

Date: September 15, 2021

For: MR. DENNIS MOLO

SUBJECT: LEGAL ADVICE (FOR FILING OF AN ADMINISTRATIVE COMPLAINT IN THE OMBUDSMAN, SEPARATE CRIMINAL CASE AND VIOLATION OF THE ANTI CYBER BULLYING ACT OF 2015)

This is in reference to your query via our SOLA Facebook Page regarding the filing of such actions as mentioned above. In this regard, below is our Legal Advice regarding your case.

LEGAL OPINION

FACTS

On ... Mr. X purchased a lot with a total area of in Sta Lucia Subdivision located in San Mateo Rizal **by virtue of Deed of Sale (Annex A)**. ~~The said purchase was proved by a by a deed of sale (-Annex A-)~~ Based on the agreement the mode of payment shall be ... Mr. X was able to fully satisfy the amount needed to purchase the lot.

On ... Mr. Reyes , the complainant in this case, decided to purchase the lot of Mr. X . The latter agreed to sell the subject lot to the complainant under a specific amount. The complainant was able to pay the said amount which lead to the transfer of the Deed of Sale (Annex B) of the said lot under the name of the complainant. Thus, since the complainant wanted to build a house on that lot , he first secure a construction permit. In consonance with this, he also need first to secure a plan for the building of his house. **However**, the controversy arose from the time that the **personnel** of the subdivision surveyed the lot. The complainant learned that his purchased lot with a total area of . was encroached by Mr. A's lot who happens to be the owner of another lot next to his lot. I response to this, Mr. A's contended that the construction of his house is within the area based on the survey made by Sta. Lucia Subdivision.

On ... Sta. Lucia made a re-survey of the lot of the complainant. However, upon adjustment of his lot, it will now occupy a portion of the side walk on their street. Thus, Sta. lucia Subdivision offered a remedy to just refund the value of the portion that was occupied by the lot of Mr. A but based on the fair market value of the lot from the time that Mr. X bought the lot and not based on the current fair market value of the lot. In response to this, the complainant wanted to obtain a refund not only based on the portion that was occupied by Mr. A's house but also the whole side of the portion of his lot in order to have a good lot proportion.

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Kathleen Armour



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Table of Contents Legal Opinion Sample

1. Understanding the eBook Legal Opinion Sample
 - The Rise of Digital Reading Legal Opinion Sample
 - Advantages of eBooks Over Traditional Books
2. Identifying Legal Opinion Sample
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Legal Opinion Sample
 - User-Friendly Interface
4. Exploring eBook Recommendations from Legal Opinion Sample
 - Personalized Recommendations
 - Legal Opinion Sample User Reviews and Ratings
 - Legal Opinion Sample and Bestseller Lists
5. Accessing Legal Opinion Sample Free and Paid eBooks

- Legal Opinion Sample Public Domain eBooks
- Legal Opinion Sample eBook Subscription Services
- Legal Opinion Sample Budget-Friendly Options
- 6. Navigating Legal Opinion Sample eBook Formats
 - ePub, PDF, MOBI, and More
 - Legal Opinion Sample Compatibility with Devices
 - Legal Opinion Sample Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Legal Opinion Sample
 - Highlighting and Note-Taking Legal Opinion Sample
 - Interactive Elements Legal Opinion Sample
- 8. Staying Engaged with Legal Opinion Sample
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Legal Opinion Sample
- 9. Balancing eBooks and Physical Books Legal Opinion Sample
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Legal Opinion Sample
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Legal Opinion Sample
 - Setting Reading Goals Legal Opinion Sample
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Legal Opinion Sample
 - Fact-Checking eBook Content of Legal Opinion Sample
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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