

EN BANC

[A.M. NO. 02-8-23-0, February 16, 2005]

RE: FAKE DECISION ALLEGEDLY IN G.R. NO 75242

R E S O L U T I O N

CALLEJO, SR., J.:

The instant administrative matter arose when Dario G. Silvestre, Senior Manager, Credit and Appraisal Management – OPS of the Development Bank of the Philippines (DBP), furnished the Court with a photocopy of an alleged certified true copy of a two-page decision of the "Second Division" of the Court composed of and duly signed by "Chief Justice Hilario G. Davide, Jr., Associate Justices Josue N. Bellosillo, Jose O. Vitug, Santiago M. Kapunan, Leonardo A. Quisumbing, Artemio V. Panganiban, Arturo B. Buena and Minerva P. Gonzales-Reyes (*sic*).” The decision entitled “***University of the Philippines, et al., Petitioner, vs. St. Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. Applicant,***” was docketed as **G.R. No. L-75242**, and appeared to have been promulgated on May 19, 2000. The alleged decision is quoted hereunder:

H. G. DAVIDE, JR. CJ.

This is a petition filed by the University of the Philippines for the review and reconsideration of a resolution promulgated by this division on March 2, 2000 affirming the decision of the Regional Trial Court of Quezon City, Branch 86 in favor of the applicant in LRC Case No. Q-90-021.

The case arose from an application for registration filed by Saint Mary Crusade To Alleviate Poverty of Brethren Foundation, Inc. with the Regional Trial Court, Branch 86 of Quezon City, for a parcel of land situated at Krus na Ligas, Quezon City, with an area of approximately four hundred thirty (430) hectares which they and their predecessors-in-interest have been in continuous and exclusive possession since prior to March 25, 1877 and wherein they have introduced developmental improvements thereon.

During the several hearings conducted by the Regional Trial Court, the respondents, University of the Philippines, *et al.*, could not present any evidences nor valid arguments to controvert the application, prompting the said court to refer the case to the Land Registration Authority by virtue of a Court Order dated October 5, 1998 for their resolution and proper disposition.

At the hearing conducted by the Land Registration Authority on November 16 & 23 and December 2, 1998, respondents presented among others Transfer Certificates of Titles Nos. 9164 and 1378, which, after careful examination were proven spurious, it appearing that the

technical descriptions thereon referred to parcels of land somewhere in Zambales and not the parcel on (*sic*) land in question. There being no other evidences to contravene the application of Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., the Land Registration Authority ordered the registration of the property in its name.

Petitions for review and reconsideration filed by respondents on May 27, 1999 and June 21, 1999 were both denied by the court for lack of merits and on December 28, 1999 ruled that the registration of the property in the name of applicant was meritorious and deserved the full protection of the law.

Wherefore, let copies of this decision be forwarded to the Register of Deeds of Rizal Province, the Register of Deeds of Quezon City and the Director of Lands for their information and guidance.

The following documents accompanied the alleged Court decision:

a) A four-paragraph Resolution dated March 2, 2000 purportedly issued by the Second Division of this Court and signed by Chief Justice Hilario G. Davide, Jr. and Associate Justices Josue N. Bellosillo, Jose O. Vitug, Santiago M. Kapunan, Leonardo A. Quisumbing, Artemio V. Panganiban, Arturo B. Buena and Minerva P. Gonzales-Reyes (*sic*) in General Land Registration Office Record No. LRC Case No. Q-90-021 entitled "Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., Applicant," which states in full as follows:

H.G. DAVIDE, JR., C.J.

The petition for review and reconsideration filed by the Land Registration Authority is hereby DENIED and the decision of the Regional Trial Court, Branch 86, Quezon City, is sustained and APPROVED.

Careful evaluation of the records of the case, as well as the reasons cited in the petition, proves that the Regional Trial Court did not err in its decision in favor of the applicant.

Wherefore, the foregoing resolution is hereby declared final and irrevocable.

The Clerk of Court is hereby directed to furnish all the parties and offices concerned with copies of this resolution.

b) A Letter purportedly that of Atty. Luzviminda D. Puno, Clerk of Court, to wit:

THE PUBLISHER
SCRA, Annotated

Re: Saint Mary Crusade to Alleviate Poverty of Brethren Foundation vs.
UP 144 SCRA 763 (1999)

By virtue of the authority vested upon me, it is hereby ordered that the attached Resolution en banc, duly concurred and attested by the parties concerned, be included and compiled in the publication of the SCRA,

Annotated books.

The inclusion in the publication is deemed necessary in the light of major developments in appellate jurisdiction and procedures on the basis of judicial decisions and administrative circulars of the Supreme Court bearing in the administration of justice.

The accessibility of other legal publication, notwithstanding the intent in the inclusion in the SCRA, Annotated books, is still to publish a purely textual or topical treatment of judicial proceedings and to contribute to the enrichment of Philippine legal literature.

Supreme Court, Manila, March 2, 2000.

(Sgd.)
LUZVIMINDA D. PUNO
Clerk of Court

c) Notice of Resolution in LRC Case No. Q-90-021 dated March 3, 2000 allegedly issued by Atty. Puno, worded thusly:

Sir/Madam:

Please take notice that on March 2, 2000, a resolution, copy attached, was rendered by the SECOND DIVISION OF THE SUPREME COURT on the above-entitled case, the original of which is now on file in this office.

Please be guided accordingly.

Very truly yours,

(Sgd.)
LUZVIMINDA D. PUNO
Clerk of Court

d) Certification dated August 14, 2000, which states:

Certification

I, LUZVIMINDA D. PUNO, Clerk of the Supreme Court of the Philippines, do hereby certify that I have examined the attached documents described as follows:

Xerox copies of the decision of this Court in G.R. No. L-75242 entitled "University of the Philippines, *et al.* v. Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc." promulgated on May 19, 2000 consisting of two (2) pages thereof.

That I have compared the same with the original on file in my office and that the same is a true copy thereof.

In witness whereof, I have hereunto signed my name and affixed the seal of this Court, this 14th day of August 2000.

(Sgd.)
LUZVIMINDA D. PUNO
Clerk of Court

The records of the Court revealed, however, that the docket number (G.R. No. 75242) of the alleged Court decision was assigned to the case of **"Manila Resource Development Corporation, Petitioner vs. National Labor Relations Commission and Ruben Manahan, Respondents,"** which was promulgated on September 4, 1992. The Decision of the Court in this case became final and executory and Entry of Judgment was made of record on September 28, 1992.

Thus, in a Resolution dated September 24, 2002, the Court ordered the Director of the National Bureau of Investigation (NBI) to conduct a discreet investigation of the matter and to thereafter submit a report thereon. Mr. Silvestre was, likewise, directed to submit to the Court the names of the party or parties who furnished his office with the spurious decision and a detailed narration of the events surrounding the delivery thereof.

In his Sworn Statement dated November 25, 2002, Mr. Silvestre narrated that sometime in June 2002, a certain Ms. Teodora N. Villanueva came to their office at the DBP Building, Sen. Gil Puyat corner Makati Avenues, Makati City. She claimed to be the duly-authorized representative of the Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. whom she alleged to be the owner of a track of land in Quezon City. She then inquired if the bank could finance the alleged Housing Project of the Foundation, or if there could be a local and foreign funder who would be willing to finance the same. Mr. Silvestre informed Ms. Villanueva that the bank would first have to conduct the proper verification and investigation of the property, and that it was a long process. She then presented and handed over to Mr. Silvestre the following photocopies of documents proving the alleged ownership of the properties:

(a) "Authorization" dated May 28, 2002 issued by Jaime B. Borjal, President and Chairman of the Board of the Foundation and attested by Felicisimo C. Arellano, Corporate Secretary, vesting upon Ms. Teodora N. Villanueva & Associates the authority "to transact business and to negotiate for the acquisition of local/foreign funding assistance to finance the Housing and other relevant projects of the Foundation;"^[1]

(b) "Secretary's Certificate" dated May 25, 2002 issued by Felicisimo C. Arellano of B-9 L-5 Sunnyville 4 Subd., Ampid I, San Mateo, Rizal, stating that on May 25, 2002, the Board of Directors of the Foundation, with address at Unit 627 Cityland Shaw Towers, Shaw Blvd., Mandaluyong City, issued Board Resolution No. 02.009 "manifesting the authority of Teodora N. Villanueva & Associates, to transact business and to negotiate for the acquisition of local/foreign funding assistance for housing and other relevant projects of the Foundation, and to act as negotiator for and in behalf of the Foundation" and directing that copies of the Resolution be

furnished the Securities and Exchange Commission (SEC) and other concerned offices/agencies for their information and guidance.^[2]

(c) A Resolution dated March 2, 2000 allegedly issued by the Second Division of this Court and signed by "Chief Justice Hilario G. Davide, Jr. and Associate Justices Josue N. Bellosillo, Jose O. Vitug, Santiago M. Kapunan, Leonardo A. Quisumbing, Artemio V. Panganiban, Arturo B. Buena and Minerva P. Gonzales-Reyes (*sic*)" in LRC Case No. Q-90-021 entitled "Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., Applicant," quoted above;^[3]

(d) An Order dated December 28, 1999 issued in LRC Case No. Q-90-021 in "Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., Applicant" by Judge Teodoro A. Bay of the Regional Trial Court of Quezon City, Branch 86, and certified as true a xerox copy by Idelrose B. Mabunga, Officer-in-Charge, which reads in full as follows:

WHEREAS, based on the records of the aforecited case, the adversarial claims of the parties on the land in question were placed under the jurisdiction of the Land Registration Authority by virtue of a Court Order dated October 5, 1998 referring the case to them for resolution and proper disposition.

WHEREAS, in accordance with the said Court Order dated October 5, 1998 and after evaluating the merits of the claims of the parties involved, the Land Registration Authority issued a Decree of Registration in favor of the Applicant, Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. and the land in question had been registered in the name of the said Applicant.

WHEREAS, during the hearing of the aforecited case conducted by this Court, the other claimants to the land in question, despite being given sufficient opportunity, failed to present any evidence to contravene those presented by the Applicant-Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.

NOW, THEREFORE, in view of the foregoing, this Court finds the claims of the Applicant-Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. meritorious and deserving of the full protection of the law.

Let it so ordered and forthwith disseminated to all parties, authorities and offices concerned for their information and guidance.

This Order is final and executory.^[4]

(e) The alleged Letter of Atty. Luzviminda D. Puno, Clerk of Court dated March 2, 2000, quoted above;^[5]

(f) Original Certificate of Title No. 12390 issued on October 6, 1998 pursuant to LRC Case No. Q-ORIG. 98-021, LRC Record No. 6679 under Decree No. N-198342 in favor of Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., represented by Jaime B. Borjal, President, for a parcel of land in Quezon City with