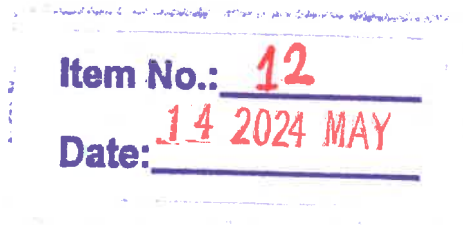
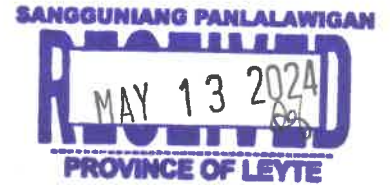




OFFICE OF THE PROVINCIAL GOVERNOR
CARLOS JERICHO L. PETILLA



Republic of the Philippines
PROVINCE OF LEYTE



May 13, 2024

Hon. LEONARDO V. JAVIER, Jr.
Vice-Governor
Province of Leyte

Attention: **FLORINDA JILL S. UYVICO**
Provincial Board Secretary

Dear Vice-Governor Javier, Jr.:

Relative to our intention to file a Partition case over Leyte Park Hotel property which is co-owned between the then Asset Privatization Trust (APT) now Privatization and Management Office (PMO), the then Philippine Tourism Authority now Tourism Infrastructure and Enterprise Zone Authority (ITEZA), and the Province of Leyte, this Office most respectfully requests the Honorable Sangguniang Panlalawigan for the issuance of a **RESOLUTION** authorizing the Provincial Administrator Corazon M. Alvero and/or Atty. Jose Raymund A. Acol, as follows:

- 1.) To appear for and on behalf of the Province of Leyte, at all stages of the proceedings, including hearings of whatever motions or pending incidents involved in the action;
- 2.) To enter into an amicable settlement or submit the above-entitled cases to other alternative modes of dispute resolution;
- 3.) To decide for and on behalf of the Province of Leyte on matters involving simplification of the issues in the above-mentioned case;
- 4.) To decide for the Province of Leyte, on matters involving the necessity or desirability of amendments to the pleadings; and other matters, such as:



- 5.) To enter into the possibility of obtaining stipulations or admissions of facts to avoid unnecessary proof;
- 6.) The limitation on the number of witnesses;
- 7.) The advisability of a preliminary reference of the issues to a commissioner;
- 8.) Determining the propriety of rendering judgment on the pleadings or summary judgment or of dismissing the action should a valid ground therefore be found to exist;
- 9.) The advisability or necessity of suspending the proceedings; and
- 10.) Such other matters as may aid in the prompt disposition of the action.”

Copy of the Draft Complaint is hereto attached for your reference and is self-explanatory.

Thank you very much!

By Authority of the Governor:


CORAZON M. ALVERO
Provincial Administrator

Republic of the Philippines
Eight (8th) Judicial Region
REGIONAL TRIAL COURT
Branch ___
Bulwagan ng Katarungan
Magsaysay Blvd., Tacloban City

**PROVINCIAL GOVERNMENT
OF LEYTE**, *herein represented by*
CORAZON M. ALVERO,
Provincial Administrator,

Plaintiff,

Civil Case No.

R-TAC-24-_____

For: Partition with
Accounting

**PRIVATIZATION AND
MANAGEMENT OFFICE (PMO)**,
*herein represented by its Chief
Privatization Officer, Atty. Maan
Vanessa L. Doctor, and TOURISM
INFRASTRUCTURE AND
ENTERPRIZE ZONE
AUTHORITY (TIEZA) herein
represented by its Chief Operating
Officer, Hon. Mark T. Lapid,*

Defendants.

X-----X

COMPLAINT

PLAINTIFF, by counsels, unto this Honorable Court, most respectfully alleges, **THAT**:

The PARTIES

1. Plaintiff **PROVINCIAL GOVERNMENT OF LEYTE**, a local government unit organized and existing under and by virtue of law, herein represented by its Provincial Administrator **CORAZON M. ALVERO**, of legal age, Filipino citizen, widow, with office address at 5th Floor, Provincial Government Complex, Palo, Leyte, where

she may be served with a summons and other processes of this Honorable Court.

2. Defendant **PRIVATIZATION AND MANAGEMENT OFFICE (PMO)**, a government agency organized and existing under Executive Order No. 323 dated December 6, 2000, with office address at 104 Gamboa Street, Legaspi Village, Makati City, herein represented by its Chief Privatization Officer, Atty. Maan Vanessa L. Doctor, where she may be served with a summons and other processes of this Honorable Court.
3. Co-defendant **TOURISM INFRASTRUCTURE AND ENTERPRISE ZONE AUTHORITY (TIEZA)**, a government-owned and controlled corporation with office address at 6th & 7th Floors, Tower 1 Double Dragon Plaza, Double Dragon Meridian Park, Macapagal Avenue corner EDSA Extension, 1302, Bay Area, Pasay City, herein represented by its Chief Operating Officer Hon. Mark T. Lapid, where he may be served with a summons and other processes of this Honorable Court.

CAPACITY TO SUE AND BE SUED

4. The parties herein can sue and be sued under existing Philippine laws, rules, and regulations.

COMPLIANCE WITH CONDITION PRECEDENTS

5. Administrative Circular No. 14-93, provides, among others, that when one of the parties is the government, or any subdivision or instrumentality thereof, or coupled with provisional remedies, are thus, not covered by the mandatory barangay conciliation.

JURISDICTION OF THE HONORABLE COURT

6. Pursuant to Republic Act No. 11576 dated July 30, 2021, this Honorable Court has jurisdiction in all civil actions which involve the title to, or possession of, real property, or any interest therein, where the assessed value exceeds Four Hundred Thousand Pesos (Php 400,000.00). The aggregate assessed value of the property is Eighty-One Million Two Thousand and Seventy Pesos (Php 81,200,070.00), more or less.

ANTECEDENT FACTS

7. The plaintiff is the owner of a certain parcel of land situated at Magsaysay Blvd. Tacloban City covered by Original Certificate of Title No. P-413 and more particularly described as follows:

“A parcel of land (as shown on the plan Lot 2-A, Bsd-08-000003) situated in the City of Tacloban, Province of Leyte. Bounded on the S. along lines 1-2-3 by Magsaysay Blvd.; on the W. along lines 3-4-5-6-7-8-9 by the Provincial Government of Leyte; on the N. and E. by San Pedro Bay; on the SE. by Lot 2-B, Bsd-08-000003. Beginning at the point marked “I” on the plan being N. 6 deg. 49’ E., 795.73 meters from B.L.L.M No. 1, Cad. 220, Tacloban Cadastre with an area of 61,332 square meters, more or less.”

8. Pursuant to an alleged Sangguniang Panlalawigan Resolution No. 40, Series of 1979, said property of the plaintiff was assigned to and ceded in favor of Leyte Park Hotel, Inc. *“as the share of the former for the joint venture project with the defendant PTA for the construction of Leyte Park Hotel¹.”*

9. As such, the Original Certificate of Title No. P-413 in the name of the plaintiff was CANCELLED by Transfer Certificate of Title No. T-1883 and the same was registered in the name of Leyte Park Hotel, Inc.

Copy of the Special Patent No. 3431 – Certificate of Title No. P-413 and Transfer Certificate of Title No. T-1883 is hereto attached as “Annex A and Series” and made an integral part of this Complaint.

10. Aggrieved, on July 20, 1990, Leyte Governor Adelina Y. Larrazabal filed a Notice of Adverse Claim and was consequently inscribed over TCT No. T-1883;
11. Thereafter, the plaintiff filed an action for Declaration of Nullity of Conveyance, etc. before the Regional Trial Court, Branch 7, Palo, Leyte, entitled Province of Leyte vs. Leyte Park Hotel, Inc., et. al., docketed as Civil Case No. 90-09-162 for Declaration of Nullity of Deed of Conveyance, etc.;

Copy of the Complaint is hereto attached as “Annex B” and made an integral part of this Complaint.

12. Hence, on October 2, 1990, the corresponding Notice of Lis Pendens was likewise filed and inscribed in the questioned TCT No. T-1883.
13. In the respective Answers filed by the defendants relative to the afore-described case, the defendants namely: former Leyte Provincial Administrator Cesario C. Sudario, Jr., Philippine

¹ Paragraph 3, Answer of PTA, Civil Case No. 90-09-162.

Tourism Authority (PTA) now (TIEZA), and Asset Privatization Trust (APT) now (PMO), respectively **ADMITTED** that the plaintiff is the owner of a parcel of land covered by Original Certificate of Title No. P-413 and/or Transfer Certificate of Title No. T-1883².”

Copy of the Answers are hereto attached as “Annex C, D, and E” and made an integral part of this Complaint.

14. To avoid a protracted trial, the parties in Civil Case No. 90-09-102 entered into a Compromise Agreement dated May 4, 1994, which according to them was “*it is for the best interest of everyone that the real and personal properties comprising the Leyte Park Hotel be sold to interested parties and that the net sales proceeds be shared by the parties*”³.”

Copy of the Compromise Agreement dated December 1, 1993, is hereto attached as “Annex F” and made an integral part of this Complaint.

15. On **May 5, 1994**, the RTC, Branch 7, Tacloban City, promulgated a Decision in conformity with the Compromise Agreement, the pertinent excerpts state:

1. ***APT shall foreclose*** the subject real property, after which it shall have ***full power and authority to dispose or sell the real and personal properties comprising Leyte Park Hotel on behalf of the parties herein;***

2. The net sales proceeds of the assets shall be shared by the parties as follows:

APT-----	34%
Province of Leyte -----	26%
Philippine Tourism Authority-----	40%

3. ***Any and all offers of third parties to purchase the assets received by one of the parties shall be communicated to the others, and the base price, selling price and the name of buyer shall also be communicated to the other parties for their approval before any sale is consummated.***

4. **X X X.”**

² See: Parag. 3, Answer of APT, Parag. 3, Answer of PTA, and Parag. 4, Answer of Cesario Sudario, Jr., all of Civil Case No. 90-09-162.

³ See: Whereas No. 3, Compromise Agreement dated May 4, 1994.

Copy of the Decision dated May 5, 1994, is hereto attached as “Annex G” ” and made an integral part of this Complaint.

16. On September 15, 1994, the Government of the Republic of the Philippines, thru its TRUSTEE, the ASSET PRIVATIZATION TRUST, and the Unimasters Conglomeration Incorporated entered into a Contract of Lease, the preamble of the contract states:

WHEREAS, the LESSOR, together with the Leyte Park Hotel, Inc., the Province of Leyte, and the Philippine Tourism Authority are the owners of the Leyte Park Hotel (LPH) located at Magsaysay Boulevard, Tacloban City; [Underscoring Emphasis Ours]

x x x.”

Copy of the Contract of Lease is hereto attached as “Annex H” and made an integral part of this Complaint.

17. As such, in 1997 the then Asset Privatization Trust (APT) now Privatization and Management Office (PMO) remitted to the plaintiff Province of Leyte, the latter’s rental share of the subject property in the amount of Php 1,797,965.62.

Copy of the Letter dated June 10, 2022, together with its annexes, are hereto attached as “Annex I” and made an integral part of this Complaint.

18. On August 17, 2006, Transfer Certificate of Title No. T-1883 registered in the name of the Leyte Park Hotel Inc. was canceled by Transfer Certificate of Title No. T-8600 and is now registered in the name of the Republic of the Philippines, through the Privatization and Management Office entrust for the other co-owners the plaintiff Province of Leyte and co-defendant Tourism Infrastructure and Enterprise Zone Authority (TIEZA).

Copy of the Transfer Certificate of Title No. T-8600 is hereto attached as “Annex J” and made an integral part of this Complaint.

19. The existence of co-ownership over the Leyte Park Hotel property was further well-recognized by the defendants evidenced by their various communications to the plaintiff.

Copy of the Letters are hereto attached as “Annex K and Series” and made an integral part of this Complaint.

20. Said co-owned property was conditionally sold to the City Government of Tacloban by defendant Privatization and Management Office (PMO) without the required prior approval from the plaintiff Province of Leyte.

Copy of the Deed of Conditional Sale dated December 1, 2022, is hereto attached as "Annex L" and made an integral part of this Complaint.

21. Article 484 of the Civil Code provides that there is co-ownership whenever the ownership of an undivided thing or right belongs to different persons. Article 494 of the same Code, further provides that no co-owner shall be obliged to remain in the co-ownership; each co-owner may demand at any time the partition of the thing owned in common, insofar as his share is concerned.

WITNESSES TO BE PRESENTED

Name of Witness	Purpose of the Testimony
CORAZON M. ALVERO - Provincial Administrator	To identify and prove, among others, the material allegations in the Complaint and to identify material and relevant documents in support of its cause of action.
Atty. JOSE RAYMUND A. ACOL – Asst. Provincial Legal Officer	To identify, prove and corroborate, among others, the material allegations in the Complaint and to identify material and relevant documents in support of its cause of action.
REGISTER OF DEEDS, TACLOBAN CITY and/or ANY OF ITS AUTHORIZED RECORDS CUSTODIAN.	To prove, among others, that the subject property was originally registered in the name of the plaintiff.
Atty. MAAN VANESSA L. DOCTOR , Chief Privatization Officer – PMO, and/or Atty. GERARD L. CHAN , then Chief Privatization Officer – PMO now Undersecretary, Department of Education.	As Adverse Witnesses

With reservation to present other relevant and material witnesses, if necessary.	To prove and corroborate, among others, the existence of co-ownership of the parties over the Leyte Park Hotel property.
--	--

DOCUMENTS TO BE PRESENTED

Markings	Documents	Purpose
Exh. A	Transfer Certificate of Title No. T-1883	To prove, among others, that petitioner is a co-owner of the subject property.
Exh. B	Complaint in Civil Case No. 90-09-102	To prove, among others, the cause of action of the plaintiff over Leyte Park Hotel lot.
Exh. C, D and E	Answers in Civil Case No. 90-09-102	To prove, among others, that prior to the cancellation of OCT No. P-413, the plaintiff is the owner of the Leyte Park Hotel lot.
Exh. F	Compromise Agreement dated December 1, 1993 and Decision dated May 5, 1994	To prove, among others, that plaintiff is a co-owner of the subject property.
Exh. G	Decision dated May 5, 1994 Province of Leyte vs. Leyte Park Hotel, Inc., Civil Case No. 90-09-182	To prove, among others, that plaintiff is a co-owner of the subject property.
Exh. H	Contract of Lease	To prove, among others, the

		government's recognition of the existence of co-ownership over Leyte Park Hotel property.
Exh. I	Letter dated June 10, 2022 together with its attachment signed by Atty. Gerard L. Chan	To prove, among others, the partial remittance by defendant PMO representing the 26% rental share of the plaintiff relative to the Contract of Lease over LPH by Unimasters Conglomerations, Inc.
Exh. J	Transfer Certificate of Title No. T-8600	To prove, among others, that TCT No. T-1883 was cancelled and a new TCT No. T-8600 was issued entrust for the other co-owners the plaintiff and the co-defendant TIEZA.
Exh. K and Series	Various Letters from defendant PMO and some pleadings filed by defendant PMO before various courts.	To prove, among others, existence of co-ownership and the defendants' recognition thereof.
		To prove, among others, the conditional sale of the subject property without the required prior approval from

		the plaintiff.
Exh. L and Series	Tax Declarations 2012-02-0022-00021, 2012-02-0022-00023, 2012-02-0022-00032, 2012-02-0022-00029, 2012-02-0022-00024, 2012-02-0022-00027, 2012-02-0022-00028, 2012-02-0022-000230, 2012-02-0022-00026, 2012-02-0022-00025, 2012-02-0022-00031	To prove, among others, that said Tax Declaration in the name of Leyte Park Hotel, Inc. was issued entrust for the co-owners the plaintiff, defendant PMO, and the co-defendant TIEZA.

WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Court, after due notice and hearing, judgment be rendered to wit:

1. **ORDERING** the partition of the subject property in accordance with the sharing agreement embodied in the court-approved Compromise Agreement dated December 1, 1993.
2. **DIRECTING** defendant Privatization and Management Office or any of their agents or representatives acting on their behalf to account, among others, for all the rental income earned from Unimasters Conglomeration, Inc.

Such other reliefs that are just and equitable under the circumstances are similarly prayed for.

Palo, Leyte, for Tacloban City, May 9, 2024.

PROVINCIAL LEGAL OFFICE

Counsel for Plaintiff

2nd Floor, Provincial Government Complex
West Bypass Road, Brgy. Guindapunan, Palo, Leyte 6501
Email: provinciallegalleyte@gmail.com

By:

JOSE RAYMUND A. ACOL

PTR No. 9033563; January 9, 2024; Leyte
IBP Lifetime Registration No. 016483; May 3, 2017
MCLE Compliance No. VII-0010885, April 14, 2025
Roll No. 51682
Mobile No. +63939 909 8272
Email: raymund_acol@yahoo.com

RHEA LINA M. UNTALAN-ENAGE

Attorney IV

PTR No. 9033562; January 9, 2024; Leyte
IBP Lifetime Registration No. 01304; May 9, 2017
MCLE Compliance No. VII-0005076, April 14, 2025
Roll No. 67377
Mobile No. +63998 955 6030

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

I, **CORAZON M. ALVERO**, of legal age, widow, Filipino citizen, Provincial Administrator, Provincial Government of Leyte, and with office address at 5th Floor, Provincial Government Complex, West Bypass Road, Brgy. Guindapunan, Palo, Leyte, Philippines, subscribing under oath, hereby depose and state, THAT:

- 1.) I am the plaintiff's authorized representative in this case and have caused the preparation of the foregoing Complaint and have read and known the contents thereof;
- 2.) The allegations therein are true and correct based on our own personal knowledge and/or based on authentic documents;
- 3.) That 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 have evidentiary support after a reasonable opportunity for discovery;
- 5.) We have not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and, to the best of our knowledge, no such other action is pending *except Special Civil Action No. R-TAC-22-01068-SC for Declaration of Nullity of Notice of Award dated April 26, 2022, Deed of Conditional Sale, etc. pending before the Regional Trial Court, Branch 46, Tacloban City, entitled Provincial Government of Leyte vs. Privatization and Management Office and Privatization Council*, and;
- 6.) If I should thereafter learn that the same or similar action or claim has been filed or is pending, we shall report such fact within five (5) calendar days therefrom to the court wherein the instant complaint is filed or pending.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ at Tacloban City, Philippines.

CORAZON M. ALVERO
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this _____
at Tacloban City, affiant who is personally known to me or identified by

competent evidence of identity by means of Government-issued
Identification Card _____, issued by _____ on _____.

Doc. No. _____;

Page No. _____;

Book No. _____;

Series of 2024