

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD  
Region III  
OFFICE OF THE PROVINCIAL ADJUDICATOR  
Dinalupihan, Bataan

THE HEIRS OF MAXIMINA  
SANTIAGO, namely ARLENE  
CASTILLO, AMY LENE  
CASTILLO-FELICIANO. MA.  
AJOGIN CASTILLO-BAINA and  
ALGERDEAN CASTILLO.  
Plaintiffs,

-versus-

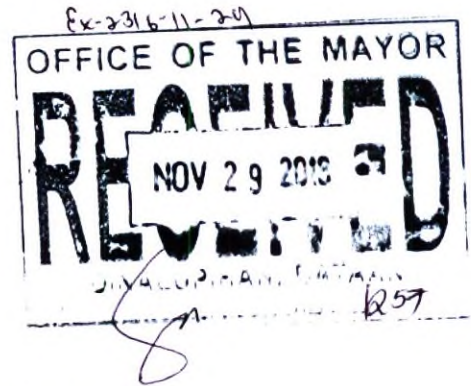
R-0301-0352-2000

ANTONIO CALIMUTAN  
Respondent.

x-----x

EDITHA FERRY  
Intervenor.

x-----x



*E. E. Ferry*

**MOTION FOR INTERVENTION**

COMES NOW the Intervenor, by herself, and unto this Honorable Court, most respectfully requests for leave to intervene in the above-captioned case, for the following reasons:

That the Intervenor is a purchaser in good faith of a some of the subdivided portions a Lot, the subject matter of the above-captioned case;

That the Intervenor has a legal interest in the matter in litigation, or in the success of the complainant, or is so situated as to be adversely affected by a distribution or other disposition of the parcel of land, subject matter of the above-captioned case;

That this intervention will not, in the least, unduly delay or prejudice the adjudication of the rights of the original parties in the case;

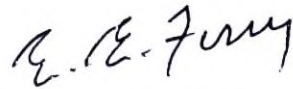
That the Intervenor's rights can be fully protected in this proceeding rather than by filing a separate proceeding.

**PRAYER**

WHEREFORE, it is most respectfully prayed that the herein undersigned be allowed to intervene in this action by filing a Complaint in Intervention, a copy of which is attached to this motion.

Dinalupihan, Bataan.

November 16, 2018.



EDITHA E. FERRY  
Movant/Intervenor  
J.C. Payumo Jr.,  
Dinalupihan, Bataan

NOTICE OF HEARING

THE CLERK OF THE BOARD  
Region III  
Office of the Provincial Prosecutor  
Dinalupihan, Bataan.

SIR/MADAM:

GREETINGS!

Please submit the foregoing motion for approval and consideration of the Honorable Board immediately upon receipt hereof.

COPY FURNISHED:

ALLAN LIMPIOSO

Atty.-in Fact of the Plaintiffs

ANTONIO CALIMUTAN

Defendant

Both residents of:

Brgy. JC Payumo, Dinalupihan

Bataan

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD  
Region III  
**OFFICE OF THE PROVINCIAL ADJUDICATOR**  
Dinalupihan, Bataan

THE HEIRS OF MAXIMINA  
SANTIAGO, namely ARLENE  
CASTILLO, AMY LENE  
CASTILLO-FELICIANO. MA.  
AJOGIN CASTILLO-BAINA and  
ALGERDEAN CASTILLO.  
Plaintiffs,

-versus-

R-0301-0352-2000

ANTONIO CALIMUTAN  
Respondent.

x -----x

EDITHA FERRY  
Intervenor.

x ----- x

**COMPLAINT IN INTERVENTION  
(ON THE ISSUANCE OF A WRIT OF DEMOLITION)**

COMES NOW the Intervenor, by herself, and unto this Honorable Court, most respectfully avers:

**BRIEF STATEMENT OF FACTS**

That the Intervenor is a purchaser in good faith of a some of the subdivided portions a Lot, the subject matter of the above-captioned case.

That on June 22, 2018, the Honorable Board rendered an Order thru Provincial Adjudicator Robert Anthony P. Yu portion of which touches on the inclusion of the house of the herein intervenor in the Writ of Demolition as embodied in the penultimate portion of page 5 thereof as hereunder quoted:

*E. E. Ferry*

It bears stressing that in July 15, 2008 Order, it stated with specific clarity that "This office believes that with the above circumstances, there is no more reason that the writ of demolition may not be fully implemented considering that the proper legal procedure had been undertaken which justifies the implementation of the writ of execution insofar as the house built by Mrs. Editha Perry on the subject landholding is concerned" The said order explained in full that the execution, and with particularity to the demolition, should be carried on.

Consequently, the primordial and focal issue in this motion is the legitimacy of the inclusion of the house erected by herein intervenor in the issued Writ of Demolition consequential to the issued order.

#### ARGUMENTS

1. AS TO WHETHER THE HOUSE BUILT BY THE HEREIN INTERVENOR BE A SUBJECT OF A WRIT DEMOLITION ISSUED AGAINST THE ORIGINAL RESPONDENT.

#### PRECURSORY STATEMENTS

The essence of procedural due process is embodied in the basic requirement of notice and a real opportunity to be heard. In administrative proceedings, such as in the case at bar, procedural due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the action or ruling complained of. "To be heard" does not mean only verbal arguments in court; one may be heard also thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process (FELICIDAD STA. MARIA VILLARAN

*Editha Perry*

VS DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD and LORENZO MARIANO, G.R. NO. 160882, MARCH 7, 2012.)

Culled from the foregoing, it is noteworthy to state that the herein intervenor was never given a day in court being a buyer in good faith which would certainly justify her exemption to the inclusion in the writ of demolition.

Moreover, Section 13, Rule 39 (now Sec. 14, Rule 39) of the Rules of Court is clear and unequivocal which states:

*Removal of improvements on property subject of execution. —* When the property subject of the execution contains improvements constructed or planted by the judgment debtor or his agent, the officer shall not destroy, demolish or remove said improvements except upon special order of the court, issued upon petition of the judgment creditor after due hearing and after the former has failed to remove the same within a reasonable time by the court.

Parenthetically, hinged on the afore-quoted provisions, it was the herein intervenor by virtue of a perfected valid sale who constructed the house and not the judgment debtor hence it is just but imperative that another case be filed concerning the said house. Thus, in a strictest sense of constructing the participation of the herein intervenor, she could not be considered as a privy to the case.

**PRAYER**

**WHEREFORE,** based on the foregoing it is most respectfully prayed unto this Honorable Court that undersigned intervenor be given a fresh period for her to present her evidence of ownership and lawful acquisition of the portion of the subject land.

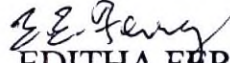
OTHER RELIEF JUST AND EQUITABLE IS LIKEWISE PRAYED FOR.

RESPECTFULLY SUBMITTED.

E. S. F. Arden

Dinalupihan, Bataan.

November 28, 2018.

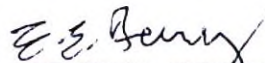
  
EDITHA FERRY  
Intervenor.

NOTICE OF HEARING.

THE CLERK OF THE BOARD  
DARAB, Dinalupihan, Bataan

GREETINGS!

Please submit the foregoing motion for approval and consideration of the Honorable Court immediately upon receipt hereof.

  
EDITHA FERRY  
Intervenor.


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

I, EDITHA FERRY of legal age, and presently residing at Dinalupihan, Bataan after having been duly sworn in accordance with law, depose and state that:

1. I am the intervenor in the above-stated case;
2. I caused the preparation of the foregoing complaint;
3. I have read the contents thereof and the facts stated therein are true and correct of our personal knowledge and/or on the basis of copies of documents and records in our possession;
4. I have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency except the principal case of this proceedings;
5. To the best of my knowledge and belief, no such action or proceeding is pending in the Supreme Court, the Court of Appeals, or any other tribunal or agency;
6. If we should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, we undertake to report that fact within five (5) days therefrom to this Honorable Court

  
EDITHA FERRY

**SUBSCRIBED AND SWORN** to before me this <sup>NOV 29 2018</sup> \_\_\_ day of November 2018 here at Dinalupihan, Bataan.

  
ATTY. ROMULO L. PALMA  
NOTARY PUBLIC  
UNTIL DECEMBER 31, 2018  
IBP No. 1030424. 02-22-10  
PTR No. 4263 556. 02-22-10  
ATTORNEY'S Roll No. 17250

Doc.No.; 439  
PageNo.; 88  
BookNo.; 163  
Series of 2018.