Republic of the Philippines REGIONAL TRIAL COURT OF PALAWA

Fourth Judicial Region Branch

In re: Petition for Correction of Land Case No. Entry in Original Certificate of Title No. G-5838

RTC-OCG, Puerlo Princesa City

TERESITA V. FRIA-TABANG,

Petitioner.

Registry of Deeds of the Province of Palawan, Public respondent.

PETITION

Petitioner, by the undersigned counsel, and unto this Honorable Court, most respectfully states that:

- 1. Petitioner is of legal age, widow, Filipino, and a resident of Bgy. Salvacion, Municipality of Roxas, Palawan. For expediency and convenience, she may be served with court orders and legal processes in her counsel's office address at Vergara Rodriguez Law Office, G/F Vergara Bldg., 90 Valencia St., Bgy. Masikap, Puerto Princesa City;
- 2. Petitioner is the sole and only heir of her parents, Pedro Fria and Amparo Villaverde (both deceased), who are the registered owner of a parcel of land located in Bgy. Caramay (now Salvacion), Municipality of Roxas, Palawan surveyed under Plan H-182209 and covered by Original Certificate of Title No. G-5838 (ANNEX "A") issued by the Register of Deeds for the Province of Palawan in the name of her late father, Pedro Fria married to her late mother, Amparo Villaverde. Being the sole and only heir of her parents Pedro Fria and Amparo Villaverde, she executed her Affidavit of Self-Adjudication dated September 22, 2020 and attached hereto as ANNEX "B". Petitioner's family is the only occupant of the lot subject of this petition since time immemorial. The Original Certificate of Title No. G-5838 was first issued on February 26, 1940 and a reconstituted title was issued on April 15, 1971;

- 3. Her father died on June 22, 1957 as shown by a copy of the Certificate of Death of Pedro Fria, hereto attached as **ANNEX** "C"; the Certificate of Death of her mother, Amparo Villaverde Fria who died on June 16, 1976 is hereto attached as **ANNEX** "D"; and the Certificate of Live Birth of the petitioner is attached as **ANNEX** "E";
- 4. The area of the above-mentioned lot surveyed under Plan H-182209 is **Thirteen Thousand Five Hundred Eighteen** (13,518) **Square Meters**, as stated in the approved Subdivision Plan, copy of which is hereto attached as **ANNEX "F"**. It also shows the technical description of the said lot. The Lot Data Computation issued by the Bureau of Lands also correctly stated the area and the technical description of the same, a copy of which is hereto attached as **ANNEX "G"**;
- 5. However, when OCT No. G-5838 was prepared at the Office of the Register of Deeds, a clerical error was made in the description of the area of the said lot, both as to words and figures to wit: instead of **Thirteen Thousand Five Hundred Eighteen (13,518) Square Meters**, it stated **Six Hundred (600) Square Meters**;
- 6. She discovered the error when she was about to process the transfer of OCT No. G-5838 from her father's name Pedro Fria, to her name in 2020 to avail of the tax amnesty for the estate tax for her parents' death;
- 7. The Tax Declaration TD No. 18-20-021-0093 issued by the Office of the Municipal Assessor and the Certificate Authorizing Registration issued by the Bureau of Internal Revenue also correctly stated the area of the said lot, **Thirteen Thousand Five Hundred Eighteen (13,518) Square Meters**, copies of which are hereto attached as **ANNEX "H"** and **ANNEX "I"** respectively;
- 8. After her discovery, petitioner wrote to DENR Mimaropa Region Office to verify the correct land area covered by OCT No. G-5838. On March 2, 2020, the then Regional Executive Director of DENR MIMAROPA, Henry A. Adornado, verified that the technical description of OCT No. G-5838 was derived from Plan H-182209 which is equivalent to Lot 350, Pls-798 and upon re-computation of the technical description, it was found out that the computed area of the lot data presented of Lot 350 and Plan H-182209 are the same



and/or equal to Thirteen Thousand Five Hundred Eighteen (13,518) Square Meters instead of Six Hundred (600) Square Meters as appearing in the said title. A copy of the said reply letter from the DENR MIMAROPA Regional Executive Director Henry A. Adornado is hereto attached as ANNEX "J". Petitioner also secured a Certification from the DENR - Provincial Environment and Natural Resources Office of Palawan certifying that the area of the lot in Plan H-182209 which is equivalent to Lot 350, Pls-798 and Lot 2891, Cad. 862-D covered by OCT No. G-5838 is Thirteen Thousand Five Hundred Eighteen (13,518) Square Meters instead of Six Hundred (600) Square Meters as appearing in OCT No. G-5838. A copy of the said Certification signed by the Engineer II, Surveys and Mapping Unit of DENR - PENRO Palawan, Engr. Donna Belle E. Luengo, and noted by PENRO Eriberto B. Saños, CESE is hereto attached as ANNEX "K":

- 9. Petitioner then presented the said reply letter from the DENR MIMAROPA Regional Executive Director Henry A. Adornado and Certification from DENR PENRO Palawan to the Register of Deeds of the Province of Palawan to correct the error in the lot area in OCT No. G-5838 but she was advised to file a petition before the court instead;
- 10. Presidential Decree No. 1529 allows the correction of erroneous entries in a certificate of title only by order of the Regional Trial Court. Thus:

Section 108. Amendment and alteration of certificates. No erasure, alteration, or amendment shall be made upon the registration book after the entry of a certificate of title or of a memorandum thereon and the attestation of the same by the Register of Deeds, except by order of the proper Court of First Instance. A registered owner or other person having interest in the registered property, or, in proper cases, the Register of Deeds with the approval of the Commissioner of Land Registration, may apply by petition to the court upon the ground that the registered interests of any description, whether vested, contingent, expectant or inchoate appearing on the certificate, have terminated and ceased; or that new interest not appearing upon the certificate have arisen or been created; or that an omission or error was made in entering a certificate



or any memorandum thereon, or, on any duplicate certificate; or that the same or any person on the certificate has been changed; or that the registered owner has married, or, if registered as married, that the marriage has been terminated and no right or interests of heirs or creditors will thereby be affected; or that a corporation which owned registered land and has been dissolved has not convened the same within three years after its dissolution; or upon any other reasonable ground; and the court may hear and determine the petition after notice to all parties in interest, and may order the entry or cancellation of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security or bond if necessary, as it may consider proper; xxx

- 11. Petitioner intends to present two (2) witness, herself and Engr. Donna Belle E. Luengo, Engineer II, Surveys and Mapping Unit of DENR PENRO Palawan. Petitioner will testify to prove the material allegations in this Petition while Engr. Luengo will corroborate petitioner's testimony. The Judicial Affidavits of petitioner Teresita V. Fria-Tabang and Engr. Donna Belle E. Luengo are hereto attached as ANNEXES "L" and "M", respectively;
- 12. In view of the above, there is a need to correct the erroneous description in OCT No. G-5838 regarding the area of the lot covered by Plan H-182209 from Six Hundred (600) Square Meters to Thirteen Thousand Five Hundred Eighteen (13,518) Square Meters;

RELIEF

WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Court that judgment be rendered ordering the correction of the area of the lot covered by Plan H-182209 stated in words and figures in OCT No. G-5838 from Six Hundred (600) Square Meters to Thirteen Thousand Five Hundred Eighteen (13,518) Square Meters.

Other reliefs, just and equitable, are likewise prayed for.

RESPECTFULLY SUBMITTED.

At Puerto Princesa City for Roxas, Palawan, April 12, 2021.

EARL ALLENDE V. RODRIGUEZ

Counsel for the Petitioner PTR No. 1512764; 01/04/2021; Palawan IBP No. 153381; 1-18-2021; Palawan Chapter MCLE No. VI-0027507 valid until April 14, 2022 Roll No. 71349

Vergara Rodriguez Law Office, G/F Vergara Bldg., 90 E. Valencia St., Puerto Princesa City, Palawan 5300 Tel. No. 048 433 8094; Email: atty.erod@yahoo.com Mobile No. 0956 629 1602

VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

- I, TERESITA V. FRIA-TABANG, Filipino, of legal age, married and resident of Bgy. Salvacion, Municipality of Roxas, Palawan, after having been duly sworn in accordance with law, do hereby depose and state:
 - That, I am the petitioner in the above-entitled case;
- That, I have caused the preparation of the foregoing petition and I have read and understood the contents thereof;
- That, all the allegations stated therein are true and correct of my own personal knowledge and based on authentic documents/records;
- 4. That, such petition is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- 5. That, the claims and other legal contentions are warranted by existing law or jurisprudence;
- 6. That, the factual allegations therein have evidentiary support, or if specifically so identified, will likely have evidentiary support after a reasonable opportunity for discovery;
- 7. That, I have not filed nor commenced any other action or proceedings involving the same parties and issues in the Supreme Court, Court of Appeals or different divisions thereof or any other court or tribunal and that to the best of my knowledge, no such action or proceeding is pending in the Supreme Court, Court of Appeals or different divisions thereof or any other tribunal;
- 8. That, should I learn thereafter that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals or different divisions thereof or any other tribunal, I shall notify this Honorable Court within five (5) calendar days from such notice;



IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of April 2021 at Puerto Princesa City, Philippines.

TERESITA V. FRIA-TABANG
Petitioner
OSCA ID No. 058693

SUBSCRIBED AND SWORN to before me this 12th day of April 2021 at Puerto Princesa City by Teresita V. Fria-Tabang who exhibited to me her competent evidence of identity as shown

below her name.

Page No. 88 ; Book No. x/V; Series of 2021.

ATTY. EARL ALLENDE V. RODRIGUEZ

AND PUERTO PRINCESA CITY
Notarial Commission No. 2020-031 Until December 31, 2021
PTR No. 1512764; January 04, 2021; Puerto Princesa City
IBP No. 153381; January 18, 2021; Palawar Chapter
MCLE Compliance No. VI-002757 Until April 14, 2022
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It is hereby certified that this is a true electronic copy of OCT G-5838 on file in Registry of Deeds of Province of Palawan, which consists of 4 page(s). This is a system generated Certified True Copy, and does not require a manually-affixed signature. Printed at Registry of Deeds of Province of Palawan. Requested By: TERESITA F. TABANG

Ref. No. 2020000215 OR No. : 1020505136

Date 01/14/2020 OR Date : Jan 13 2020

Time 12.26.58 PM Amt. Paid: 273.35

Page 1 of 4





00 G- 5898 poly

DESCRIPTION OF THE LAND

Plan H-182209

Regimning or a point marked "l" on Plan H-182209, being S. 32-07 W., 3174.65 m. from B.L.L.M. 1, Fls-798, thence

H. 59-16 M., 69.67 m. to point 2;

H. 56-56 U., 35.75 m. to point 3;

E. 20-45 E., 118.54 m. to point 4;

8. 70-14 B., 57.90 m. to point 5;

8. 58-19 E., 55.68 m. to point 6; S. 26-21 W., 128-59 m. to point 1;

point of beginning.

Containing an eres of SIX HUIDING (600) SQUARE METERS.

All points referred to are indicated on the glan and are marked on the ground by B. L. Cyl. Conc. Monn.

Bounded on the SW., along line 1-2 by H-35558 (Micolas Catain); on the W., along lines 2-3-4 by Public Land; on the ME., along lines 4-5-6 by H-151089 (Leonardo Herodaro); and on the SH., along line 6-1 by Sula Sea.

Bearings trus.

This survey was executed in accordance with law and existing regulations promulgated thereunder, by R. Hunala, Public Land Surveyor, on Febreary 6, 1935 and approved on February 5, 1970.

This survey is inside alienable and disposable under Project No. 1-A, IC Map 889, May 21, 1939, and is covered by H. A. No. 182209.

For the Director of Lands:

PEDRO N. CALL Supervising Goodstic Engineer I

abpajarillo 2-9-70

9. May Chacked by: 2-10-78

(X) dated February 25, 1940, which has been declared lost and/or destroyed pursuant to an Order of the Director of Lands, dated February 19, 1971 and is considered issued as of February 25, 1940.

QCT 22 2004 DATE

84:

ROLLING

history the timber found to the service of five to years from the date of the town, provided however, that grantee or his house may not ned utilize such timber as may be seeded for his a thair parameter parameters.

(Continued on Additional Sheet ____

Register of Boods

It is hereby certified that this is a true electronic copy of OCT G-5838 on file in Registry of Deeds of Province of Palawan, which consists of 4 page(s) This is a system generated Certified True Copy, and does not require a manually-affixed signature. Printed at Registry of Deeds of Province of Palawan. Requested By: TERESITA F. TABANG

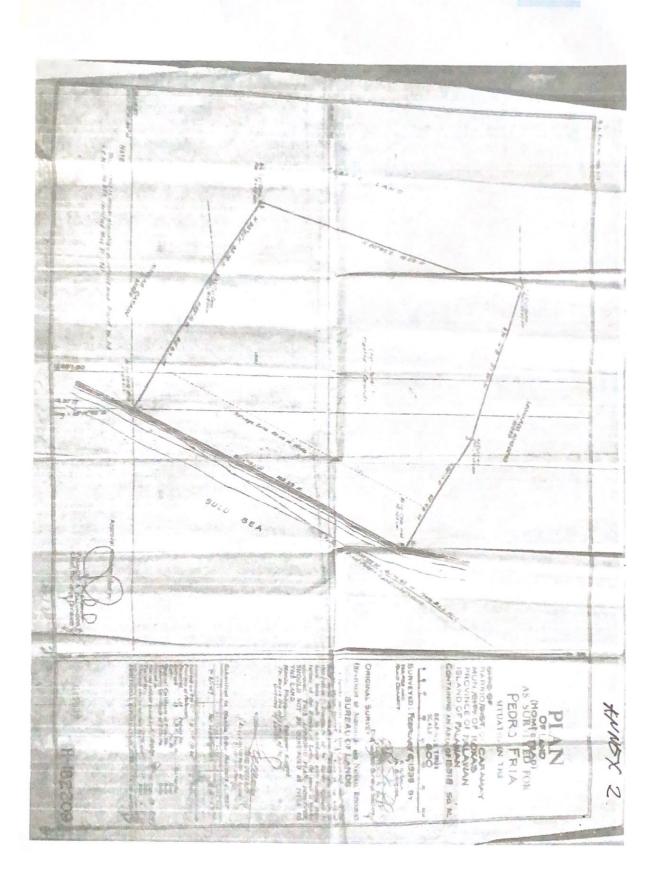
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ANNEX" F



G

LOT DATA COMPUTATION

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G.	CEI		17424.53	17453.77	17473.21	17362.36	17342.86	17309.30	NORTHING EASTING BLLN 1 PLS-798	ADDRES	E SUPPLANTAN	
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s Section PA	TOCOPY								DIST./COR. BEARING/LC		LUZTHER CLAIMANT	
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The second secon		4	S26-21H	361=85S	570-14E	N20-45E	N56-57W	N59-16W	BEARING DISTANCE		14.00 E	0
			128.59STAKE	55.68STAKE	57. 50STAKE	118.54STAKE	35.75STAKE	65.67STAKE		SURVEY NUMBER	PLS 0798	000 00350
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