



DENR Mimaropa Region <mimaroparegion@denr.gov.ph>

Letter-request to the Regional Directo

1 message

BT Registration <arc_tess@yahoo.com.ph>

Tue, Aug 24, 2021 at 7:11 AM

Reply-To: BT Registration <arc_tess@yahoo.com.ph>

To: "mimaroparegion@denr.gov.ph" <mimaroparegion@denr.gov.ph>

August 23, 2021

Ma. Lourdes G. Ferrer, CESO III
Regional Executive Director
MIMAROPA Region
1515 L & S Building
Roxas Blvd., Ermita
Manila

Dear Director Ferrer:

Warm Greetings po!

This is about my small piece of land (Lot 4019, Cad 800-D) located in Barangay Sta. Monica, Puerto Princesa City covered by DENR Case No. M-15-16-I. I am now processing the requirements so that I could legally claim the full ownership of this land based on the decision made by DENR Regional Office dated January 4, 2017 (Attachment A).

While on process, I received a letter from our CENRO Office here in Puerto Princesa City that I need to verify further with you good Office declaring that the decision made in 2017 has become final and executory (Attachment B).

In this regard, I am requesting and appealing to you for a favorable action on this matter.

Thank you so much and God bless you po!

Very truly yours,


EFREN PARALES



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- B, MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Puerto Princesa City

July 30, 2021

MR. EFREN P. PARALES

Bgy. Sta. Monica, Puerto Princesa City
+63 966 861 0665

Attachment A

Dear Mr. Paraless,

Environmental Greetings!

This has reference to your request for records verification and certified copy of V-37 of Lot No. 4019, Cad-800-D containing an area of 403.96 square meters situated in Bgy. Sta. Monica, Puerto Princesa City.

Please be informed that based on the records of this office, the above mentioned lot was covered by Miscellaneous Sales Application No. (IV-26) 2030 of Victoriano Paraless which was rejected per undated RED Order and covered by unnumbered Miscellaneous Sales Application of Romeo Hilario which was rejected per CENRO Order dated July 2, 2001 which both were rejected considering that the same lot is within timberland during the filing of the said application. Likewise, the subject lot covered by unnumbered Miscellaneous Sales Application of Efren Paraless received by this office dated November 25, 2009.

Be informed further that the aforementioned lot was covered with DENR Case No. M-15-16-L entitled, Efren P. Paraless, Protestant, versus Romeo L. Hilario, Respondent which is covered by Decision dated January 4, 2017 executed by OIC, Regional Director Carlito M. Tuballa wherein part of the Order is quoted as follows:

"Wherefore, premises considered, the instant protest is found MERITORIOUS. AFTER the lifting of the Memorandum dated May 28, 2015 of the Undersecretary for Field Operations, the PENRO and CENRO concerned are hereby directed to GIVE FURTHER DUE COURSE to the MSA 045316 (unnumbered) of the Protestatmt.

SO ORDERED."

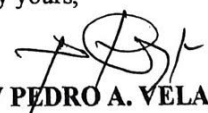
Furthermore, you may verify further to the Regional Office if the Decision dated January 4, 2017 has become final and executory. You may send your verification at DENR IV-B MIMAROPA, 1515 L & S Building, Roxas Blvd, Ermita, Manila.

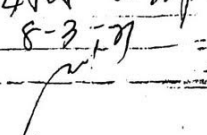
Moreover, with regards to the requested certified copy of V-37 of Lot No. 4019, Cad-800-D, upon verification of the representative of this office, there is an error of closure of 1.12 meters. Hence, this office requesting to the Regional Office for the review leading to the correction and/or amendment of the subject technical description. However, attached herewith is a certified copy of the requested copy of V-37.

In addition, the acceptance and processing of public land applications within Puerto Princesa City is still suspended up to this moment per Memorandum dated March 2, 2020 of the Undersecretary for Field Operations, Enforcement and Muslim Affairs, DENR, Manila.

We trust that you are properly informed.

Very truly yours,


DMO IV PEDRO A. VELASCO
In-Charge, CENRO Puerto Princesa City

DENR MIMAROPA REGION
CENRO PUERTO PRINCESA
4804 2-20ph
DATE: 8-3-21
BY: 

South National Highway,
Bgy. Sta. Monica Puerto Princesa City
Email Address: cenropuertoprincesa@denr.gov.ph
Tel. Fax No.: (048) 433-0660



Republic of the Philippines
Department of Environment and Natural Resources

DENR PENRO
PALAWAN REGION
RECEIVED

EFREN P. PARALES,
Protestant

-versus-

ROMEO L. HILARIO
Respondent

DENR Case No. M-15-16-L

Lot 4019, Cad. 800-D,
Sta. Monica, Puerto Princesa City

Area: 404 square meters

Attachment B

DECISION

This case stemmed from a Formal Protest filed by Efren P. Parales against the claim of Romeo L. Hilario over a certain parcel of land identified as Lot 4019, Cad. 800-D located in Santa Monica, Puerto Princesa City.

An Order of Investigation dated November 14, 2011 was issued by PENR Officer Juan C. Dela Cruz directing Land Management Officer III/Hearing Officer Hilario V. Regondola, Jr. to conduct investigation and thereafter submit corresponding report after termination of the investigation.

Per Certification/Lot Verification dated August 23, 2016¹, Lot 4019, Cad. 800-D containing an area of 403.96 square meters located in Barangay Santa Monica, Puerto Princesa City has been verified to be within alienable and disposable area as per Republic Act No. 9145².

ALLEGATIONS OF THE PARTIES

Jm 1-12-2017

I. Protestant

Parales, in his *Position Paper*, alleged among others, that sometime in 1986 or prior thereto, Victorino Parales, protestant's father, possessed and occupied a parcel of land situated in Barangay Sta. Monica, Puerto Princesa City, which land is more particularly described as follows: Lot No. 4019, Cad. 800-D; that in January 1986, he filed an application and paid the fees therefor(sic) with the then Bureau of Lands. Acting on said application, the Bureau, through its office in the City of Puerto Princesa, endorsed the same to the Office of the City Engineer of Puerto Princesa for verification and investigation, the purpose of which is to determine whether the land applied for is suitable for residential purposes; that in its inventory, the City Government of Puerto Princesa, through its Screening Committee for Allocation to the landless had recognized Victorino Parales' claim of possession and occupation of the above-described land, a recognition evidenced by a list of claimant in which the applicant's name still exists; that at present, the above-described lot is located in the middle of, or right in between Lots 4018 and 4022, the lots being claimed by the respondent; that notwithstanding the lack of legal or legitimate right or claim over Lot 4019, and over and above protestant's objection thereto, respondent encroached into said protestant's lot and erected a house thereat in 1991; that aggrieved by the respondent's violation, protestant brought the

¹ Projected by Forester I Paula Mel C. Atienza, verified by Forester II Zenaida T. Calalin and attested by DMO IV Leonard T. Caluya

² An Act to Reclassify a Portion of Land Under Cadastral Survey 800-D, Module 2, Project No. 1-LC Map 203 in Barangay Santa Monica, Puerto Princesa City, Province of Palawan as Agricultural Land (Alienable and Disposable Area) Open To Disposition, Issued by then President Gloria Macapagal Arroyo in July 30, 2011

issue or conflict before the Barangay authorities of Sta. Monica, Puerto Princesa City for conciliation, but no settlement was reached therein because respondent did not show up; that respondent's possession and occupation are also without basis in fact and in law. Record does not show how respondent comes(sic) into the picture and from whom did he acquire his authority to possess Lot 4019. The answer is a resounding none. Neither from a previous holder nor from any government grant. Lot 4019, Cad. 800-D was never recorded in favor of the respondent; that compared to that of the respondent's, protestant's claim is buttressed by evidence on record. The DENR, the government office which is the sole repository of records pertaining to unregistered land of the public domain, or lands that are still open to(sic) public for disposition or distribution through homestead grant, still maintains the record intact that nobody, except protestant's father, had filed an and has a pending application for the appropriation and be a grantee of Lot 4019, Cad. 800-D and paid the fees therefor(sic).

II. Respondent³

On the other hand, in his *Position Paper*⁴, respondent Hilario, alleged among others, that the application of the Protestant over Lot No. 4019, Cad. 800-D which is the subject of this Protest should be cancelled because the same was made with fraud and misrepresentation aside from the fact that the protestant has no right over the parcel of land subject of this Protest; that the Protestant never occupied, developed or cultivated the said land; that it was only the respondent and his family who developed and occupied the land; that one of the requirements in applying for a(sic) titling of a certain parcel of land is the actual possession of the land being applied. This requirement is obviously was(sic) not complied with by the respondent being not(sic) and was never in actual possession of the land applied subject of the Protest. That is why it is quite obvious that the Protestant has no right over the lot subject of this case; that the Protestant(sic), being the possessor of the land in the concept of an owner and being in the actual possession of the land and has been continuously developing the said lot up to this present time, together with his family, has a better right over the land and should therefore be given preference and be declared to be the owner thereof; that the lot subject of this case is the only lot that the respondent and his family have and if the same will be taken from them there will be no other place for them to go. While(sic) the Protestant has a lot of properties as evidenced by Tax Declaration Nos. 002-21438 and 065-10728; that it is quite surprising that despite having a lot of properties the Protestant is still trying to steal the only lot that the respondent has knowingly that it is really the respondent that(sic) has been in possession of the lot and that the Protestant and his father has(sic) never been in possession of the lot subject of this Protest; that being not in possession or has never been in possession of the lot subject of this Protest the(sic) application of the Protestant should be denied and that the respondent should be allowed to apply for the lot that he and his family has been in actual possession and has introduced development therein once the respondent will be able to have financial capability.

PUBLIC LAND APPLICATIONS OVER LOT 4019

Per Certification dated September 13, 2013⁵, the following are the public land applications filed over Lot 4019:

1. MSA No. (IV-26) 2030⁶ - Victoriano C. Paraless

8/11/12 - 2017

³ Previously referred to as the "Protestee"

⁴ Dated October 16, 2012

⁵ Issued by Administrative Aide VI/Assistant Records Officer Elizabeth C. Palatino, and attested by CENR Officer Emer D. Garraez

⁶ Rejected per undated Order stamped original signed by then Regional Executive Director Wilfrido S. Pollisco. Received by the CENRO Puerto Princesa City on January 8, 1992

2. MSA (IV-26) (unnumbered)⁷ - Romeo L. Hilario
3. MSA 045316 (unnumbered) - Efren P. Parales

84 1-12-2017

PREVIOUS FINDINGS OF FIELD OFFICIALS

I. OCULAR INSPECTION AND INVESTIGATION REPORT DATED FEBRUARY 21, 1991 OF LAND MANAGEMENT OFFICER III VICENTE F. SEÑORIN

"That Mr. Romeo Hilario is also a lot claimant of Lot No. 4018 Cad. 800-D and that Lot No. 4022 is applied by Rommel Hilario his son believed to be a minor;

That Victorino Parales and Efren Parales (son) have no other residential lot in this sub-division except this one;

That said lot is duly recorded honored(sic) and recognized by the inspection committee created by the CENRO and the City Government in 1988 for the purpose of allocating said lots.

In view of the foregoing, it is recommended that this Office stops(sic) Mr. Romeo Hilario from introducing improvements on Lot 4019 and to advise Mr. Hilario to transfer his improvements to Lot 4018 or 4022 in which he is the claimant."

II. LETTER/ORDER DATED APRIL 5, 1991 ISSUED BY THEN CENR OFFICER RAYMUNDO V. CRISOSTOMO ADDRESSED TO ROMEO L. HILARIO

"It has been reported and found upon actual ocular inspection by a representative of this Office that you have unlawfully occupied and illegally introduced improvements over Lot 4019, Cad. 800-D which is rightfully applied for by Victoriano Parales under MSA No. (IV-26) 2030. Records also show that you are claiming adjoining Lot Nos. 4018 and 4022. It appears therefore, that your occupation of Lot No. 4018 is unlawful and speculative. Therefore, you are advised to vacate and remove all improvements introduced over Lot No. 4019 within 30 days from the date of receipt of this letter. xxx-xxx"

III. INVESTIGATION REPORT DATED JUNE 4, 2008 OF SPECIAL INVESTIGATOR I ROLAND G. TALABUCON

"That the lot subject of request for investigation is a parcel of public land identified as Lot No. 4019, Cad. 800-D with an area of 404 square meters, situated at Bgy. Sta. Monica, Puerto Princesa City;

That per records verification, Victoriano C. Parales is the original applicant/claimant of Lot No. 4019, Cad. 800-D as evidence(sic) of MSA No. (IV-26) 2030 filed by the said applicant in 1986 over the aforesaid lot;

That in a letter addressed to Juan C. Galvero, Chairman-Awarding Committee dated(sic) September 7, 1988, the inventory team represented by different agency tasked to conduct inventory on all residential lots in Bgy. Sta. Monica submitted a report identifying all applicants and

⁷ Rejected on July 2, 2001

claimants of lots involved of which Victoriano C. Parales was listed as applicant of subject lot;

That on the same list, Romeo Hilario is listed as claimant of Lot No. 4021, Cad. 800-D, which he eventually waived in favor of Catalino Pimentel;

That apparently, without the knowledge of Victoriano Parales, Romeo Hilario entered Lot No. 4019, Cad. 800-D and begin(sic) constructing his house therein;

That in a letter of then CENRO Raymundo D. Crisostomo addressed to Romeo Hilario dated April 5, 1991, this office found out that Romeo Hilario unlawfully occupied and introduced improvements over Lot No. 4019, Cad. 800-D, and was advised to vacate and remove all improvements he introduced thereat. But, evidently, this advise(sic) gone unheeded as Romeo Hilario continue to occupy the subject lot;

That upon learning(sic) the action made by Romeo Hilario, Victoriano C. Parales filed a complaint and subsequently, a subpoena was issued by then CENRO Rogelio D. Paglinawan to the contending parties to appear before this office on March 5, 1992, but apparently, Romeo Hilario did not appear on(sic) the hearing and disregarded the invitation, hence, no confrontation dialogue has(sic) ever conducted.

That recently, the undersigned conducted an ocular inspection/investigation on the subject and found out that Romeo Hilario is still occupying Lot No. 4019, Cad. 800-D, and he has already build(sic) a house on the land made of semi-concrete materials while the adjoining Lot No. 4022, Cad. 800-D which he also(sic) claiming for his son is still vacant;

That the undersigned explained to Romeo Hilario the status and situation of the lot as Efreñ Parales, son of the late Victoriano Parales listened, the undersigned offers(sic) a proposal to Romeo Hilario to swap/replace Lot No. 4019, Cad. 800-D in order to settle the dispute amicably, but to no avail, he still(sic) insisting his supposedly(sic) rights on the land.

In view of the foregoing, the undersigned has determined that Victoriano C. Parales has prior rights on the land against Romeo Hilario based on the documents presented by Efreñ Parales, son of the(sic) Victoriano Parales, and the prior investigation report submitted by LMO III Vicente F. Señorin together with his recommendation, it is therefore recommended that this office should not recognize whatever rights and improvements established by Romeo Hilario over the subject lot and affirm the valid claim of Efreñ Parales on the same."

IV. FINAL INVESTIGATION REPORT⁸ SUBMITTED BY LAND MANAGEMENT OFFICER III/HEARING OFFICER HILARIO V. REGONDOLA, JR.

"It appears from the foregoing documents submitted and the findings of this Office that Protestant Efreñ Parales has a better and preferential right over the Protestee.

8/11 1.12.2017

Protestant's claim is buttressed by evidence on record kept in this Office as repository of records. The evidence is overwhelming. The protestant's claim over the protestee was way over previous and prior than protestee xxx"

This Office concurs with the recommendation of the field officers that the Protestant has a better and preferential right over Lot No. 4019.

WHEREFORE, premises considered, the instant protest is found **MERITORIOUS**. **AFTER** the lifting of the Memorandum dated May 28, 2015 of the Undersecretary for Field Operations, the PENRO and CENRO concerned are hereby directed to **GIVE FURTHER DUE COURSE** to the **MSA 045316 (unnumbered)** of the Protestant.

SO ORDERED.

Manila, Philippines. 04 JAN 2017


CARLITO M. TUBALLA
OIC, Regional Director
MIMAROPA Region

cc:

Efren P. Parales

Romeo L. Hilario

CENRO

PENRO

Lot 3 Block 2, City Employees Village, Sta. Monica, Puerto Princesa City

Purok Pagkakaisa, Sta. Monica, Puerto Princesa City

South National Highway, Sta. Monica, Puerto Princesa City

DENR Compound, Sta. Monica, Puerto Princesa City

8/11 1-12-2017



Department of Environment
and Natural Resources
REGION 4B



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