

Republic of the Philippines  
Department of Environment and Natural Resources  
**OFFICE OF THE SECRETARY**  
Visayas Avenue, Diliman, Quezon City

**DANNY L. LUA,**  
Petitioner,

-versus-

**DENR CASE NO. 9350**

**HEIRS OF RICARDO NANGIT,**  
**REP. BY REYNALDO Z. NANGIT,**  
Movants-Respondents.

x -----x

**RESOLUTION**

For resolution is the Motion for Reconsideration dated 15 August 2013 filed by the Heirs of Ricardo Nangit (Heirs of Nangit, for brevity), from this Office's Decision dated 17 May 2013, the decretal portion of which reads:

**WHEREFORE**, in the light of all the foregoing, the Petition is **GRANTED**. Let the Regional Executive Director of DENR - Region IV B (MIMAROPA) file the necessary complaint in the appropriate court for the cancellation of Original Certificate of Title No. E-34528 in the name of Respondents Heirs of Ricardo Nangit for grave misrepresentation and fraud committed by the latter in securing said title over a salvage zone and let the land covered thereby be reverted to the mass of the salvage zone subject later to the rights of Petitioner Danny Lua as littoral owner of the adjacent titled lots.

Further, Special Investigator Ronnie P. Lilang, and Supervising Land Examiner Jimmy C. Villareal, are hereby ordered to **SHOW CAUSE** why they should not be formally charged for dishonesty and conduct inimical to the best interest of the service due to their complicity on Respondents-patentees' violation of Section 91 of

DENR Case No. 9350

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Commonwealth Act No. 141, as amended. They are ordered to submit their written explanation to the Office of the Assistant Secretary for Internal Audit and Anti-Corruption, DENR Central Office within fifteen (15) days from receipt of this Decision.

SO ORDERED.

The subject matter in this case is Lot 6346-D (Csd-04-032957) with an area of 3,110 square meters (sq.m.) and covered by Original Certificate of Title (OCT) E-34528 in the name of the Heirs of Nangit.

In their Motion for Reconsideration, the Heirs of Nangit contend that:

1. this Office has no jurisdiction over the subject lot on the ground that it is part of an ancestral domain;
2. the subject lot is not a salvage zone; and
3. there is no concealment and blatant misrepresentation in the free patent application.

After evaluation, this Office finds the motion unmeritorious.

As cited in the case of *Oliva v. Republic, et al.*,<sup>1</sup> Article 51 of Presidential Decree 1067 or the Water Code of the Philippines provides:

The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

This imposition is in effect, an outright prohibition against the grant of private titles over salvage zones. Private ownership is inconsistent with the easement of public use imposed by the Water

<sup>1</sup> G.R. No. 163118, 27 April 2007

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Code.

In the assailed Decision, this Office held that the subject lot is a salvage zone as evidenced by Subdivision Plan Csd-04-032957-D. Below are the pertinent findings in the said Decision:

However, upon examination of Lot No. 7365, Cad 860-D of the San Vicente Cadastre said lot is equivalent to Lot No. 6346-D appearing in the Subdivision Plan of Lot No. 6346 described under CSD-04-032957-D appearing in the Subdivision Plan of Lot No. 6346 described under CSD-04-032957-D approved on October 07, 2009 by the OIC-Regional Technical Director of Land Management Sector (LMS) DENR-Region IV B in the name of Cynthia C. Francis.

Further, Csd-04-032957 shows that Lot No. 6346 is subdivided into four (4) lots including Respondent's titled Lot No. 6346-D, and is a beach front immediately Adjacent to the following lots:

1. Lot No. 6343 (Lot No. 2712-F)
2. Lot No. 6342 (Lot No. 2712-E)
3. Lot No. 6341 (Lot No. 2712-D)
4. Lot No. 6340 (Lot No. 2712-C) - (titled lot of Petitioner)
5. Lot No. 6339 (Lot No. 2712-B) - (titled lot of Petitioner)
6. Lot No. 6338 (Lot No. 2712-A)

So, Lot No. 6346 under Csd-04-032957, from which Lot No. 6346-D was derived (titled in the name of the Respondent Heirs) is a beach front and classified as salvage zone (for environment protection) as clearly described and equivalent to Lot 2712-I described under Csd-04-016496-D, a subdivision plan of Lot No. 2712, Cad-860-D in the name of Ricardo Nangit, et al, with the following notation:

*"Lot 2712-A up to Lot 2712-I shall be equivalent to Lot-6338 up to Lot 6346 respectively, Cad-860-D, San Vicente Cadastre, Lot 2712-1 was segregated pursuant to DAO-97-05 and is reserved for Salvage Zone and that no permanent structure shall be allowed unless*

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*intended for erosion control or to enhance the esthetic qualities of the area."*

Therefore, Lot No. 6346-D (Csd-04-032957) titled in the name of Respondents Heirs of Ricardo Nangit under OCT No. E-34528 is indeed equivalent to Lot No. 6346 (equivalent to Lot No. 2712-I under Csd-04-032957) and is a salvage zone, which under Presidential Decree No. 705 and existing DENR policy (i.e. DAO No. 97-05) cannot be the subject to registration of title.

As can be gleaned from the above-quoted Decision, the findings of this Office were duly supported by evidence. Also, the Heirs of Nangit failed to present new evidence to convince this Office to reconsider its findings that they are guilty of concealing material facts when they identified the subject lot as agricultural in their application.

Furthermore Chapter III of Department Administrative Order (DAO) 2016-31<sup>2</sup> provides for the Procedure in the Investigation of Petitions Involving Registered Patents. Section 28, Chapter III of said DAO provides that:

**Section 28. Grounds.** The allegations in the Petition shall admit State ownership of the land in controversy. The Petition shall also set forth any or a combination of the following grounds:

1. The holder of the title has not occupied, possessed and cultivated the land applied for the required period of time in the concept of an owner and in the manner required by law, meaning, openly, publicly, notoriously, continuously and adversely in cases of free patent;
2. The land has not been subjected to classification and/or a public forest;
3. The land is classified as forest or timberland;
4. The land is part of a military or civil reservation;
5. The land is a foreshore or swampland;
6. The land is a salvage zone or public easement;

<sup>2</sup> Procedure in the Investigation and Resolution of Land Claims and Conflicts Cases

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7. The land is part of navigable river, stream or creek;
8. The land is part of a street or public highway;
9. The applicant has no absolute title nor an incomplete or imperfect right which could be registered and confirmed under Act 496, P.D. 1529 and C.A. 141;
10. The plan of the land differs from the documentary evidence of the applicant;
11. The patent was procured through fraud and/or misrepresentation;
12. The land covers or is part of an expanded area brought about by a series of subdivision surveys; and
13. The acquisition, conveyance, alienation, transfer or contract is in violation of Sections 118, 121, 122, and 123 of C.A. 141.

The present case is similar to the case of *Republic v. Capital Resources Corporation*,<sup>3</sup> where the Supreme Court reverted to the public domain, and cancelled TCT T-23343, located in Bauang, La Union, on the ground that the same is a salvage zone.

It is noted that Special Investigator Ronnie P. Lilang, and Supervising Land Examiner Jimmy C. Villareal are partly at fault for the erroneous titling of the subject lot. However, the errors of the said agents of DENR cannot be invoked against the government.

As ruled by the Supreme Court, in the case of *Republic v. Hachero*:<sup>4</sup>

Be that as it may, the mistake or error of the officials or agents of the BOL in this regard cannot be invoked against the government with regard to property of the public domain. It has been said that the State cannot be estopped by the omission, mistake or error of its officials or agents.

It is well-recognized that if a person obtains a title under the Public Land Act which includes, by oversight, lands which cannot be registered under the Torrens system, or when the Director

<sup>3</sup> G.R. No. 217210, November 7, 2016  
<sup>4</sup> G.R. No. 200973, May 30, 2016

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of Lands did not have jurisdiction over the same because it is a public domain, the grantee does not, by virtue of the said certificate of title alone, become the owner of the land or property illegally included. Otherwise stated, property of the public domain is incapable of registration and its inclusion in a title nullifies that title. Personnel of the government cannot bind the government.

**WHEREFORE**, the Motion for Reconsideration filed by the Heirs of Ricardo Nangit, represented by Reynaldo Z. Nangit is **DENIED** for lack of merit. This Office's Decision dated 17 May 2013 is **AFFIRMED WITH MODIFICATIONS**. Let the Regional Executive Director of DENR Region IV-B MIMAROPA conduct the technical investigation in compliance with the existing laws, rules, and regulations, for the initiation of the necessary action for reversion in the appropriate court for the cancellation of Original Certificate of Title No. E-34528, and its derivatives, if there be any.

The Regional Executive Director is further ordered to initiate the investigation of all the personnel who were involved in the illegal titling of the subject lots. Update on the said proceedings and the status of the show cause orders issued against Special Investigator Ronnie P. Lilang, and Supervising Land Examiner Jimmy C. Villareal should be given to the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs, through the Internal Affairs Division of the Legal Affairs Service, for monitoring purposes.

**SO ORDERED.**

Quezon City, Philippines, 10 FEB 2021

By Authority of the Secretary:

  
ATTY. MICHELLE ANGELICA D. GO  
Assistant Secretary, Legal Affairs



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**Heirs of Ricardo Nangit**  
**Rep. by Reynaldo Z. Nangit**  
*Movant-Respondents*  
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**The Regional Executive Director**  
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DENR by the Bay Bldg., 1515 Roxas Blvd. Manila

**The Undersecretary**  
Legal, Administration, Human Resources  
and Legislative Affairs

