

Republic of the Philippines  
COURT OF APPEALS  
MANILA

**SUMMONS and PETITION**

**FOURTEENTH DIVISION**

PEARL JOY QUIBOLOY, ROSEMARIE  
Q. PAULE and EDEN NIGHTINGALE  
Q. PORTIS and the Heirs of  
EMMANUEL QUIBOLOY,  
SR., namely: MARLENE C.  
QUIBOLOY, NATHANIEL IRWIN  
QUIBOLOY, represented by LYNN LINDSAY  
Q. OCAMPO,

**Petitioners,**

- versus -

**CA-GR. SP NO. 174109**

SPS. VIRGILIO and MARICON MANUEL and  
SPS. FILIPINAS and ANGELITO LUMBA,  
Heirs of NOE VERSOZA, SR., namely:  
NUMERIANO VERZOSA, NOEMI  
VERSOZADALMACIO, NORMAN  
VERSOZA, NARCELYN VERSOZA PINGOL, NEVILLE  
THOMAS VERSOZA,  
NUNELON VERSOZA HILARIO, NOE  
VERSOZA, JR. and NEPTALI VERSOZA,  
PRESIDING JUDGE OF THE REGIONAL  
TRIAL COURT BRANCH 49 OF GUAGUA,  
PAMPANGA and the REGISTER OF DEEDS OF PAMPANGA,

**Respondents.**

**SUMMONS**

TO : \* Sps. Angelito and Filipinas Lumba 16399 Greenfield St., Moreno Valley ,California, U.S.A.

**GREETINGS:**

You are hereby required to file with this Court within ninety (90) days after the service of this summons upon you, your responsive pleading to the petition for annulment of judgment, a copy of which is attached and herewith served upon you, and to serve a copy of said pleading within the same period upon petitioners. If you fail to answer within the time aforesaid, the petitioners will take judgment upon you by default and may be granted the relief applied for in said petition.

GIVEN under the authority of the Resolution promulgated on May 29, 2023, MME. JUSTICE ZENAIDA GALAPATE-LAGUILLES, Chair, MR. JUSTICE ALFREDO D. AMPUAN and MME. JUSTICE SELMA PALACIO ALARAS, Members, this 29th day of May, 2023 at Manila, Philippines.

MARIA ISABEL M. PATTUGALAN-MADARANG  
(Executive Court of Clerk III)

Copy Furnished :

Logronio and Dayrit Law Office — reg. w/ card  
(for petitioners)  
Sto. Cristo  
2003 Guagua, Pampanga

The Register of Deeds of Pampanga — reg. w/ card  
Capitol Compound, Sto. Nino  
2000 City of San Fernando, Pampanga

The Presiding Judge — reg. w/ card  
RTC-Branch 49  
2003 Guagua, Pampanga

Republic of the Philippines  
COURT OF APPEALS  
MANILA

PEARLJOY QUIBOLOY, ROSEMARIE Q. PAULE and  
EDEN NIGHTINGALE Q PORTIS and the Heirs of  
EMMANUEL QUIBOLOY SR. namely: MARLEN C.  
QUIBOLOY, NATHANIEL IRWIN QUIBOLOY  
Rep. By: LYNN LINDSAYQ. OCAMPO,

**Petitioners**

-versus-

**SP CA G.R. NO. 174109**

For: Annulment of Judgement

Cancellation of Titles and Deeds

Reconveyance, Partition and Damages

SPS. VIRGILIO AND MARICON MANUEL and SPS. FILIPINAS  
AND ANGELITOLUMBA,

-Heirs of Noe Versoza, Sr. namely: Numeriano Versoza, Noemi Versoza  
Dalmacio, Norman Versoza (Narcelyn Versoza Pingol, Neville Thomas  
VersozaNunelon Versoza Hilario, Noe Versoza Jr and Neptali Versoza

Presiding Judge of the Regional Trial Court  
Branch 49 of Guagua Pampanga and the REGISTER OF DEEDS OF PAMPANGA

**Respondents**

**PETITION**

PETITIONERS, thru counsel unto this Honorable Court respectfully state:

1.] That the PETITIONERS are the heirs of Emmanuel Quiboloy, Sr. are all of legal age, Filipinos namely: Marlene C. Quiboloy, widow, a resident of Sta Catalina, Lubao, Pampanga and her children: Lynn Lindsay Q. Ocampo, resident of Blk2 Lot 12 Calle 47 Xevera Subdv.t Calibutbutr Bacolor Pampanga and Nathaniel Irwin Quiboloy, a resident of 131-2315 Bromsgrove, RD Mississauga, L5J 4A6 Ontario Canada; Copy of the Special Power of Attorney is hereby attached as Exhibit A;

2.] That the other PETITIONERS are:

- PEARL JOY QUIBOLOY is of legal age and a resident of 1439Adderstone Way, Perris, California, USA 92571;
- EDEN NIGHTINGALE Q. PORTIS is of legal age and a resident of 6310 Cerritos Avenue, Long Beach, California, USA 90805;
- ROSEMARIE Q. PAULE is also of legal age and a resident of 736 Bermuda Drive, Hemet, California, USA

represented by plaintiff - Lynn Lindsay Q. Ocampo; Copy of the Special Power of Attorney is attached as Exhibit B to B-9;

3.] That RESPONDENTS = Sps. Filipinas and Angelito Lumba are of legal age and residents of 16399 Greenfield St.t Moreno Valley, California USA; while Sps Virgilio and Maricon Manuel are also of legal age, Filipinos and residents of Prk 5, Sta Catalina, Lubao, Pampanga, where they may be served with court processes;

4.] ' RESPONDENTS- Register of Deed of Pampanga is the government agency tasked for safekeeping and registering titles of properties with office address at Capitol Compound, Sto Nino, City of San Fernando, Pampanga;

5.] RESPONDENTS-Heirs of Versoza, sr. namely: Numeriano Versoza, Noemi Versoza Dalmacio, Norman Versoza, Narcelyn Versoza Pingol, Neville Thomas Versoza, Nunelon Versoza Hilario, Noe VersozaJr. and Neptali Versoza are all of legal age, Filipinos and residents of Sta. Catalina Lubao Pampanga.

6.] That the PETITIONERS are the legitimate claimants of a property covered by TRANSFER CERTIFICATE OF TITLE (TCT) NO 042=2018010195 registered to defendants-SPS. VIRGILIO MANUEL JR and MARICON L MANUEL and TCT NO 042-2018010196 registered to Numeriano Versoza, Noemi Versoza Dalmacio, Norman Versoza, Narcelyn Versoza Pingol, Neville Thomas Versoza, Nunelon Versoza Hilario, Noe Versoza Jr. and Neptali Versoza; Copy of TCT 0492018010195 and TCT 042-2018010196 is hereby attached as Exhibit C to C-1 and D to D-2; •

7.] That the property subject of this case is declared for tax purposes with a total assessed value of P 33,380.00. Copy of the Tax Declaration No GR2020-07- 0032-00209 and GR2020-07-0032-00211 are hereby attached Exhibit E and F;

8.] That PETITIONERS— the heirs of Emmanuel Quiboloy Sr. have occupied and possessed a portion of the property, as they have a residential house inside the premises for many years now under Tax Declaration NO. GR-2020-07-003200210 with a market value of P 41, 580.00 [assessed value P0.00]; Copy of the Tax Declaration No. GR 2020-07-0032-00210 and screenshot picture of the house are hereby attached as Exhibit G and H & H-1;

9.] That the property initially belongs to the parties' predecessor in interest MAXIMA FLORES, with an original total area of 1,043.00 square meters. Copy of the Tax Declaration No. 08035-2 is hereby attached as Exhibit I;

10.) That MAXIMA FLORES had two children: GREGORIO TURLA and ANASTACIA TURLA QUIBOLOY. The parties' family tree as follows:

10.1 GREGORIO TURLA, married Teresa Barin, had three (3) children, namely: Leonor, Lolita and Caridad, all deceased.

a. Leonor Turla, married to Pacifico Nacpil (deceased), had four (4) children, namely: Nathaniel Nacpil, Alma Nacpil-Nuestro, Adoracion Nacpil-Zuniga and Leonardo Nacpil;

b. Lolita Turla, married to Thomas Versoza (deceased), had one (1) child, namely. Noe Versoza, Sr. (deceased);

b.1 Noe Versoza, Sr., married to Presentation Reyes (deceased) had eight (8) children, [ plaintiffs in Civil Case No G4439 of RTC Guagua Pampanga and RESPONDENTS in this case)

c. Caridad Turla, married to Thomas Versoza after the death of Lolita Turla, had five (5) children, namely: Thomas Jr., Ricardo, Orlando, Ernesto and Edgardo.

10.2 ANASTACIA TURLA, married to the late Dionisio Quiboloy, had six (6) children, namely: Constantino, Delfin, Alejandro, Jose, Eden and Emilio (all deceased);

a. Constantino Quiboloy, married to Maria Vitug, had eleven (11) children, namely: Alta, Eduardo, Al, Marco, Bong, Ivan, Benjie, Marlyn, Seth, Lyn and Nancy;

b. Delfin Quiboloy, married to Africa Paule (deceased), had eight (8) children, namely; Ceclia, Dante, Alice, Amelia, Nestor, Florante, Luis and Daisy;

c. Alejandro Quiboloy, married to Consuelo Songco (deceased), had four (4) children, namely: Elmo, Edwin, Erlyn and Jocelyn;

d. Jose Quiboloy, married to Maria Carreon, had eight (8) children, namely: Helen, Apollot Leonardo, Agaton, Billy, Flora, Emilio and Rusty

e. Eden Quiboloy, married to Melecio Duran (deceased), had one (1) child, namely: Arturo;

f. Emilio Quiboloy SR., married to Amelia Soler (deceased), had nine (9) children, namely:

RESPONDENT- Filipinas O. Lumba,

f.2 Emmanuel Quiboloy [represented by his heirs)

f.3 Emilio Quiboloy JR.

f.4 Norberto Quiboloy

f.5 Ulysses Frank Quiboloy

f.6 Maria Tereza Quiboloy

f.7 PETITIONER- Pearl Joy Quiboloy,

f.8 PETITIONER -Rosemarie Q. Paule and

11.) RESPONDENT Filipinas, married to Angelito Lumba, has four (4) children, namely:

II.a. RESPONDENT- Maricon(married to RESPONDENT

Virgilio Manuel),

II.b Remedios Lumba, Bong Lumba and Ivan Lumba

Copy of the Family Tree of Quiboloys submitted to the Regional Trial Court of Guagua, Pampanga in Civil Case No G-06-4439 is attached as Exhibit J;

12] Eventually, the heirs of Anastacia Quiboloy namely: Alejandro Quiboloy,

Constantino Quiboloy, Delfin Quiboloy and Eden Q Duran executed a "Joint Affidavit of Waiver" relinquishing all their and participation on the said property to the heirs of Emilio Quiboloy SR., marked as "Annex B" and attached in the criminal complaint of Emilio Quiboloy Jr. Copy of the Criminal Complaint of Emilio Quiboloy is attached as Exhibit K to K-3 and the "Joint Affidavit of Waiver" is marked as Exhibit K- 3 in this case;

13.1 However, the property was fraudulently transferred to RESPONDENT -FILIPINAS QUIBOLOY LUMBA upon her application for a FREE PATENT and an Original Certificate of Title No. 5665 was issued to her. Copy of the Application for Free Patent is attached as Exhibit L and sub-markings and the certified copy of OCT 5665 is attached as Exhibit M and sub-markings;

14.] That RESPONDENT=FILIPINAS LUMBA successfully registered the property under OCT 5665 thru a falsified JOINT AFFIDAVIT OF WAIVER, stating therein that EMMANUEL QUIBOLOY, PEARL JOY QUIBOLOY, EDEN NIGTHINGALE QUIBOLOY PORTIS, ROSEMARIE Q PAULE, FRANK

15) That the PETITIONERS did not even execute this AFFIDAVIT OF WAIVER on April 2, 1987 as they were in America at that time;

Subsequently, the property was transferred to her daughter MARICON MANUEL and her husband -VIRGILIO MANUEL of Title No 8673, thru falsified Deed of Donation and Deed of Absolute Sale dated February 13 2004.

Copy of TCT 8673 is hereby attached as Exhibit O to O-2, while the copy of the Deed of Absolute Sale and Deed of Donation all dated February 13, 2004 are attached Exhibit P and Q;

17.] As a result of the registration of the property to RESPONDENTS- Sps.

FILIPINAS and ANGELITO LUMBA and then transferred to Sps -MARICON MANUEL and VIRGILIO MANUEL, the Heirs of Noe

Versosa, Sr. represented by Noe Versoza Jr. filed a civil action for "Annulment of OCT 5665 and TCT 8673 and Partition" under Civil Case No G-06-4439 before the Regional Trial Court [Branch 49] of Guagua, Pampanga, in order to acquire their share on the property; Copy of the Civil Complaint is hereby attached as Exhibit R to R-6;

18.] However, the PETITIONERS were not impleaded as parties to this case and did not have any knowledge of the proceedings until they were surprised when RESPONDENTS -the heirs of Noe Versoza Sr. were constructing a house inside the property in the last quarter year 2021; Copy of the Summons dated April 30, 2006 and Process Servers Return dated July 7, 2006 are attached as EXHIBIT S and T;

In the said case, an Amended Decision dated April 12, 2018 was issued by RTC[Branch 49] Guagua, Pampanga which states:

"Wherefore premises considered, judgment is hereby rendered

1. Declaring null and void Original Certificate of Title No. 5665 registered in the name of Filipinas Lumba married to Angelito Lumba and Transfer Certificate of Title NO 8673 registered in the name of Virgilio and Maricon Maniel and declaring plaintiffs Numeriano Versosza, Noemi Versoza Daimacio, Norman Versoza, Narcelyn Versoza Pingol, Neville Thomas Versoza, Nunelon Versoza Hllario, Neptati Versoza and Noel R Versoza Jr entitled to one halfportion of the one thousandforty three (1043) square meter embanked on the aforesaid title;
2. Ordering the Register of Deeds of Pampanga to cancel OCT NO 5665 and TCT No 8673 and issue new titles, upon payment of lawlfulees, ifany in favor ofplaintiffs Numeriano Versosza, Noemi Versoza Daimacio, Norman Versoza, Narcelyn Versoza Pingol, Neville Thomas Versoza, Nunelon Versoza Hllario, Neptali Versoza and Noel R Versoza Jr as well as in favor of the private defendants of their respective one halfshares of the subject property, to be determined after partition.

3. Ordering the partition of the subject property between the plaintiffs and private defendants with their respective collective share of 521.50 square meters.
4. Appointing Engrs. Artemio P Almazan, Emmanule Limpin and Willa Soto Ramos all of the Cenro San Fernando, Pampanga as Chief and members respectively of the committee of partition to make/prepare the actual partition of the subject property after they shall have taken their oath as commissioners.¶

Copy of the Amended Decision dated April 12, 2018 issued by the Regional Trial Court of Guagua, Pampanga [Branch 49) under Civil Case No. G-06-4439 is being attached as Exhibit U to U-17;

The dispositive portion of the Amended Decision dated April 12, 2018 under Civil Case No. G-4439 located on page 17 and 18 was marked as Exhibit U-16- / a and U-17-a.

20.) In addition, the said Amended Decision [Civil Case No. G-4439], which attained finality on May 23, 2018, [Exhibit V) the Regional Trial Court - Branch 49 of Guagua, Pampanga ruled that:

"Likewise, the execution of the documents (Exhibit "E" and "F" for the plaintiffs and Exhibits "3" and "4") which were the bases for the transfer of OCT No. 5665 (in the name of defendant Filipinas Lumba) to TCT No. 8673 (in the names of defendants-spouses Manuel) is rendered questionable in light of the testimony of defendant Virgilio Manuel that he affixed his own handwriting on the supposed signatures of his in-laws, (defendants-spouses Angelito and Filipinas Lumba who were then in the United States), upon the advice of the lawyer who prepared the same and also upon instruction of his in-laws because he was allegedly armed with a General Power of Attorney.

A reading of the General Power of Attorney adverted to which is dated September 23, 1994 together with the Acknowledgement made before the Consult of Los Angeles, California shows that the same was executed by defendant Angelito Lumba only and defendant Filipinas Lumba signed the said document merely to signify her marital consent thereto.

Moreover, there is no specific authority appearing therein which authorizes defendant Virgilio Manuel to sign the aforesaid documents. Even granting for the sake of argument that defendant Virgilio Manuel was so authorized by his inlaws to be their attorney-in-fact to represent his in-laws in said transactions, it strains credulity how a donee and/or a vendee over a real property can be the attorney=in fact of the donors and/or vendors of said property.

All told, it cannot be gainsaid that Original Certificate of Title No. 5665 and TCT No. 8673 are of dubious origin procured from fraudulent representations.

The portion of the above quoted paragraph of the Amended Decision located on page 12, under Civil Case No. G-4439 is marked as Exhibit U-11-a and U-12-a and the Order of RTC 49 dated June 1 2018 is attached as EXHIBIT V; \*

21.) Sadly, the PETITIONERS were not included as parties to the said case before the Regional Trial Court Branch 49 of Guagua Pampanga, for which the said Amended Decision do not bind them, as the jurisdiction over their persons was not attained for failure to implead them, even it was very clear that they have a claim on the said divided property;

22.1 Due to the Amended Decision of the RTC [Branch 49] of Guagua, Pampanga, the property was partitioned into two parts having 521.50 square meters each, one registered to the RESPONDENT -Sps MARICON AND VIRGILIO MANUEL under TCT 042-2018010195 [ Exhibit C to C-1] and the one to Heirs of Noe Versoza Sr. under TCT 042-2018010196 ( Exhibit D to D-2);

23.] Consequently, the derivative titles under TCT 0420018010195 registered to RESPONDENTS - sps. Maricon and Virgilio Manuel and TCT 042-2018010196 in the name of heir of Noe Versoza Sr. must be cancelled and reconveyed back to Maxima Flores and the property be partitioned again between the PETITIONERS and the private RESPONDENTS;

24.] That since the property was wrongfully registered to the RESPONDENT Filipinas Lumba and then to RESPONDENT Sps Maricon and Virgilio Manuel, thru fraud, there is an implied trust that was created and that the property can be reconveyed to the rightful owners.

25.] In this case, the PETITIONERS' consent was not given in the Joint Affidavit of Waiver and that the Deed of Donation and Sale was declared void, thus reconveyance of the property is proper;

26.] Hence, in an action for reconveyance based on a void contract, as when there was no consent on the part of the alleged vendor, the action is imprescriptible. The property may be reconveyed to the true owner, notwithstanding the TCTs already issued in another's name. The issuance of a certificate of title in the latter's favor could not vest upon him or her ownership of the property; neither could it validate the purchase thereof which is null and void.

27.] Lastly the respondents; heirs of Noe Versoza Sr. failed to include PETITIONERS un this case since they are real parties in interest, thus the decision of the RTC 49 Guagua Pampanga must be annulled in order that proper partition of the property be done.

28.) PETITIONERS made a demand against the RESPONDENTS to

PARTITION the property equally, but despite demand, the same proved futile; Copy of the demand letter dated April 5, 2022 is hereby attached as Exhibit W X and Y submarkings;

29.] At the present time, the PETITIONERS are still deprived of their rightful claim and interest on the said property due to this invalid and illegal conveyance thereby sustaining legal costs in the amount of P 100,000.00 as retainers fee of their counsel and cost of suit; Copy of the Receipt is hereby attached as Exhibit Z and the Legal Fee Form issued by the Honorable Court will be presented during pre- as Exhibit AA;

30.] Incompliance to A.M. No. 19-10-20-SC, the witnesses and summary of their intended testimonies as contained in the attached Judicial Affidavits are as follows:

LYNN LINDSAY OCAMPO- To prove that she is one of the compulsory heirs of Emmanuel Quiboloy Sr., and the duly authorized representative of the other petitioners in this case;

To prove that the property subject of this case belongs to her great grandmother-Maxima Flores under Tax Declaration No. 08035-2;

To prove that the property was fraudulently registered solely to her auntie Filipinas Lumba under OCT No 5665 and transferred to her cousin Maricon Manuel and her husband, under TCT 8673 and TCT 042-2018010195.

To prove that as heirs of Emmanuel Quiboloy Sr., they and the other petitioners were deprived of their lawful share when defendants-Filipinas presented a fake Joint Affidavit of Waiver to apply for a Free Patent to the property;

To prove that the subsequent conveyance of the property to Sps Maricon and Virgilio Manuel was fraudulent and the derivative title under 042-201810195 must be cancelled;

To prove that they were not even impleaded as parties in the case under Civil Case No G-06-4439 and jurisdiction over them was not acquired, for which the Amended Decision rendered by RCT 49 of Guagua Pampanga must be annulled;

To prove that the plaintiffs sought the reconveyance of the property back to Maxima Flores, but the respondents refused to abide by this demands, without just cause;

To prove that the petitioners sustained damages due to the refusal of the private respondents to correct/rectify their act of conveyance of the property;

To identify documents in relation to this case and testify on other matters relevant to the Complaint;

Copy of the Judicial Affidavit of Lynn Lindsay Q. Ocampo is attached as Annex

That the following documents are being presented as evidence in this case, to wit:

[Note: Some of the documents are in the possession of RTC 49 Guagua, Pampanga and the same shall be presented thru subpoena duces tecum and ad testificandum.]

### **Documentary Evidence**

Special Power of Attorney  
(Exhibit A)

Special Power of Attorney  
(Exhibit B-B9)

TCT 042-2018010195  
( Exhibit C to C-1)

TCT 042-2010810196  
( Exhibit D to D-2)

Tax Dec. No. 2020-07-0032-00209 (Exhibit E)

Tax Dec. No. 2020-07-0032-00211  
(Exhibit F)

To prove that the heirs of Emmanuel Quiboloy authorized Lynn Lindsay Quiboloy to represent them in this case;

To prove that the heirs of Emilio Quiboloy Sr. authorized Lynn Lindsay Quiboloy to represent them in this case; ,

To prove that the property is registered to respondents Maricon and Virgilio Manuel, which deprived the petitioners of their rightful share on the property;

To prove that the property is still registered to respondents Heirs of Noe Versoza Sr. which deprived the petitioners of their rightful share on the property;

To prove that 521.50 square meter property is registered to Sps Maricon and Virgilio Manuel with an assessed value of P 16,690.00•,

To prove that 521.50 square meter property is registered to Noe Versoza Sr. with an assessed value of P 16,690.00

Tax Dec No. GR2020-07-0012-00210  
( Exhibit G)

To prove that petitioners, heirs of Emmanuel

Quiboloy Sr. possessed a part of the property Subject of this case as they have a house inside the Premises for a long time;

Screenshot pictures of the property and House of the heirs of Emmanuel Quboloy Sr. (Exhibit H-H-1)

To prove that the petitioners-heirs of Emmanuel Quiboloy Sr, has a house inside the disputed property.

Family Tree of Maxima Flores as presented In Civil Case No. 07-4439 at RTC 49  
( Exhibit J)

To prove the existence of the family tree of Maxima Flores and the relationship of the parties in this case;

Criminal Complaint of Emilio Quiboloy  
( Exhibit K to K-3)

To prove that Emilio Quiboloy filed criminal charge of falsification against the Respondent-Filipinas Lumba and Maricon Manuel and attached a Joint Affidavit of Waiver marked as Exhibit K-3;

Joint Affidavit of Waiver of Alejandro, Delfin, Eden and Constantino Quiboloy dated Feb. 1987  
(Exhibit K)

To prove that the heirs of Anastacia Quiboloy waived their rights on the property in favor of the heirs of Emilio Quiboloy Sr.

Application for Free Patent of Filipinas Lumba dated March 2, 1987 ( Exhibit L to L-11)

To prove that the respondent Filipinas Lumba applied the property of Maxima Flores with the DENR for a Free Patent using the fake Joint Affidavit of Waiver dated 3/2/1987

Original Certificate of Title No. 5665  
(Exhibit M to M-3)

To prove that the disputed property was fraudulently registered to Filipinas Lumba;

Joint Affidavit of Waiver dated April 2, 1987  
( Exhibit N)

To prove that respondent Filipinas Lumba used a fake document to transfer the land of Maxima Flores in her favor to the exclusion of the heirs of Maxima Flores;

Transfer Certificate of Title No. 8673  
(Exhibit O to O-3)

To prove that the disputed property was subsequently transferred to respondents Maricon and Virgilio Manuel;

Deed of Absolute Sale dated 2/13/2004

To prove that the property registered to Filipinas and

(Exhibit P)	Angelito Lumba was conveyed to Sps. Maricon and Virgilio Manuel using the void Deed of Absolute Sale;
Deed of Donation dated 2/13/2004 (Exhibit P)	To prove that the property registered to Filipinas and Angelito Lumba was conveyed to Sps. Maricon and Virgilio Manuel using the void Deed of Donation;
Civil Complaint under Civil Case G-06-4439 (Exhibit R to R-6)	To prove that the respondent-heirs of Noe Versoza Sr. filed a Civil Case for Cancellation of OCT 5665, TCT 8673 and Partition against the respondents Sps. Manuel and Sps. Lumba without impleading the PETITIONERS;
Summons dated April 30, 2006 (Exhibit S) Process Server's Return dated July 7, 20067 (Exhibit T)	To prove that the PETITIONERS were not impleaded as parties in the case filed for partition of the property Under Civil Case No. G-06-4439 of RTC 49 Guagua Pampanga;
Amended Decision of RTC 49 under Civil Case No. G -06-4439 dated 4/12/2018 (Exhibi U to U-17)	To that a decision was rendered by RTC 49 of Guagua Pampanga cancelling OCT 5665, TCT 8673 and partitioning the property to the private respondents; To prove that the Sps. Maricon and Virgilio Manuel That the Deed of Donation and Deed of Absolute Sale Are questionable, fraudulent and void; To prove the issuance of the free patent and title in favor Of Filipinas Lumba and transfer the property to Sps. Manuel were tainted with irregularities;
Demand Letter dated April 5, 2022 (Exhibit W, X to Y)	To prove that the petitioners made demands to respondents to reconvey the property and;
Receipt of Atty Chelin Dayrit (Exhibit Z)	To prove that the petitioners sustained actual damages in the form of legal cost in filing this case to enforce And protect their rights;
Certificate of Live Birth of Lynn Lindsay Quiboloy ( Exhibit BB & BB-1)	To prove that the petitioner is heirs of Emmanuel Quiboloy Sr.
Certificate of Live Birth Nathaniel Irwin (Exhibit CC)	To prove that the petitioner have a claim to the property of the great grandmother Maxima Flores which is Registered to the respondents-Sps Maricon and Virgilio Manuel and the heirs of Noe Versoza Sr.;
Marriage Certificate of Marlene Caritativo and Emmanuel Quiboloy ( Exhibit DD to DD-2)	

WHEREFORE premises considered, it is prayed that judgment be rendered:

1. Annulling the Amended Decision of the Honorable Regional Trial Court Branch 49 of Guagua Pampanga dated April 12, 2018 under Civil case No G-064439;
2. Ordering the Register of Deeds of Pampanga to cancel the Transfer Certificate of Title No 042-2018010195 registered to respondents-Sps Maricon Manuel and Virgilio Manuel and TCT 042;2018010196 in the name Numeriano Versoza, Noemi Versoza Dalmaciot Norman Versozat Narcelyn Versoza Pingol, Neville Thomas Versoza, Nunelon Versoza Hilario, Noe Versoza Jr and Neptali Versoza and to reconvey the same to the heirs of Maxima Flores;
3. Ordering the partition of the subject property between the private respondents and petitioners with their respective collective shares;



4. Payment of actual damages in the amount of P 100,000.00 and cost of suit

Other relief are likewise prayed for that are just and equitable.

Guagua, Pampanga for City of Manila. June 17, 2022

LOGRONIO AND DAYRIT LAW OFFICE

BY:

CHELIN DAYRIT

Counsel for the Plaintiffs

Sto Cristo, Guagua Pampanga PTR No 5377476 January 2, 202 Pampanga

IBP Lifetime No 07465 Pampanga Chapter

Roll No 55689 MCLE 7-00008935 valid up to 4/14/2025

VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

I, LYNN LINDSAY Q. OCAMPO, of legal age, Filipino, married and residing at Calibutbut, Bacolor, Pampanga, under oath depose and say that:

That I am one of the petitioner and the authorized representative of the other petitioners in the above entitled case;

2. That we have caused the preparation of the foregoing complaint and the allegation of facts therein are true and correct of our own personal knowledge and based on authentic documents;
3. The pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
4. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.
5. That we have not commenced any other action or proceeding involving the same issues in the Supreme Court, Court of Appeals or any other tribunal or agency; That to the best of our knowledge, no similar action or proceeding is pending before any courts or tribunal except Civil Case No. 1910 which was dismissed by the Municipal Trial Court of Lubao, Pampanga on May 17 2022;
6. If we should learn that a similar action or proceeding has been filed or is pending we shall undertake to report the fact to the Court within five days from knowledge thereof;

IN WITNESS WHEREOF, I have her to set my hand this June 16, 2022 at  
Guagua, Pampanga

Lynn Lindsay Q Ocampo for herself and as representative of the heirs of Emmanuel Quiboloy Sr. and the heirs of Emilio Quiboloy namely: PEARL JOY QUIBOLOY, EDEN NIGHTINGALE PORTIS and ROSEMARIE Q. PAULE ref

SUBSCRIBED AND SWORN before me this June 16, 2022 at Guagua, Pampanga

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Series of 2022

LOGRONIO AND DAYRIT LAW OFFICE

BY:

CHELIN DAYRIT

Counsel for the Plaintiffs

Sto Cristo, Guagua Pampanga PTR No 5377476 January 2, 202 Pampanga

IBP Lifetime No 07465 Pampanga Chapter

Roll No 55689 MCLE 7-00008935 valid up to 4/14/2025

Republic of the Philippines  
COURT OF APPEALS  
MANILA

PEARL JOY QUIBOLOY, ROSEMARIE  
Q. PAULE and EDEN NIGHTINGALE Q  
PORTIS and the

Heirs of EMMANUEL QUIBOLOYSR.  
namely: MARLENE C. QUIBOLOY,  
NATHANIEL IRWIN QUIBOLOY

Rep. By: LYNN LINDSAY Q. OCAMPO,  
**PETITIONERS,**

SP CA GR NO . 174109  
For: Annulment of Judgement  
Cancellation and Title and Deeds  
Reconveyance, Partition &  
Damages

-versus-

SPS. VIRGILIO AND MARICON MANUEL and SPS. FILIPINAS AND  
ANGELITO LUMBA, et al **RESPONDENTS.**

x\_\_\_\_\_

JUDICIAL AFFIDAVIT

OFFER OF TESTIMONY

PETITIONERS offer the testimony of the witness LYNN LINDSAY Q. OCAMPO

- 1.] To prove that she is one of the compulsory heirs of Emmanuel Quiboloy Sr. and the duly authorized representative of the other petitioners in this case;
- 2.] To prove that the property subject of this case belongs to her great grandmother Maxima Flores; under Tax Declaration No. 08035-2;
- 3.] To prove that the property was fraudulently registered solely to her auntie Filipinas Lumba under OCT No 5665 and transferred to her cousin Maricon Manuel and her husband-Virgilio Manuel under TCT 8673 and then to TCT 0422018010195.
- 4.] To prove that as heirs of Emmanuel Quiboloy Sr., they and the other heirs were deprived of their lawful share when defendants-Filipinas presented a fake Joint Affidavit of Waiver to apply for a Free Patent to the property;
- 5.] To prove that the share of the other heirs of Maxima Flores, specifically the heirs of Noe Versoza Sr. have been awarded thru the Amended Decision under Civil Case No G-064439 by the Regional Trial Court Branch 49 of Guagua, Pampanga;
- 6.] To prove that the subsequent conveyance of the property to Sps Maricon and Virgilio Manuel and Heirs of Noe Versoza Sr. must be cancelled as they were not impleaded in Civil Case No G-06-4439;
- 7.] To prove that as heirs of Maxima Flores, there were not impleaded as parties in the case filed by respondents- heirs of petitioners Noe Versoza Sr. for partition in Civil Case No G-06 4439, for which jurisdiction upon their person was not acquired;
- 8.1 To prove that there is factual and legal basis for the annulment of the Amended Decision issued by the Regional Trial Court Branch 49 under Civil Case No G-064439;
- 9.] To prove that the petitioners sought the reconveyance of the property back to Maxima Flores, but the private respondents refused to abide by this demands, without just cause;
- 10.1 To prove that the petitioners sustained damages due to the refusal of the private respondents to reconvey the property in order to acquire their rightful share;
- 11.] To identify documents in relation to this case and on other matters relevant to the Complaint;

## JUDICIAL AFFIDAVIT

I, LYNN LINDSAY QUIBOLOY OCAMPO, of legal age, married and a resident of Xevera Subd., Calibutbut, Bacolor Pampanga after having been sworn to in accordance with law, depose and say that:

The person interrogating is Atty. Chelin Y. Dayrit with the address at Sto Cristo, Guagua Pampanga. The interrogation was held in Guagua, Pampanga, I am answering his questions fully conscious and I do so under oath and may face criminal liability for false testimony and perjury.

Q1. Are you the same Lynn Lindsay Q. Ocampo, one of the petitioners in this case?

A1 Yes sir, I am.

Q2 Do you know petitioner-MARLENE CARITATIVO QUIBOLOY, resident of 34 Purok 1 sta., Catalina Lubao Pampanga and NATHANIEL IRWIN QUIBOLOY, a resident of 131-2315 Bromsgrove RD Mississauga, on L5J 4A6 Ontario Canada?

A2 Yes, sir, I know them.

Q3. Why do you know them?

A3 Marlene is my mother, while Nathaniel Irwin is my brother, they authorized me to represent them in this case,

Q4 What is your proof that indeed you were authorized by petitioners MARLENE CARITATIVO QUIBOLOY and NATHANIEL IRWIN QUIBOLOY, in this case?

A4 I have a Special Power of Attorney executed by them, sir. (witness showing the document)

I am marking this Special Power of Attorney dated February 9, 2022 as Exhibit A, I am attaching this to your affidavit, do you agree? Yes, sir.

Q5. Do you know also Pearl Joy Quiboloy, Rosemarie Q. Paule and Eden Nightingale Portis, the other the petitioners in this case?

A5. Yes, sir. I know them.

Q6. Why do you know them?

A6. They are my aunties, they are the siblings of my late father and they also authorized me to represent them in this case.

Q7. What is your proof that indeed you were authorized by your aunties in this case?

A7. I have their Special Power of Attorney, sir. (witness showing the document)

I am marking these Special Power of Attorneys as Exhibit B to B-9, I am attaching these to your affidavit, do you agree? Yes, sir.

Q10. Do you know the respondents- Sps. Filipinas Lumba and Angelito Lumba?

A10. Yes, I know them, sir.

Q11. Why do you know them?

A11. Filipinas Lumba is the sister of our late father Emmanuel Quiboloy Sr., while Angelito is her husband, sir.

Q12. Do you know also Sps Maricon and Virgilio Manuel, the other respondents in this case?

A12. Yes, sir, I know them.

Q13. Why do you know them?

A 13. Maricon is my cousin, she is the daughter of Filipinas, sir, while Virgilio is her husband.

Q14. Do you know also the respondents-heirs of Noe Versoza Sr. namely: Numeriano Versoza, Noemi Versoza Dalmacio, Norman Versoza Maricelyn Versoza Pingol, Neville Thomas Versoza, Nunelon Versoza Hilario, Noe Versoza Jr and Neptali Versoza?

A14. Yes, sir, I know them.

Q15. Why do you know them?

A15. We are neighbors in Sta. Catalina Lubao, Pampanga.

Q16 Now you filed this case against the respondents-Sps Filipinas and Angelito Lumba, why did you file this case against them?

A16 It is because Sps. Filipinas and Angelito Lumba, deprived us our legitimate share as heirs of our father Emmanuel Quiboloy Sr. on the property owned by my great grand-mother Maxima Flores, sir. In fact, we have lived in our ancestral house when were still children and it is still there, but they registered it in their own names.

Q17 What is your proof that you have an ancestral house in the said property, you are talking about ?

A17 We have the Tax Declaration of the house registered to my father and screen shot pictures of the house.  
(witness showing the documents)

Q18 I am marking this Tax Declaration No. GR-2020-07-0032-00210 with a market value of P 41,580.00 and assessed value of PO.OO as Exhibit G. The screenshot pictures of a house as Exhibit H to H-1. I am attaching these to your affidavit, do you agree? A18 Yes, sir.

Q19 You also filed a case against the respondents- Heirs of Noe Versoza Sr.

namely: Numeriano Versoza, Noemi Versoza Dalmacio, Norman Versoza Maricelyn Versoza Pingol, Neville Thomas Versoza, Nunelon Versoza Hilario, Noe Versoza Jr and Neptali Versoza, why did you file this case against them?

A19 It is because they filed a case against Filipinas Lumba and also against Maricon and Virgilio Manuel without ever informing us of this case and that they did not include us on the partition of the property, when they filed a case before the Regional Trial Court of Guagua, Pampanga Branch 49. The property is now partitioned between them and with Sps Maricon and Virgilio Manuel, only, we are not included in it.

Q20 What is that case for partition of the property which was filed by respondents-Heirs of Noe Versoza Sr with the Regional Trial Court of Guagua, Pampanga Branch 49?

A20 It is for Annulment of OCT 5665 and TCI 8673 and Partition under civil case No G-064439. (witness showing the document)

Q21 I am marking this copy of the "Complaint" of respondents Heirs of Noe Versoza Sr. namely: Numeriano Versoza, Noemi Versoza Dalmacio,

Norman Versoza, Maricelyn Versoza Pingol, Neville Thomas Versoza,

Nunelon Versoza Hilario, Noe Versoza Jr and Neptali Versoza, under Civil Case No G-064439 as Exhibit R to R-6. I am attaching this to your affidavit, do you agree? A21 Yes, sir.

Q22 You said you, your brother and mother are the legitimate heirs of Emmanuel Quiboloy Sr., what is your proof that you, your brother and mother are indeed such heirs.

A22 I have with me my Certificate of Live Birth, as well as my brother showing that our father is Emmanuel Quiboloy Sr. (witness pointing to the "Name of Father" portion of the Certificates of Live Birth) and the Marriage Certificate of my mother Marlene to whom she was married to my father and the father of my father in the document is Emilio Quiboloy. (witness showing and pointing on the documents)

Q23 I am marking the following documents:

Certificate of Live Birth of LYNN LINDSAY QUIBOLOY as

EMMANUELQUIBOLOY as Exhibit BB-1

Certificate of Live Birth of NATHANIEL IRWN QUIBOLOY as Exhibit CC

The name of father portion: EMMANUEL QUIBOLOY as CC-I

Marriage Certificate of Marlene Caritativo as Exhibit DD

Name of Spouse: EMMANUEL QUIBOLOY as Exhibit DD-I

Name of the Father of Emmanuel Quiboloy as Emilio Quiboloy as Exhibit DD-2

I am attaching these documents to your affidavit, do you agree with my action?

A23 Yes, sir.

Q24 You also filed this case against the respondents-Sps. Maricon and Virgilio Manuel, why did you, your brother and mother and your aunties file this case against them?

A24 Because they also connived with Filipinas in transferring the property in their name and the remaining portion is still registered to them, without giving us our fair share of the property, sir.

Q25 You said that the property subject of this case belongs to your great grandmother MAXIMA FLORES, can you describe the property?

A25 The property originally has an area of 1,043 square meters located at Sta. Catalina, Lubao, Pampanga but was partitioned into two, by the Regional Trial Court based on its Amended Decision in Civil Case No. G-064439 which was filed by the other heirs of Maxima Flores, the Versoza.

It was registered to Filipinas under OCT 5665 and then Sps Maricon and Virgilio Manuel under TCT 8673, which were all cancelled by the RTC 49, but the 521.50 square meter part of the property is still registered to Sps Maricon and Virgilio Manuel under 'rcr 042-2018010195, and the other 521.50 square meters to Heirs of Noe Versoza Sr. under TCI 042-2018010196.

Q26 You said that your great grandmother was Maxima Flores, what is your proof that indeed she is your great-grandmother?

A26 Aside from the marriage contract which shows that Emilio Quiboloy is the father of my father. The family tree which I acquired from RTC 49, when this was used as evidence during the trial on the case filed by the Versoza in the RTC Branch 49 of Guagua, Pampanga under Civil Case No G-06-

4439, it shows that Maxima has two children namely: Anastacia and Gregorio. With regards to the heirs of Gregorio, one is the Versoza which had already acquired 1/2 of the property.

In the Anastacia's side, she has 6 children and one of this was Emilio

Quiboloy married to Amelia Soler, whose children are: respondent FILIPINAS LUMBA, my father- EMMANUEL QUIBOLOY and then his siblings:, EMILIO QUIBOLOY JR., NORBERTO QUIBOLOY, ULYSSES FRANK QUIBOLOY, MARIA TEREZA Q. MALIT, and my aunties who authorized me in this case, PEARL JOY QUIBOLOY, EDEN NIGHTINGALE QUIBOLOY and ROSEMARIE Q PAULE

(witness showing the Family Tree attached to Civil Case No G-064439)

Q27 I am now marking this Family Tree of Maxima Flores as Exhibit J. I am attaching this to your affidavit, do you agree? A27 Yes, sir.

Q28 You said as heirs of Emmanuel Quiboloy Sr., respondents- Sps Filipinas and Angelito Lumba deprived your legitimate share on the property which belongs to Maxima Flores, why did you say that the RESPONDENTS deprived you of such share?

A28 It is because Filipinas registered the property in her own named without joining my father and her siblings. She used a fake Joint Affidavit of Waiver showing that my father waived his right to the property in her favor. This was decided upon based on the decision of RTC 49.

Q29 Where is that alleged fake Joint Affidavit of Waiver ?

A29 This is the Joint Affidavit of Waiver, sir. (witness is showing the document)

Q30 I am marking this Joint Affidavit of Waiver dated April 2, 1987 as

Exhibit N. I am attaching this to your judicial affidavit, do you agree? A30 Yes, sir.

Q31 Why did you say that the Joint Affidavit of Waiver used by Filipinas Lumba was not true?

A31 It is because my father never signed this document. This was corroborated by his siblings, which they stated that they did not sign this as they were in America on April 2, 1987. Also based on the Decision of the RTC 49, there was a ruling that the alleged Waiver of the siblings of Filipinas was procured by fraud.

Q32 You said that the said property which is located at Sta Catalina, Lubao, Pampanga, originally belongs to your grand mother Maxima Alberto Flores, what is your proof that indeed she was the owner?

A32 We have a Tax Declaration in her name and the property was admitted by the defendants to be owned by Maxima Alberto Flores in the application for Free Patent filed by Filipinas and during the case that was decided by the Regional Trial Court Branch 49 of Guagua, Pampanga, they also

Q40 Why were the titles cancelled, if you know?

A40 It is based on the Amended Decision , sir, if you allow me to read it, (witness showing and reading the document)

"Wherefore premises considered, judgment is hereby rendered

- I. Declaring null and void Original Certificate of Title No. 5665 registered in the name of Filipinas Lumba married to Angelito Lumba and Transfer Certificate of Title No. 8673 registered in the name of Virgilio and Maricon Maniel and declaring plaintiffs  
Numeriano Versosza, Noemi Versosza Daimacio, Norman Versosza, Narcelyn Versosza  
Pingol, Neville Thomas Versosza, Nunelon Versosza Hllario, Neptali Versosza and Noel R Versosza Jr entitled to one half portion of the one thousand forty three (1043) square meter embanked on the aforesaid title;
2. Ordering the Register of Deeds of Pampanga to cancel OCT NO 5665 and TCT No. 8673 and issue new titles, upon payment of lawful fees, if any in favor of plaintiffs  
Numeriano Versosza, Noemi Versosza Daimacio, Norman Versosza, Narcelyn Versosza  
Pingol, Neville Thomas Versosza; Nunelon Versosza Hllario, Neptali Versosza and Noel R Versosza Jr as well as in favor of the private defendants of their respective one half shares of the subject property, to be determined after partition.
3. Ordering the partition of the subject property between the plaintiffs and private defendants with their respective collective share of 521.50 square meters.
4. Appointing Engrs. Artemio P Almazan, Emmanule Limpin and Willa Soto Ramos all of the Centro San Fernando, Pampanga as Chief and members respectively of the committee of partition to make/prepare the actual partition of the subject property after they shall have taken their oath as commissioners. "

Q41 I am bracketing and marking the portion that you have read located on page 17 and 18 of this Amended Decision dated April 12, 2018 issued by the Regional Trial Court of Guagua, Pampanga Branch 49 under Civil Case No. G-4439 as Exhibit U-16-a and U-17-a, do you agree? .

A41 Yes, sir.

Q42 Can you tell us, what was the basis of the decision why were the titles cancelled by the Regional Trial Court Branch 49 of Guagua, Pampanga?

A42 Here sir, let me read it to you: (witness reading the Decision)

Likewise, the execution of the documents (Exhibit "E" and "F" for the plaintiffs and Exhibits "3" and "4") which were the bases for the transfer of OCT No. 5665 (in the name of defendant Filipinas Lumba) to TCT No. 8673 (in the names of defendants-spouses Manuel) is rendered questionable in light of the testimony of defendant Virgilio Manuel that he affixed his own handwriting on the supposed signatures of his in-laws, (defendants-spouses Angelito and Filipinas Lumba who were then in the United States), upon the advice of the lawyer who prepared the same and also upon instruction of his in-laws because he was allegedly armed with a General Power of Attorney.

A reading of the General Power of Attorney adverted to which is dated September 23, 1994 together with the Acknowledgement made before the Consul of Los Angeles, California shows that the same was executed by defendant Angelito Lumba only and defendant Filipinas Lumba signed the said document merely to signify her marital consent thereto.

Moreover, there is no specific authority appearing therein which authorizes defendant Virgilio Manuel to sign the aforesaid documents. Even granting for the sake of argument that defendant Virgilio Manuel was so authorized by his in-laws to be their attorney-in-fact to represent his in-laws in said transactions, it strains credulity how a donee and/or a vendee over a real property can be the attorney-in fact of the donors and/or vendors of said property.

All told, it cannot be gainsaid that Original Certificate of Title No. 5665 and TCT No. 8673 are of dubious origin procured from fraudulent representations.

In the present case, defendants did not particularly dispute that the plaintiffs herein are co-owners of the subject property being heirs of their predecessor in interest, the late Gregorio Turla who was apparently one of the two (2) children of the original owner,

Maxima Flores Alberto Turla, the other child being Anastacia Turla Quiboloy who was apparently one of the other child being Anastacia Turla Quiboloy who was the grandmother of defendant Filipinas Quiboloy Lumba and great grandmother of defendant Maricon Manuel.

The ownership of the heirs of Maxima Alberto Flores over the subject property is shown on Tax Declaration No. 08035-2 (Exhibit "B"), the existence of which is admitted by defendants-spouses Manuel in their comment/objection to formal offer of evidence dated January 28, 2008. Thus, upon the death of Maxima Alberto Flores, co-ownership existed and the subject property should have been equally divided (50-50) between the heirs of Gregorio Turla, which is the line plaintiffs belong to. The property containing one thousand forty three (1,043) square meters, when mathematically computed, should then be divided equally two (2) between the heirs of Gregorio Turla and the heirs of Anastacia Turla Quiboloy with a share of 521.50 square meters for each group.

Q43 I am bracketing and marking the portion that you have read located on page 12 and 13 of this Amended Decision dated April 12, 2018 issued by the Regional Trial Court of Guagua, Pampanga Branch 49 under Civil Case No. G-064439 as Exhibit U-II-a and U-12-a and the other one located on page 16 as Exhibit U-15-a, do you agree? A43 Yes, sir.

Q44 Now, why did you say that you have a rightful share on this property subject of this case?

A44 Because, as cited by the Amended Decision of the court, sir, we were the rightful heirs of Maxima Alberto Flores on the  $\frac{1}{2}$  portion of the property which is the share of Anastacia Turla Quiboloy. The other half was already awarded to the heirs of Gregorio Turla, which are the Versoza. If I may read the portion of the Amended Decision, sir

"(I) The ownership of the subject property by the late Maxima Alberto Flores, who is the great grandmother of the plaintiffs, is undisputed as in

fact, defendant Filipinas Lumba acknowledged the same in her Application for Free Patent (Exhibit "8") filed with the Bureau of Lands whereby in the Joint Affidavit of Waiver (Exhibit "C"), allegedly executed by her siblings, it was declared therein that she and her siblings are the sole heirs of Maxima Alberto Flores;

(2) Per Family Tree (Exhibit "A"), Maxima Flores Alberto was married to the late Juan Turla and they had two (2) children, namely, Gregorio Turla and Anastacia Turla-Quiboloy. Defendant Filipinas Quiboloy Lumba is one of the nine (9) children of Emilio Quiboloy and Amelia Soler and defendant Maricon Manuel is one of the four (4) children of defendants Angelito Limba and Filipinas Quiboloy Lumba. The defendants belong to the line of the late Anastacia Turla Quiboloy while plaintiffs belong to the line of the late Gregorio Turla.

In addition, as heirs of Maxima Flores, we were not impleaded as parties in the case filed by respondents- heirs of petitioners Noe Versoza Sr. for partition in Civil Case No 4439, for which jurisdiction upon our persons were not acquired.

Q45 I am bracketing and marking this portion of the Amended Decision located on page 10, that you have read as Exhibit U-9-a. Do you agree with my action? A45 Yes, sir.

Q46 Why did you say that the respondents- Sps. Maricon and Virgilio Manuel illegally transferred the property to herself and her husband, by using a void Deed of Donation and Deed of Sale allegedly executed by Filipinas to have it titled under TCT No 8673?

A46 It is because the property was also registered to Sps Virgilio and Maricon Manuel because of a void Deed of Absolute Sale and Deed of Donation, despite a ruling from the court that the documents they used to transfer the property to them was defective in the first place.

Q47 What is your proof that the property still belongs to defendants- Maricon and Virgilio Manuel?

A47 The  $\frac{1}{2}$  portion of the property with 521.50 square meter is covered by TCT NO 042-2018010195 registered to sps. VIRGILIO MANUEL JR and MARICON L MANUEL and a Tax declaration, sir. (witness showing the document)

48 I am marking the TRANSFER CERTIFICATE September 9, 2008 for  
2018010195 registered to sps. VIRGILIO MANUEL Power of Attorney dated  
9 MANUEL as Exhibit C to C-1 and Tax Declaration 00209 is mar California, I-ISA by Angelito before  
Exhibit E and E-1. I am Judicial Affidavit, do you agree? Yes, si the Consul General of that he signed the  
Deed of dated February 13, 2004 in  
49 Where are also the Deed of Absolute Sale and you are saying the behalf appear as a signatory and he was  
respondents- Sps. Maricon transfer the property to them? on the said documents and old and then  
These are the Deed of Donation and Deed of Sale Virgilio working at the not think that what he did  
Manuel to register the property into TCT Deed of Donation and was by the lawyer that it was the  
Deed of Absolute Sale) typewritten names of  
(250  
I am now marking this Deed of Donation dated  
Exhibit Q and the Deed of Absolute Sale dated Exhibit P. I at  
attaching these documents to you agree? Yes, sir. 14, 2008 relative to the the General  
Power of Attorney Lumba although in  
A50 Why did you say that the Deed of Donation used to transfer thefirst and changed with the word  
property by the Sps. Manuel This is based on the Amended Decis likewise appear on the dorsal portion  
of the 49, which states: (witness reading page 7 and of RTC 45 which reads 'With signed the Deed  
Q51 Guagua, Pampanga) of Absolute ofhis in-laws as per their  
instnction and advice of the lawyer and  
he does not know that there was no  
A51 "Said defendant was recalled to the stand on clarifica indiaztion in the documents as to any  
questions relative to the Special Decem̄ber 23, 1 participation on his part as an attorney-  
executed in Los Angeles, Lumba and Filipinas Lu in-fact of his in-lmvs and the lawyer did  
acknowledgement the Republic ofthe Philippines in not tell him about the same; that he does  
Angele; Absolute Sale and Deed of Donation both of not know the difference between a  
in-laws although his name does not instructed by his General Power of Attorney and a  
laws to sign their names while he was already forty se Special Power of Attorney and he does  
(47) years Municipality of Lubao, Pampanga, he not know what Attorney-in-fact means  
unlawful and illegal because he was advised alright to but that he knows the he can represent  
the purported signatures above Angelito and Filip his inlaws whatever they deem to do in  
Lumba. the Philippines by virtual of the General  
Power of Attorney they executed in his  
On additional cross-examination on October clarifi favor. "  
questions, defendant stated that was executed by  
Angelito and Filipinas paragraph thereof, the word "we I am now bracketing and marking  
cancelled the portion that you have read in the  
"I" and that the signature of Filipinas Lumba part o Amended Decision located on page  
7 and 8 as Exhibit U-6-a and U-7-a  
document albeit the same is in the my marital conse, do you agree? Yes, sir.  
that he admits having Sale as well as the Deed of Dona  
on behalf  
Now after there was this Amended  
Decision, what happened next? The  
property is now partitioned into two (2),  
one portion is still registered to Maricon  
and Virgilio Manuel and the other one to  
Noe Versoza Jr and his siblings. We only  
got to know of this when Neville Thomas  
Verosza was already constructing a house  
inside the property. So that was the fime  
we got to know of this decision by the  
court.  
Since, we were not included in the case, we  
are now enforcing our inheritance rights to  
partition the property among the rightful  
heirs . specially us and aunties  
Pearl Joy, Eden and Rosemarie, as we  
were deprived of our right when a case was  
filed, without us knowing and  
participating.  
Hence, we have a claim to property and  
the decision of the Regional Trial Court  
Branch 49 Guagua, Pampanga did not  
bind us because we were not included  
as parties to the case. In addition, we  
found a Joint Affidavit of Waiver of  
Alejandro, Delfin, Eden and  
Constantino Quiboloy dated February  
1987 waiving all their rights to our  
grandfather Emilio Sr., which we found  
in the courts records.(witness showing  
the document)



I am marking this Joint Affidavit of Waiver of Alejandro, Delfin, Eden and Constantino Quiboloy dated February 1987 as Exhibit K -3. I am attaching this to your affidavit, do you agree? Yes, sir.

What is your proof that the property was also subdivided and a part of it was partitioned to the heirs of Noe Versoza Sr.

Here is the copy of the title and tax declaration in the name of Numeriano Versoza, Noemi Versoza, Norman Versoza, Narcelyn Versoza, Neville Thomas Versoza, Nunelon Versoza and Noe Versoza Jr.

I am marking the certified copy of TCT' 042-2018010196 in the name of Numeriano Versoza, Noemi Versoza, Norman Versoza, Narcelyn Versoza, Neville Thomas Versoza, Nunelon Versoza and Noe Versoza Jr. as Exhibit D to D-2 and the Tax Declaration No 2020-07-032-00211 as

Exhibit F to F-I. I am attaching these to your affidavit, do you agree? A56 Yes, sir.

Q57 Why now did you say that you have no knowledge on the case?

A57 We basically do not know that there was this case, we only got to know this when the Heirs of Noe Versoza Sr. began to construct a house inside the property in the last quarter of 2021 after the pandemic. As you can see sir, there summons and process server report in Civil Case No G-064439 we were not even summoned on this case. (witness showing the documents).

Q58 I am marking this Summons of Edna Carlos from RTC 49 of Guagua, Pampanga as Exhibit S and the Process Server's Report dated July 7, 2006 of Danilo Carlos of RTC 4 of Guagua, Pampanga as Exhibit T. I am attaching these to your affidavit, do you agree? A58 Yes, Sir.

Q59 Why are you only now enforcing your alleged right on the property? A59 Since we are the rightful heirs, I was given a legal advice by an attorney, that if the property was wrongfully registered to a person who is not actually the true owner, thru fraud, there is an implied trust that was created and that the property can be reconveyed to the rightful owners.

In this case, when my father's consent was not given, the Joint Affidavit of Waiver contract is void, aside from the fact, that the Joint Affidavit was declared void by the courts.

When the action for reconveyance is based on a void contract, as when there was no consent, the action is imprescriptible. The property may be reconveyed to the true owner, notwithstanding the TCTs already issued in another's name. The issuance of a certificate of title in the latter's favor could not vest upon him or her ownership of the property; neither could it validate the purchase thereof which is null and void.

Lastly, we should have been included in this case, but the respondent heirs of Noe Versoza Sr. failed to include us, thus we need the decision be annulled so as we can be included in the partition. In addition, the respondents, the heirs of Noe Versoza Sr. failed to state in its Complaint that we have a house, or to include us as parties in interest, thereby no notice of the said proceeding was given to us.

Q60. When did you acquire knowledge of the Amended Decision of the Regional Trial Court branch 49 of Guagua Pampanga?

A60 My family as well as my aunts became aware that there was this decision when we saw the heirs of Noe Versoza Sr., doing construction works inside the property.

(X1) What did you do when you saw that the heirs of Noe Versoza Sr., were doing construction work inside the property?

A61 We immediately sought the aid of the lawyer to protect our rights on the property, to which we were advised that the partition of the property was not proper as we must also be included in this case so as it will also be given our share of the property upon partition.

Q62 What happened next when you sought the aid of the lawyer to protect your rights on the property?

A62 We send demand letters to the respondents, but despite receipt of the letter, they did not make any reply to our demands.

Q63 What is your proof of the demand letters? A63 Here it is (witness showing the letter)

Q64 I am now marking the demand letters dated April 5, 2022 as Exhibit W, Y and X. I am attaching these to your affidavit, do you agree? A64 Yes, sir.

Q65 Now after the respondents failed to comply with your demands what happened next?

A65 We sustained legal costs, sir.

Q66 What is your proof of these legal costs?

A66 Here is the receipt of Atty Dayrit, sir. (Witness showing the document). The Legal Fees will be presented during the trial as I should first pay the docket fees of the court, sir.

Manifestation: The legal Fee Form shall be presented and marked during pre Trial conference as Exhibit Z, the same is not yet available during the execution of this affidavit.

Q67 I am marking the receipt of Atty Chelin Dayrit as Exhibit X and I am attaching this to your affidavit, do you agree with my action? A67 Yes, sir.

Q68 What are now asking the Honorable Court in this case?

A68 We want to have our rightful share on the property. We praying the Honorable Court of Appeals to annul first the decision of the RTC 49 Guagua Pampanga, since we were not part and were left behind in the partition of the property.

As you can see the Versoza acquired already their share on the property of our great grandmother Maxima Flores, so we just want to have the TCT No. 042-2018010195 of Virgilio and Mar-icón Manuel and that of the TCT of the Versoza be cancelled and the property reconveyed and rightfully partitioned in order to acquire our inheritance rights, so as justice may be served also to us.

LYNN LINDSAY Q. OCAMPO (Affiant)

SUBSCRIBED AND SWORN to me, in Guagua, Pampanga, this /JUNE 16, 2022 by affiant with ID No

I Atty Chelin Dayrit with office address at Sto Cristo Guagua Pampanga, attest under oath that:

I personally conducted the interrogation of LYNN LINDSAY Q OCAMPO. I faithfully recorded the questions I asked of her and the corresponding answers she gave me; and neither I nor any other person present coached her answers.

CHELIN PDAYRIT (Affiant)

SUBSCRIBED AND SWORN to me, in the Guagua Pampanga  
16 JUN 2022 by affiant with his IBP Life  
4/10/2008 in Pasig City

ATTY 8'ENVEN(DO B. SACANI  
Notary Public for Second District  
Of Pampanga until December 31, 2022

P.T.R. No. sa77139c •113/2022  
Series of 2022  
MCLE NO. W-0002453 - 212712020

I.B.P. No. 190676 11312022

Roll No. 25637

## SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

We, MARLENE CARITATIVO QUIBOLOY, of legal age, Filipino and a resident of 34 Purok 1 sta., Catalina Lubao Pampanga, Philippines.

NATHANIEL IRWIN QUIBOLOY, of legal age, married and a resident of 131-2315 Bromsgrove RD Mississauga, On L5J 4A6 Ontario Canada.

PEARL JOY QUIBOLOY, of age, married and a resident of 1439 Adderstone Way Perris California 92571.

ROSEMARIE Q. PAULE, of legal age married and a resident of 736 Bermuda Drive Hemet California 92543.

EDEN NIGHTINGALE Q. PORTIS, of legal age, married and resident of 6310 Cerritos Ave. Long Beach California 90805

Do hereby NAME , CONSTITUTE and APPOINT, LYNN LINDSAY Q. OCAMPO of legal age, Filipino and resident of Calibutbut Bacolor, Pampanga to be our true and lawful attorney in fact for us and our name, place and stead, and;

1. To file any legal actions and appear/represent me in any investigation, pre trial conference, trial, mediation and any proceedings to protect our rights and interests with the courts and concerned government agencies;
2. To and offer any evidence in relation to above mentioned case;
3. To enter into an amicable settlement, to submit to alternative modes of dispute resolution, and to enter into stipulations or admissions of facts and of documents, during mediation, JDR, pre trial, preliminary conference and trial;
4. To sign any and all papers, on our behalf for the proper execution of the aforesaid authority, to do and perform all acts and deeds which I could lawfully do, perform and exercise as if personally present and capable.

HEREBY GIVING AND GRANTING unto said Attorney-In-Fact, full power and authority to do perform all and every act requisite or necessary to carry into effect the foregoing authority, as fully, to all intents and purposes as we might or could lawfully do if personally present, with full power of substitution and revocation and hereby ratifying and confirming all that our said attorney or his substitute shall lawfully do or cause to be done by virtue hereof

MARLENE CARITATIVO QUIBOLOY  
Umid Id No.: CRN-006-0021-5065-1

NATHANIEL IRWIN QUIBOLOY  
Driver License No.: Q9158-58247-01027

PEARL JOY QUIBOLOY  
ID No. A2022784

ROSEMARIE Q. PAULE  
ID No. N2340646

EDEN NIGHTINGALE Q. PORTIS  
ID No. A2022461

LYNN LINDSAY Q. OCAMPO  
Attorney-In-Fact  
UMID No. 0002-1769826-3

REPUBLIC OF THE PHILIPPINES DEPARTMENT OF JUSTICE, Land Registration Authority  
Registry of Deeds for San Fernando, Pampanga

Transfer Certificate of Title **No. 042-2018010195** : Owner: SPOUSES VIRGILIO P. MANUEL JR. AND MARICON L. MANUEL, BOTH FILIPINO CITIZENS Address: STA. CATALINA, LUBAO, PAMPANGA. This certificate is a transfer from TRANSFER CERTIFICATE OF TITLE 8673-RP, OCT-5665 (**TOTALLY CANCELLED**) original owner FILIPINAS LUMBA.

Transfer Certificate of Title **No. 042-2018010196** : Owner: NUMERIANO R. VERSOZA married to ROSITA VERSOZA, FILIPINO CITIZENS, Address: STA. CATALINA, LUBAO, PAMPANGA. This certificate is a transfer from TRANSFER CERTIFICATE OF TITLE 8673-RP, OCT-5665 (**TOTALLY CANCELLED**) original owner FILIPINAS LUMBA.