

**Republic of the Philippines  
Municipal Trial Court in Cities  
7<sup>th</sup> Judicial Region  
Mandaue City  
Branch 1**

**Spouses ANASTACIO BARBARONA  
and PERLA BARBARONA,**

Plaintiffs,

Civil Case No.: SCA 0820

*-versus-*

For: **“Unlawful Detainer”**

**EVERSLEY CHILDS SANITARIUM,  
JAGOBIA NATIONAL HIGH SCHOOL,  
BUREAU OF FOODS and DRUGS, and  
SOME RESIDENTS,**

Defendants.

X-----X

**FORMAL OFFER OF TESTIMONY**

The testimony of **GERARDO M. AQUINO JR.** is being respectfully offered to prove that:

1. The transfer certificate of Title of the Plaintiffs is void.
2. The defendant is the lawful owner and possessor of the subject property.
3. The defendant has been in possession of the property for more than 70 years;
4. The plaintiffs are guilty of laches since it took more than 60 years for the issuance of Torrens title over the property.
5. All other facts and circumstances relevant and material to this case.

## **JUDICIAL AFFIDAVIT**

I, **GERARDO M. AQUINO JR.**, Filipino, married, of legal ages and with residence at Ramos Street, Mandaue City, hereby depose and say:

The person examining me is Atty. JUAN DELA CRUZ, with office address at Aguinaldo Street, Mandaue City. The examination is being held at the same address. We are answering the questions fully aware and conscious that we are under oath, with full knowledge that our answers are true, and may face criminal liability for false testimony or perjury.

## **QUESTIONS AND ANSWERS**

1. Q: What language do you want to use in your affidavit?

A: English.

2. Q: Do you swear to answer the questions truthfully, fully aware that you are under oath?

A: Yes, we swear.

3. Q: Why are you here today?

A: To execute an affidavit duly representing Eversley Child's Sanitarium for the ejectment case filed against it.

4. Q: How are you vested with authority to represent Eversley Child's Sanitarium to represent them on their behalf?

A: The Board of Directors of the Sanitarium, through a resolution, authorized me as a representative as I am the current Chief Doctor of the Sanitarium.

5. Q: Can you briefly describe the services offered by Eversley Child's Sanitarium?

A: It is a children's hospital specifically and mainly catering to children suffering from leprosy but we also provide other basic health services with full authorization to operate by the Department of Health.

6. Q: Are you aware of any title to the land where the Sanitarium currently stands?

A: No but I know that Proclamation No. 507 of 1932 authorizes the Sanitarium to take possession of it and use it.

7. Q: When was this issued?

A: October 21, 1932.

8. Q: Can you tell me what Proclamation No. 507 of 1932 is all about?

A: This proclamation reserved Lot No. 1936 in Jagobiao, Mandaue City, Cebu for an additional leprosarium site for the Eversley Child's Treatment Station.

9. Q: Do you know when did Eversley Child's Sanitarium take possession of the subject property?

A: It was during the time when the hospital buildings were officially turn over to the government for the purpose of using Eversley Child's Sanitarium.

10. Q: Can you give a specific date?

A: It was around May 1930.

11. Q: Do you have a copy of this Proclamation?

A: Yes sir.

12. Q: I will mark the certified true copy of Proclamation No. 507 as Exhibit "A" and attached it to your judicial affidavit to form part of it. Do you conform to my action?

A: Yes sir.

13. Q: How many years had Eversley Child's Sanitarium been in possession of the property?

A: About 70 years.

14. Q: Why did you say so?

A: I know for a fact that the construction of the building started around May 1928 and was completed around 1930. After that it was turned over to the government and officially opened on May 30, 1930

15. Q: Are you aware of the existence of Transfer Certificate of Title No. 53698?

A: Yes, the spouses plaintiff claims it is in their name.

16. Q: Do you agree to their claims?

A: No. Their Transfer Certificate of Title is void because the

Sanitarium for how many years have passed was never notified of such alleged issuance of title.

17. Q: How did you come to know about this Transfer Certificate of Title No. 53698?

A: I only found out when this complaint was filed.

18. Q: Do you know why you are executing this sworn statement?

A: Yes. This sworn statement is to be adapted as our direct examination in this case to prove our causes of action for unlawful detainer in the above-entitled case.

19. Q: Do you have anything else to add to your judicial affidavit?

A: No more.

**IN WITNESS WHEREOF**, we hereunto affix our signature this 6<sup>th</sup> day of May 2005, in the City of Mandaue, Philippines.

**GERARDO M. AQUINO JR.**

Affiant

**SUBSCRIBED AND SWORN TO BEFORE ME**, on the date and place above-written. I CERTIFY that I have personally examined the affiant and I'm fully satisfied that they completely understood the contents of their foregoing statement/affidavit and voluntarily executed the same.

Counsel for the Defendant:

**ATTY. JUAN DELA CRUZ**

Attorney's Roll No. 567890

PTR No. 56789-12/12/18-Manduae City

IBP No. 125456-12/12/18-Cebu Chapter

MCLE Compliance No. 567890-1

## **ATTESTATION OF THE COUNSEL/LAWYER**

I, ATTY. JUAN DELA CRUZ, Filipino, of legal age, single, and with office address at Aguinaldo Street, Mandaue City, Cebu, attest that I conducted the examination of the above-named witnesses at my aforementioned office and I have faithfully recorded or caused to be recorded the questions I asked and the corresponding answers which the affiants / witnesses gave. Neither I nor any other person then present or assisting them coached the witnesses/affiants regarding their answers.

IN WITNESS WHEREOF, I hereunto affix my signature this 6<sup>th</sup> day of May 2005, in the City of Mandaue.

### **ATTY. JUAN DELA CRUZ**

Attorney's Roll No. 567890

PTR No. 56789-12/12/18-Manduae City

IBP No. 125456-12/12/18-Cebu Chapter

MCLE Compliance No. 567890-1

**SUBSCRIBED AND SWORN TO BEFORE ME** this 6<sup>th</sup> day of May 2005, in the City of Mandaue, Philippines.

Doc. No. \_\_\_\_; Notary Public Page No. \_\_\_\_;  
Book No. \_\_\_\_;  
Series of 2005.

### **COPY FURNISHED:**

---

*Counsel for the Plaintiff*  
Mandaue City