 deg. 01'W, 30.04 m. to point of beginning; containing an area of SEVEN HUNDRED THIRTY FOUR (734) sq. meters, more or less;"

a copy of said Transfer Certificate of Title No. 86012 and Tax Declaration No. GR2K-04-023-01049 are herewith attached as Annexes "A" & "B", respectively;

- 4. LSU acquired said parcel of land and its improvements by way of purchase from Antonio Vallejo, Rafael Vallejo, Jr. and Ma. Elena Vallejo Deen on December 13, 1982, evidenced by an instrument of Deed of Absolute Sale, a copy of which is hereto attached as Annex "C";
- 5. Sometime in 1998, Mr. Simeon Sedrome, who just assumed as Records Officer of the university at that time, conducted an inventory of the original certificates of title of all ViSCA now the LSU properties, and found out that the folder of TCT No. T-86012 did no longer contain the original copy of said title, a copy of his affidavit duly annotated at the Register of Deeds of Cebu City is herewith attached as Annex "D";
- 6. It could be surmised that said owner's copy of the Transfer Certificate of Title (TCT) No. T-86012 was in the possession of the former Administrative Officer of the College at that time, and together with other documents, was lost during a fire which totally burned the second floor of the ViSCA Administration building where his office was located sometime last September 24, 1994, a copy of the report of the Bureau of Fire Protection relative to said fire incident is herewith attached as Annex "E";
- 7. The Register of Deeds of Cebu City had been formally served with a notice of loss of said owner's copy of TCT No. 86012 in a letter of the University President, Paciencia P. Milan dated November 9, 2001, a copy of said notice of loss is herewith attached as Annex "F":
- 8. The original copy of said Transfer Certificate of Title No. 86012 is still intact in the files of the Register of Deeds of the City of Cebu, evidenced by the Certification found at the back page of the Certified xerox copy of TCT No. 86012 adverted to, Annex "A" hereof;

- 9. The lost owner's copy of OCT No. 86012 alluded to has not been delivered to any person or entity to secure the payment or performance of any obligation whatsoever nor any transaction or document relating to the same was presented or is pending in the Office of the Register of Deeds of Cebu City.
- The current owners of the adjacent lots, Lot 7, Blk. 13 of the consolidation
   subdivision plan Pcs 389 covered by TCT No. T-86012 has been furnished with
   copies of this petition by registered mail, to wit:
  - a. Teresita Mendezona, et. al. (Assessor's Lot No. 019)
  - b. Vicky Goimto (Assessor's Lot No. 019-B1)
  - c. Luiz M. Aboitiz (Assessor's Lot No. 022)
  - d. Luiz M. Aboitiz Jr. (Assessor's Lot No. 023)
  - e. \_\_\_\_\_ (Assessor 's Lot No. 024)

#### PRAYER

WHEREFORE, it is most respectfully prayed that this Honorable Court shall render judgment:

- Declaring the Owner's Duplicate Copy of the Transfer Certificate of Title
   (TCT) No. 86012 of the Register of Deeds of Cebu City that was lost or destroyed as
   NULL AND VOID;
- 2. Ordering the Register of Deeds of Cebu City to issue a Second Owner's copy of the Transfer Certificate of Title (TCT) No. 86012 alluded to in like faith and credit with that of the Original Copy on file at the Office of the Register of Deeds of Cebu City.

Other relief just and equitable under the premises is prayed for.

Baybay, Leyte for Cebu City, April \_\_, 2003.

GLORIOSA M. CAYUNDA-GUINOCOR

Counsel for the Petitioner 935 D. Veloso St., Baybay, Leyte PTR 7764022Z Baybay, Leyte 1-02-03 IBP 562080 Tacloban City 1-06-03

#### VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

I, Dr. PACIENCIA P. MILAN, do hereby depose and say that:

- 1. I am the representative of the petitioner in the above-entitled petition in my capacity as President of the Leyte State University upon authority from the LSU Board of Regents;
- I caused the preparation and filing of the same thru counsel, and that all the allegations contained therein are true and correct to the best of my personal knowledge;
- 3. I hereby certify that I have not commenced any other petition involving the same issues before any court, tribunal or agency, nor is there any pending thereat, and that should I learn thereafter that a petition will be filed, I undertake to inform this Honorable Court promptly within five (5) days.

IN WITNESS WHEREOF, I hereunto affixed my signature this \_\_th day of April, 2003 at Baybay, Leyte.

#### PACIENCIA P. MILAN Petitioner-affiant

SUBSCRIBED AND SWORN TO before me this \_\_th day of April , 2003 at Baybay, Leyte, Philippines.

Со	ppy furnished by registered mail:	
1.	Hon. Solicitor General 134 Amorsolo St., Legaspi Village Makati City	Registry Receipt No Date Posted:
2.	Land Registration Commission Banawe St. Quezon City	Registry Receipt No Date Posted:
3.	Register of Deeds Cebu City	Registry Receipt No
4.	The Provincial Prosecutor Cebu City	Registry Receipt No Date Posted:
5.	The Regional Technical Director Land Management Sector DENR. Region 7	Registry Receipt No Posted at:
6.	Adjacent Lot Owners to wit:	
	a. Teresita Mendezona, et.al Assesor's Lot No. 019 Molave St., Lahug Cebu City	Registry Receipt No Date Posted:

b.	Vicky Goimto Assessor's Lot No. 019-B1 Molave St., Lahug Cebu City	Registry Receipt No Date Posted:
c.	Luis M. Aboitiz Assessor's Lot No. 022 Molave St., Lahug Cebu City	Registry Receipt No Date Posted:
d.	Luis M. Aboitiz Jr. Assessor's Lot No. 023 Molave St., Cebu City	Registry Receipt No Date Posted:
e.	Assessor's Lot No. 024 Molave St., Lahug Cebu City	Registry Receipt No Date Posted:

## PROOF OF SERVICE AND EXPLANATION OF MODE OF SERVICE USED

The Hon. Solicitor General, the Hon. Registrar of Deeds of Cebu City, the Chief Reconstitution Division of the National Lands Authority, the Hon. Provincial Prosecutor, the Regional Technical Director of Land Management Sector, DENR, Region 7 and owners of Adjacent lots were furnished copies of this petition in their respective known addresses by registered mail evidenced by the registry receipts attached herewith instead of personal service as the undersigned deemed it to be the most practical and reliable means under the present circumstances.

GLORIOSA M. CAYUNDA-GUINOCOR

Nº 4441394

REPUBLIC OF THE PHILIPPINES MINISTRY OF JUSTICE

Annex "A"

Land Registration Commission CEBU CITY

REGISTRY OF DEEDS FOR THE

Transfer Certificate of Title

\$20. T- 86018

It is hereby certified that certain land situated in the CITYOF CEBU PHILIPPINES bounded and described as follows:
A parcel ofland(Lot 7, Blk 13, of the consolidation-subd. plan Pcs-389, being a portion of the consolidation Lots 1395-C-2, 1395-C-7, 1395-C-8, & 1395-C-1-B, of plan Psdp 5565, Lot 1395-C-3-A, of plan Fls. 249-D and Lot 905, of Banilad Estate. GLRO. Rec. 5988) situated in the Bo. of Camputhaw, City of Cebu, Bounded on the N, by Lot 909-A, on the NE, by Road Lot 14 of the consolidation-subd plan. on the SE, by Lot 6, Blk 13, of the Consosubd plan and on the SW, by Lots 8 & 9 Blk 13, of the consolidation-subdivi sion plan. Deginning at a point marked "l" on plan being N. 62 deg. 42'E, 182.23 m. from 5 Banilad Estate. thence N. 26 deg. 58'W, 20.00 m. to point 2; thence N. 26 deg. 58'W, 14.96 m. to point 3; thence S. 81 deg. 56'E, 36.68 m. to point 4; thence S. 26 deg. 13.89 m. to point 5; thence S. 63 deg. 01'W, 30.04 m. to point of beginning; containing an area of SEVEN HUNDRED THIRTY FOUR(734)Sq. Heters. more or less. all points referred to are indicated on the plan and on the ground are marked by PLS. cyl. conc. is registered in accordance with the provisions of the Land Registration Act in the name of VISAYAS STATE COLLEGE OF AGRICULTURE(VISCA) LEYTE

as owner thereof in fee simple, subject to such of the incumbrances mentioned in Section 39 of said Act as may be subsisting, and to

Ir is further certified that said land was originally registered on the 23rd day eptember , in the year nineteen hundred and Thirteeh , in the Registration Book of the Office of the Register of Deeds of Cebu City, Volume A-3, page 6.4-6,7as Original Certificate of Title No. 251-253, pursuant to Decree No. 4666 issued in L. R. C. \_\_\_\_ Record No. 5988

This certificate is a transfer from Transfer Certificate of Title No. T- 79122 , which is cancelled by virtue hereof in so far as the above-described land is concerned.

> Entered at \_\_\_\_ the City of Cebu Philippines, on thelath day of Janaury in the year nineteen hundred and "ighty "hree at 9:00 a m

> > ATTEST:

Baybay, Deyte, Philippines

"State the civil status, name of spouse if married, ago if a minor, citizenship and residence of the registered owner. If the owner is a married woman state also the citizenship of her husband. If the land is registered in the name of the conjugal partnership, state the citizenship of both spouses.

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TAX DECLARATION NO. GR2K-04-023-01049

PROPERTY INDEX NO. 4-023-006-0020 AC: 101831 000307 SC:

Annex "Bi

## DECLARATION OF REAL PROPERTY (FILED UNDER REPUBLIC ACT NO. 7160)

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019 Mendezona, Tenerita et. al 019 B1 Goimto, Vicky	(TN-1030 63)
021 mende 2012, Terevità et. 21	8, BIK 13 (TN-103063) 8 021
020 VISCA	7, BIK. 13 (TN - 86012) (TN - 86012)
022 Aboitiz, Luis m.	5-A
023 Alastiz, Luis Jr. M.	J-8 (TN-110733)
024	6 BIK 13

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KNOW ALL MEN BY THE WE, ANTONIO WILE, VALLEJU, JR.; and MA. ELEMA VALLEJU, married to Jose R. Deen, in consideration of PESOS: FIVE HUNDRED THOUSAND (PSO0, 000.00). Phillippine Currency, do hereby, by these presents sell, cede, transfer and convey by way of absolute sale unto the Visayes State College of Agriculture (VISCA). Leyte that percei of land, together with all the buildings and improvements thereon, situated in Barangay Camputhaw, City of Cebu, Philippines, covered by Transfer Certificate of Title No. 79122 of the Register of Deeds for the City of Cebu, and bounded and described as follows, to wit: A parcet of land (lot 7, Block 13 of the consolidation and employees plan Pos-389, being a portion of the mineral dated lots 1395-C-2, 1395-C-7, 1395-C- and 105-C-1-8 of plan Pad-5565. Lot 1395-C-3-A of plan Pis-249-D and lot 905 of Baniled Estate, E. I. R. C. Record No. 5580, situa-Baniled Estate, L. R. O. Record No. 5980, situated in the Barrie of Camputhaw, City of Cabu. Bounded on this M. D. Lot 908-A; an the ME., by Road Lot 14 of the consolidation and subdivision plan; on the ME., by Lot 6, Block 13 of the consolidation and subdivision plan; and on the Sw., by Lots 8 & 9, Block 13 of the consolidation and subdivision plan, k. M. dontaining an area of SEVEN HUNDRED THEREX FOUR (734) SQUARE METERS, more or less. eight in the steel of

of which we are the registered owners in the following proportion:

Antonio Vallejo - 2/7 share Refael Vellejo, Jr. - 3/7 share Ma. Riena Vellejo Deen - 2/7 share

our stater Ma. Elena Vailelo Dean to Claim, receive and receipt the aforesaid consideration of P500, 800.00 from the buyer Visayes State College of Agriculture (VISCA), Leyte, for and in our behalf, place and stead.

IN WITHERS we have hereunto set our hand e Cebu City, Philippines. this 13th day of Decemb

ANTUNIA VALLEJU

more or less. "

EL WILEJO, M.

MA. ELENA VALLETO

With my marital consent:

With my merital consent:

LUCIA MINA

JOSE R. DEEN

A certified machine copy:

DOMINGO N. PASCUA

Officer - in - Charge

Records Management and Archives Office

Region VII, Mandaue City



BIGNED IN THE PARSENCE OF:

KNOWLEDGMENT

REPUBLIC OF THE PHILIPPINE 8.8. CITY UP

the City and Province of Cebu, on this 13th day of December, 1983 personally appeared the following:

NAINO

Date & Place Based

Antonio Vallejo

A&B-167889 B

3-31-82 Angeles City

TAN V4250-A0539-A

Rafuel Vallejo, Jr.

A&B-167888 B TAM V4266-A2745-A-3

3-31-82 Angeles City

Ma. Elena Valejo Deen A&B-2127759 A TAN 11782729

3-1-82 Cebu City

all known to me and to me personally known to be the same persons who executed and signed the foregoing instrument, and they solved ledged to me that the execution of the same is of their own free and voluntary out and deed.

This instrument refers to a Deed of Absolute Sale over a parcel of land consisting of two (2) pages including this page where the acknowledgment is written, signed by the parties together with their instrumental witnesses on the spaces provided for their names and on the left hand margin of each page hereof.

WITNESS M ND SEAL on the date and place above-written.

1 11:54

Doc. No.

Foye No. 57

Book No. VXXX

Series of 1982.

/rva

MILO R. DEEN Sotary Public intil December 31, 1983 PTR NO. 6214699 B Cebu City-Jeauery 5, 1982

A certified machine copy:

Officer - in - Charge
Records Management and Archives Office
Region VII, Mandaus City

CACER NO. 98-52 17 R. NO. 6947716-1) WOUNT PAID 413/



PEPUBLIC OF THE PHILIPPINES)
PROVINCE OF LEYTE ) S.S.
MUNICIPALITY OF BAYBAY )

#### AFFIDAVIT

I, SIMEON P. SEDROME, of legal age, married, Filipino and a resident of Visca, Baybay, Leyte, after having been duly sworn to in accordance with law, do hereby depose and say:

That I am the Records Officer IV of the Visayas State College of Agriculture, now the Leyte State University, Visca, Baybay, Leyte;

That the Records Office is incharge of keeping the records of the university including the original copies of Transfer Certificates of Title of all LSU lots;

That the original copy of the Transfer Certificate of Title No. T-86012 over a parcel of land situated in the barrio of Camputhaw, Cebu City containing an area of 734 sq. m., more or less, declared under the name of the Visayas State College of Agriculture was kept in the office for reference and file;

That sometime in March 1998, when I assumed in the Records Office, we conducted an inventory of the original certificates of title of all ViSCA lots and I found out that the folder of TCT No. T-86012 no longer contains the original copy of the aforementioned title:

That I immediately reported the matter to the ViSCA administration for information and guidance;

That in spite of diligent efforts earnestly exerted to locate said original copy of TCT No. T-86012, the same could no longer be found until the present;

That I am executing this affidavit freely and voluntarily to attest about the loss and to support the request for the issuance of a second Owner's copy of said title by the Register of Deeds.

IN vVITNESS WHEREOF. I have hereunto affixed my signature this // th day of February. 2002 at Baybay, Leyte, Philippines.

SIMEON P. SEDROME

SUBSCRIBED AND SWORN to before me this \_f\_th day of February 2002 at Baybay, Leyte, Philippines, affiant exhibited to me his Comm. Tax Cert. No. 08353465 issued on Jan 30,2002 at Baybay, Leyte.

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NOTARY PUBLIC PTR NO 1/27743X ISSUED AT BAYBAY LETTE

m Jan. 2, 2002

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Netition for 2nd owner's

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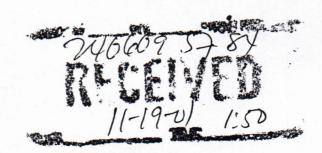
### EYTE STATE UNIVERSITY

Visca, Baybay, Leyte 6521-A Philippines Annex "F

9 November 2001

The Register of Deeds Province of Cebu Capitol Bldg., Cebu City

t



Sir:

This is to inform your office of the loss of the owner's copy of the Certificate of the Title No. T-86012 involving a parcel of land (Lot 7, Blk 13 of the consolidation subdivision plan Pcs-389, being a portion of the consolidation lots 1395-C-2, 1395-C-7, 1395-C-8 and 1395-C-1-B of Plan Psd-5565, lot 1395-C-3-A of Plan Pls. 249-D and lot 905, of Banilad Estate, GLRO. Res. 5988) situated at Brgy. Camputhaw, Cebu City registered in the name of Visayas State College of Agriculture (ViSCA), now the Leyte State University (LSU).

Said owner's copy could have been included in the fire that hit the ViSCA Administration Building last September 24, 1994. However, we noticed only its loss when we conducted an inventory of our land titles recently.

This notice of loss is made to support our petition to be filed before RTC of Cebu for the issuance of second copy of the owner's copy of said title.

Thank you.

Very truly yours,

President P. MILAN