

August 13, 2021

MARIA LOURDES G. FERRER, CESO IV

Regional Executive Director

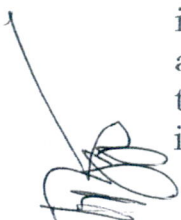
DENR-MIMAROPA REGION

1515 L&S Building, Roxas Boulevard, Ermita, Manila

RE: **Reply on Show Cause Memorandum dated June 29, 2021**

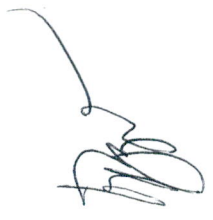
Dear RED Ferrer:

This is in response to the show cause memorandum issued by your good office dated June 29, 2021 giving the undersigned five days within which to submit my written explanation under oath about the allegations as stated by Desiree T. Masagca on her letter regarding the 13 lots located in Barangay Barahan, Sta. Cruz, Occidental Mindoro which were allegedly allocated to persons who are not residents of the place and that the titles are now pending before the PENRO Occidental Mindoro for investigation.

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1. The first instance that I have been asked to explain about the above-mentioned properties at Barangay Barahan, Sta. Cruz, Occidental Mindoro was when I received the Show Cause Memorandum dated September 16, 2020 from this Honorable Office. The same required me to explain about the investigation report that I endorsed to the CENRO Sablayan pertaining to the ground validation I performed on the said land. I timely replied to the said 2020 show cause memorandum and materially explained as follows:

- a. *On June 05, 2019, our office received various Applications for Free Patent involving portions of land which are all inclusive in Lot 407, Pls-22 at Brgy. Barahan, Sta. Cruz, Occidental Mindoro. Lot 407, Pls-22 of Sta. Cruz Public Land Subdivision, having a total area of 110.1092 hectares, is registered for tax purposes in the name of AUGORIO MALABANAN as evidenced by a Tax Declaration of Property No. 11-0004-01494. After the subject parcels' consolidation survey to exclude the mangrove areas, these have been identified as Ccs-4B-000298-D in the said applications.*
- b. *The above-mentioned applications were submitted by the following claimants, namely: (1) RAMIL J. QUINIO; (2) MERVIN P. RESURRECCION; (3) CARLO ENRICO J. RODENAS (2 applications); (4) MARICAR J. RODENAS; (5) MELANIE R. SIGUENZA; (5) REYNALDO E. ULIC; (6) MA. ANASTACIA P. ULIC; (7) MARICAR R. DALISAY; (8) ATHENA T. PADILLA; (10) EDUARDO D. PADILLA; (11) MICHAEL GLENN S. BUENAVENTURA; and (12) ERLINDA T. BALMES, who all claimed to be predecessors-in-interest of Salvador Malabanan and Damaso Malabanan, heirs of Augorio Malabanan, by virtue of a legal document entitled Deed of Absolute Sale, respectively executed in favor of the above-mentioned claimants.*
- c. *The above-said applications were respectively supported by the following certifications secured from concerned government agencies, to wit: (1)*

Certification of Non-Coverage in the Comprehensive Agrarian Reform Program (CARP) from the Department of Agrarian Reform; (2) Certification from the Regional Trial Court Br. 44 in Mamburao, Occidental Mindoro as to no pending administrative and/or judicial case; (3) Certification from the Municipal Trial Court Sta. Cruz, Occidental Mindoro as to no pending administrative case; (4) Notice of Application for Free Patent from CENRO Sablayan with sworn declaration as to the posting of said notice; (5) Certificate of Posting from the Office of the Municipal Mayor in Sta. Cruz; (6) Certification from the Records Office of CENRO Sablayan as to the non-existence of protest on the subject land; (7) Certification from CENRO Sablayan as to the inclusion of the applied land within the alienable and disposable (A&D) land; and Deed of Absolute Sale.

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- d. Upon careful perusal of all the submitted documents of each applicant and finding the same to be in compliance with the requirements for Free Patent Application, I acted on their respective applications. When assigned as Deputy Public Land Inspector (DPLI) in the said applications, I likewise conducted an on-site examination and inspection which led to the preparation and issuance of my Final Reports dated June 28, 2019.
- e. It is my humble position that the preparation of my Final Report and the conduct of ground validation of Ccs-4B-000298-D were made in good faith and in accordance with my regular performance of duty as a government employee. It is far from any conduct prejudicial to the best interest of the service as I have not performed any action tantamount to tarnishing the image and integrity of my office.
- f. The submitted documents by the applicants, duly issued by the courts, DAR, LGU Sta. Cruz, and CENRO, including my personal inspection and validation are substantial bases to render a report and conclude that: "The area applied for is free from claims and conflicts at the time of investigation and the applicants complied with the requirements of law for free patent."¹ I did not make any fraudulent, false or misleading representations in my report, as all entries therein are factual and based on available documents.
- g. I have no personal knowledge about the pendency of any cadastral proceeding involving Lot 407 Pls-22 or Ccs-4B-000298-D. In fact, in the certifications submitted by the applicants, RTC Br. 44 and MTC Sta. Cruz certified that no case is pending before them regarding the subject land. Moreover, the said courts did not provide in their certifications that Lot 407 has been a subject or is covered by a pending cadastral case. With all these, it is highly improbable for me to allege or report about the pendency of cadastral proceedings as this would amount to going beyond the contents of the court certifications.
- h. Likewise, in the CENRO certification dated February 19, 2019, it was clearly provided therein that the subject land of free patent application, Lot 407 Pls-22 that is situated at Brgy. Barahan, Sta. Cruz, Occidental Mindoro, is "within the administrative jurisdiction and control of DENR for disposition under public land law." Given the same certification, I am of the impression that as a DPLI, the processing of the said Free Patent applications is within the ambit of my obligations and responsibilities.
- i. Thus, I prepared my final report in connection with the above-discussed applications and duly endorsed the same to the CENRO on June 28, 2019. I was in good faith in accomplishing said Final Report based on the documents on hand. It is likewise my ministerial duty to have my report submitted to the CENRO for his final evaluation and approval. It is within

¹ As remarks in the Final Reports dated June 28, 2019.

my duty as a public employee to act promptly on applications assigned to me in accordance with R.A. No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees.

2. Ms. Masagca claimed to be representing those who have been allegedly displaced in the subject land. However, it can be observed that she failed to present any proof that indeed she has been empowered to raise issues concerning the above-said land. It is likewise worthy to note that Ms. Masagca is not even a claimant or a party-in-interest in the above-said land, hence, she has no legal standing to intervene in the above-said free patent applications.
3. I respectfully deny having permitted or made a report regarding the titling of the mangroves or the swamp in the said land. The said Barahan property covers a vast tract of land that has been surveyed by an independent and licensed geodetic engineer, and covered by an approved plan clearly delineating the swamp area and mangroves. Hence, the allegation of complainant as to the titling of mangrove forest is without any proof and does not deserve even a scant consideration from this Honorable Office.
4. Furthermore, at the time I conducted my onsite examination and inspection, I have not seen any conduct of reclamation in any of the areas therein, even in the alleged Bato River. I have no personal knowledge sufficient to form a belief as to the truthfulness of the said allegation of Ms. Masagca. If it were true that such reclamation of river really happened, the concerned natural or juridical person should have been complained of with the proper agency.
5. In the letter-complaint of Ms. Masagca, she maliciously imputed misrepresentations against me by saying: "Na pinalabas ni Mrs. Luzviminda Ygar na na-inspection na ito at may tanim na "AGRICULTURAL CROPS" upang mabigyan ng AGRICULTURAL FREE PATENT ngunit ang totoo, ito ay ang Mangrove Forest." This allegation is a pure lie. I have performed by work judiciously and without misrepresentations. The product of my final report is based on submitted legal documents and the inspection performed in the area, contrary to Ms. Masagca's self-serving and baseless accusations.
6. The said applied properties in Barahan has been declared as part of the alienable and disposable agricultural public land as evidenced by certification and court orders submitted along with the applications for free patent. Hence, the assumption of Ms. Masagca that the said land has not been declared a public land has no basis at all.
7. That Ms. Masagca's allegation that "Na, ito ay ipinag-utos ni CENRO, Caesar E. Quebec kay Mrs. Luzviminda Ygar dahil diumano ay bayad na sila ni MR. NOLI LEYCANO na kapatid ni Mayor Merriam Leycano Quijano" is not worthy of credit. Such

statement is libelous and has no proof at all. It was only meant to discredit and tarnish my good record with the government.

8. I have no personal knowledge sufficient to form a belief as to the correctness of the allegation that the applicants were only dummies of Mr. Noli Leycano, and were residents of Pasay City, Sta. Cruz, Laguna and Oriental Mindoro. Applicants for free patent are entertained based on their documents and proof submitted to the office, not based on unverified allegations such as those made by Ms. Masagca whose interest over the subject properties is unknown.
9. With all the foregoing, the undersigned respectfully requests that the complaint filed by Desiree T. Masagca be dismissed for lack of prima facie case.

Thank you very much and I hope that you find the foregoing explanation sufficient and meritorious for your purposes.

Very truly yours,


LUZVIMINDA P. YGAR

Cartographer

CENRO Sablayan, Occidental Mindoro

OATH

SUBSCRIBED AND SWORN to before me this ____ day of 16 AUG 2021, in Mamburao, Occidental Mindoro. I further certify that I have personally examined the affiant herein and that I am convinced that she voluntarily executed this affidavit and that she understood the contents thereof.

Doc. No. 450
Page No. 091
Book No. LV1
Series of 2021.


ATTY. KATHRINE ANN ASILO ABELEDA

Notary Public

Mamburao, Occ. Mindoro

Notarial Commission valid until 12/31/2021

Roll of Attorney's No. 59624

MCLE No. VI-0024830 valid until 04/14/2022

IBP No. 150006 -2021, Occ. Mindoro

PTR No. 5244139 -2021, Occ. Mindoro