

## **THIRD DIVISION**

**[ G.R. No. 123361, July 28, 1997 ]**

**TEOFILO CACHO, PETITIONER-APPELLANT, VS. COURT OF APPEALS, REPUBLIC OF THE PHILIPPINES, NATIONAL STEEL CORPORATION AND THE CITY OF ILIGAN, RESPONDENTS-APPELLEES.**

### **R E S O L U T I O N**

**MELO, J.:**

For resolution are the joint motion for reconsideration of respondents Republic of the Philippines and National Steel Corporation assailing the Court's decision dated March 3, 1997 in the above-entitled case upon the following grounds:

I. Reliance on the certification issued by the Land Registration Commission as conclusive proof of issuance of decrees of registration in GLRO Nos. 6908 and 6909 is misplaced. Furthermore, requiring the submission of the corresponding deed of sale and the new plan as a condition for the re-issuance of the decree would neither render the Cacho vs. U.S. case nugatory nor violate the doctrine of res judicata.

II. The Torrens System of land registration should not be used as a means to perpetuate fraud. Nonpayment of property tax shows the falsity and spuriousness of petitioner's claim that he was granted a decree after presenting the deed of sale and new plan required in the Cacho vs. U.S. case.

III. Respondents presented sufficient proof assailing the existence, identity and legal interest of petitioner.

and the motion for reconsideration of respondent City of Iligan, seeking the reversal of the aforesaid decision upon the argument that Decrees No. 10364 and 18969 cannot include the Camp Overton Military; that the issuance of Decree Nos. 10364 and 18969 was attended by fraud and irregularity making these Decrees void; and that there is no proof that Teofilo Cacho actually exists and much less, as a heir of Demetria Cacho, and, therefore, cannot claim to be a real party in interest. Also, respondent City of Iligan raises an issue not raised before the Court of Appeals that part of the property claimed by Demetria Cacho is owned by the City of Iligan pursuant to Presidential Decree No. 469 issued by President Diosdado Macapagal granting several parcels of land in Iligan City to the City Government of Iligan.

Likewise submitted are the Notice of Attorney's lien filed by Attorney Virgilio Manguera, counsel of record of petitioner, and the motion for leave to intervene filed by Fausto C. Echavez and more than 500 families who claim to have openly, continuously, notoriously, and physically occupied their respective portions of the subject property in the concept of owners for decades.