



KAPASIYAHAN BLG. 2021-100

“A RESOLUTION AUTHORIZING THE HONORABLE MAYOR FRANCIS ALBERT G. JUAN, TO INITIATE THE EXECUTION OF THE DECISION OF THE HONORABLE COURT OF APPEALS AND SUPREME COURT BEFORE THE OFFICE OF THE PROVINCIAL AGRARIAN REFORM ADJUDICATOR (PARAD), REGION III OF THE DEPARTMENT OF AGRARIAN AND REGIONAL TRIAL COURT (RTC) OF BULACAN, AND OTHER JUDICIAL, ADMINISTRATIVE OR OTHER FORUMS.”

Motioned by:
Hon. Gemar Aldrich M. Cruz

WHEREAS, on September 2013, the Court of Appeals, in CA-G.R. SP No. 108859 entitled Pablito Mendoza Sr., et al. vs. Hon. Andrew N. Baysa, et al., promulgated a Decision, the dispositive portion of which reads:

“WHEREFORE, in light of the foregoing, the petition is **GRANTED**. Judgement is hereby rendered as Follows:

1. The resolutions dated August 23, 2006 and June 8, 2007, writ of execution dated March 2, 2006 and order dated February 12, 2009, and all proceedings pursuant thereto and in furtherance thereof including but not limited to the Deed of Conveyance executed by public Sheriff Virgilio DJ. Robles, issued by public respondent Provincial Agrarian Reform Adjudicator (PARAD), in DARAB Case No. 4384 (Reg. Case No. 739 – Bulacan '94) are hereby **REVERSED** and **SET ASIDE**.
2. Transfer Certificate of Title No. T-257885 in the name of private respondents Teddy Castro and Lauro C. Sebastian is hereby **ANNULLED**.
3. Private respondents Teddy Castro and Lauro C. Sebastian are hereby **ORDERED** to vacate and surrender the

possession of the Bustos Public Market, including Lot 1-A-7, to public respondent Municipality of Bustos, Bulacan.

WHEREAS, on 26 April 2017, the Supreme Court, in G.R. No. 212278 entitled Teddy Castro, et al. vs. Pablito Mendoza Sr., et al., rendered a Decision, the dispositive portion of which reads:

“**WHEREFORE**, the petition is DENIED. The Decision of the Court an Appeals in CA-G.R. No. 108859 as AFFIRMED. The Department of Agrarian Reform Adjudication Board in DARAB Case No. 749 – Bulacan '94 is directed to compute the amount of disturbance compensation to be paid petitioners Teddy Castro and Lauro Sebastian by public respondent Municipality of Bustos, Bulacan in accordance with the provisions of Republic Act No. 3844, as amended. No costs.

SO ORDERED”.

WHEREAS, an Entry of judgement dated 04 October 2017 was already issued by the Honorable Supreme Court thereby rendering both Decisions final and executory.

WHEREAS, Section 116, Rule XX of the 2021 DARAB Revised Rules of Procedure requires a party to file a motion for the execution of a Decision, Resolution or Final Order and the Rules of Court gives only Five (5) years to enforce the Decision by motion, and thereafter, the Municipality has to file a case again to execute the decisions.

WHEREAS, 2021 is the fourth year to execute the said decisions to the PARAD; and the RTC of Malolos, Bulacan under Section 119, Rule XX of the 2021 DARAB Revised Rules of Procedure, a final and executory Decision may be executed by motion “within five (5) years from the date of the entry of its finality in the Book of Entries of Judgement”, and “after the lapse of such time, and before it is barred by the statute of limitation, a judgement may be enforced by independent action”.

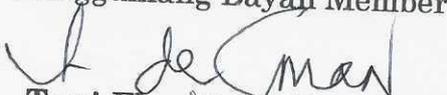
WHEREAS, the Sangguniang Bayan’s position is not to wait for the deadline, which means 2022, for other unexpected factors may stop the Municipality to enforced said decisions bring forth the fruits of the victory of the Municipality of Bustos, Bulacan.

NOW. THEREFORE, be it resolved, as it is hereby resolved, to authorize Mayor Francis Albert G. Juan, on behalf of the Municipal Government of Bustos, Bulacan, to initiate the filing of the necessary motion for the execution of the Decisions of the Honorable Court of Appeals and Supreme Court before the PARAD, and to do any legal and judicial in relation thereto.

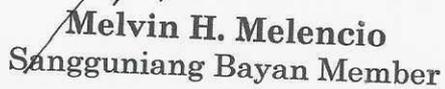
IT IS RESOLVED FURTHER, that Mayor Francis Albert G. Juan is hereby authorized to sign pleadings, including verifications and certifications of non-forum shopping in connection with the cases in the DARAB Case No. 4384 entitled Teddy Castro and Lauro Sebastian vs. Municipality of Bustos; Civil Case No. 549-M-2011 entitled Municipality of Bustos vs. Teddy Castro, et al., RTC, Malolos, Bulacan, and other cases which may become necessary in connection with the decisions of the Supreme Court and the Court of Appeals.

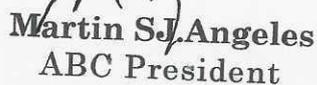
APPROVED and ADOPTED, 19th of October, 2021 by the Sangguniang Bayan at the Amado Raymundo Session Hall.

Juliet DJ. Dela Cruz
Sangguniang Bayan Member

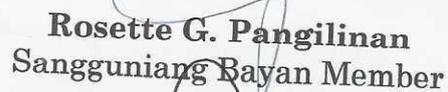

Toni Flor H. De Guzman
Sangguniang Bayan Member

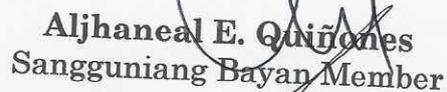

John Erick L. Perez
Sangguniang Bayan Member

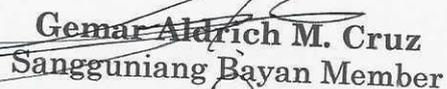

Melvin H. Melencio
Sangguniang Bayan Member


Martin SJ. Angeles
ABC President

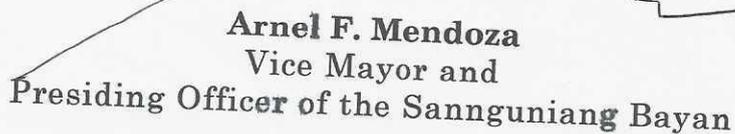

Jonalyn S. Ortega-Santos
Sangguniang Bayan Member


Rosette G. Pangilinan
Sangguniang Bayan Member

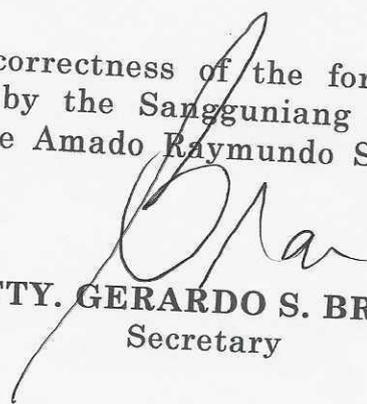

Aljhaneal E. Quiñones
Sangguniang Bayan Member


Gemar Aldrich M. Cruz
Sangguniang Bayan Member


Angelica DL. Tadeo
SK President

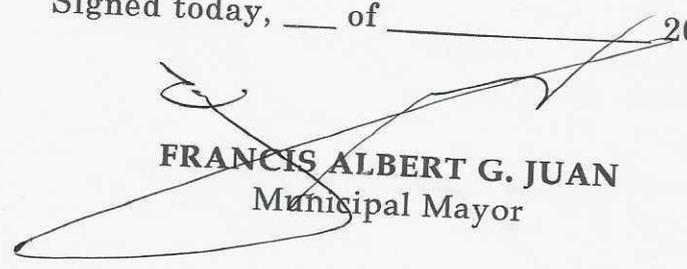

Arnel F. Mendoza
Vice Mayor and
Presiding Officer of the Sangguniang Bayan

I HEREBY CRETIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session held at the Amado Raymundo Session Hall on 19th of October, 2021.


ATTY. GERARDO S. BRIASA
Secretary

Attested:

Signed today, ___ of _____ 2021


FRANCIS ALBERT G. JUAN
Municipal Mayor