



DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: **2021-3444**

Date and Time received:

08/05/2021 9:27:20 AM

From: **ATTY. LOURDES P. BENIPAYO**

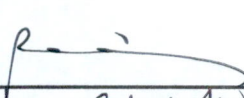

Document Type: **Letters**

BENIPAYO & PARTNERS LAW FIRM

Subject: **REQUEST FOR FAVORABLE ACTION ON THE PENDING APPLICATIONS FOR LAND TITLE**

Attachment(s): **No attachment(s)**

Earmarked As :

Date: 8.6.21	From: Benipayo & Partners	To: Chief NPS
Action Recommended/Required: <input checked="" type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input checked="" type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in _____ days or shorter
		Other Instruction(s): For favorable action Mr. Tz 
Date: 8.6.21	From: Benipayo & Partners	To: Chief NPS
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		Other Instruction(s):

Printed on 08/05/2021 9:35:35AM Received at: INFORMATION DESK/R Received by: BALTAR, APRIL



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

09 August 2017

MEMORANDUM

FOR : The Regional Executive Director

THRU : The PENR Officer

FROM : The Community Environment and
Natural Resources Officer


SUBJECT : **FPA's (IV-A-11)5042-A, 045318-1928, 1929, & 1930 OF
THE HRS. OF SEGUNDA BUNGALSO COVERING LOTS
8816-A, B, C, & D; ALL OF CSD. 04-000406-D CONSISTING
OF 3.2914, 5, 5, & 4 HECTARES RESPECTIVELY IN
BARANGAYS 3 & 4, ROXAS, PALAWAN**

Furnished is another follow-up letter on the subject hereof coming from Atty. Lourdes P. Benipayo. Like concern was turned-in by Atty. Lara Mae O. Cacal late last year and which this Office has endorsed that Office alongside a verification report copy of which is hereto attached for consideration of recommendations it contains.

A mined-out area, reiterated is the information that the lots involved each extends to the stretch of a lagoon left depleted of silica where in lieu of restoring the same to its original form, the mining company appears able to convince authorities to convert the same into an aquaculture project for the cooperative its employees put-up shortly before the mining company's operations closed. Seemingly, it was considered an innovative approach in complying with provisions of the mining law, requiring restoration of mined-out areas.

As actions this Office may take especially on an objection one Eleuterio Bungalso has filed against the applications subject hereof, much depends upon the legal opinion being sought, we would appreciate if the matter may be considered soon.

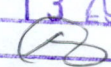
Thank you.


RONIE B. GANDEZA
OIC-CENR Officer

Copy: The PENR Officer

Atty. Lourdes P. Benipayo
Benipayo & Partners Law Firm, Unit 301 Times Square Bldg.
Examiner cor. Times St., West Triangle, Quezon City

file

DENR-CENRO ROXAS
RELEASED
DATE: **AUG 13 2021**
BY: 
DOC. NO. **mn-08-971**



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

09 December 2020

MEMORANDUM

FOR : The CENR Officer

FROM : The Chief, Regulation & Permitting Section

SUBJECT : **FPA's (IV-A-11)5042-A, 045318-1928, 1929, & 1930 OF THE HEIRS OF SEGUNDA BUNGALSO COVERING LOTS 8816-A, B, C, & D; ALL OF CSD. 04-000406-D CONSISTING OF 3. 2914, 5, 5, & 5 HECTARES RESPECTIVELY IN BARANGAYS 3 & 4, ROXAS, PALAWAN**

FACTS

On record, it appears that:

1. On 28 July 2000, the Regional Office resolved claims pertaining to Lot 309 of PLS 232 in Roxas, Palawan giving to the Heirs of Segunda Bungalso the preference over the rest of the subject lot, the six-hectare part thereof having by presidential proclamation been reserved for public use by the LGU of Roxas, Palawan;
2. On 22 July 2003, the Central Office affirms the order of the Regional Office;
3. On 19 September 2005, the Heirs of Segunda Bungalso requested the DENR to execute the orders by putting them in possession of the subject lot forcing them to file a case for ejectment with damages before RTC Branch 48 of Palawan;
4. On 15 January 2009, HA 161875 (E-89990) continued by the Heirs of Segunda Bungalso was cancelled by the Regional Office for failure on the part of the applicant to comply with the extent of cultivation the homestead law requires;
5. On 05 May 2009, the vigorous opposition and manifestation and supplement to opposition was denied/ dismissed by the Regional Office;
6. On 11 June 2010, the Regional orders of 15 January 2009 and 05 May 2009 were both reversed and set aside, ordering the Heirs of Segunda Bungalso to file appropriate application for the Regional Executive Director to give due course hence, Csd. 04-000406-D of 28 December 2011 and the PLAs now subject hereof;
7. On 28 May 2015, public land activities were suspended in Palawan and the City of Puerto Princesa;
8. On 11 December 2019, DMC 2019-10 issued out adding indispensable requirements in public land survey and patent issuance;
9. On 02 March 2020, the moratorium on public land activities was lifted in selected municipalities including Roxas, Palawan; and
10. On 02 December 2020, a letter of 01 December 2020 was turned-in by one Atty. Lara Mae O. Cacal following up status of the PLAs subject hereof.

LAWS/POLICIES

1. Section 3, Article XII of the constitution classifies lands of the public domain into agricultural (alienable/disposable), forest or timber, mineral lands, and national parks;



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Barangay III (Poblacion), Roxas, Palawan

Contact No. 09171606578 / 09175028647

Email address: cenroroxaspalawan@denr.gov.ph

2. CA 141 as amended governs the survey and disposition of agricultural (alienable/disposable) lands;
3. DENR Memorandum of 28 May 2015 suspends public land activities in Palawan;
4. DMC 2019-10 adds indispensable requirements in public land survey and patent processing and issuance (PPI) in the Province of Palawan; and
5. DENR Memorandum of 02 March 2020 lifts the moratorium on public land activities in Roxas, Palawan among others.

OBSERVATION

The Order of 11 June 2010 by the Secretary reversing and setting aside Regional Orders of 15 January 2009 and 05 May 2009 in effect reinstates HA 161875(E-89990) of the Heirs of Segunda Bungalso. Therein ordered to file the appropriate application to be given due course by the Regional Executive Director, the heirs chose to cause subdivision of the subject lot and applied for free patents over the resultant lots thereof. Their opting to acquire free patents in lieu of the homestead patent originally sought, of a necessity requires rejection of HA 161875 by virtue of which E-89990 was allowed, the authority over which lies with the Regional Executive Director as evidenced by its Order of 15 January 2009 which was reversed and set aside only to need cancellation yet again as reinstated. This is if the free patent applications subject hereof are to continue to be given due course despite the fact that the continuous occupation and cultivation required by the free patent law is not met, most part thereof having adversely been occupied at least for the last two decades if not deeply submerged.

RECOMMENDATION

As the applicants have opted to acquire free patents in lieu of the homestead patent originally sought, it is respectfully recommended that HA161875(E-89990) again be cancelled as appearing reinstated and a legal opinion be sought whether the continuous occupation and cultivation required under the Free Patent Law may be dispensed of on account of the 11 June 2010 order by the Secretary on DENR Case No. 8699 so as to set a precedence that would be dangerously prone to abuse.

RONNIE P. LILANG
LMO III

Copy: file



Benipayo & Partners Law Firm

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Tel. No. (02) 9211559 Email benipayo.law@gmail.com

4 August 2021

HON. ROY CIMATU

Secretary-DENR

Visayas Avenue, Quezon City

SUBJECT: URGENT REQUEST FOR ACTION

Dear Secretary,

We write as the legal counsel of the following applicants with corresponding application numbers for titling in Roxas, Palawan:

- | | | |
|-----------------------|---|-------------------------|
| 1. Patricia Carcelar | - | FPA No. (IV-A-11)5042-A |
| 2. Ignacio Mampay | - | FPA No. 045318-1929 |
| 3. Domingo Carcelar | - | FPA No. 045318-1930 |
| 4. Teodorica De Pablo | - | FPA No. 045318-1928 |

Your good office, through the CENRO, already certified last October 5, 2017 (*copy attached*) that the applications for titling of the above individuals are pending.

Considering lifting of any legal impediment to the eventual issuance of the titles, and for urgent humanitarian reasons as the individuals are all of advanced age, may we please request for urgent action on the above applications.

We also request please a written explanation which we can give our clients' which will make them understand any further delay, should there be delay.

Thank you for your prompt attention on the matter. We would appreciate an email reply or even a call at 09175764857 so we can give urgent assistance to the senior citizen applicants.

Respectfully,

ATTY. LOURDES P. BENIPAYO

Legal Counsel





Benipayo & Partners Law Firm

Unit 301 Times Square Bldg., Examiner cor. Times St., West Triangle, Quezon City
Tel. No. (02) 9211559 Email benipayo.law@gmail.com

4 August 2021

The Community Environment
And Natural Resources Officer
Roxas, Palawan

SUBJECT: URGENT REQUEST FOR ACTION

Dear CENRO,

We write as the legal counsel of the following applicants with corresponding application numbers:

- | | | |
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| 1. Patricia Carceler | - | FPA No. (IV-A-11)5042-A |
| 2. Ignacio Mampay | - | FPA No. 045318-1929 |
| 3. Domingo Carceler | - | FPA No. 045318-1930 |
| 4. Teodorica De Pablo | - | FPA No. 045318-1928 |

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Respectfully,

ATTY. LOURDES P. BENIPAYO

Legal Counsel

Cf:

Office of the Secretary

DENR

Visayas Avenue, Quezon City