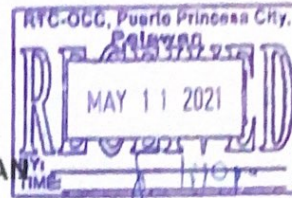


FILE

Republic of the Philippines
REGIONAL TRIAL COURT OF PALAWAN
Fourth Judicial Region
Branch _____



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

Land Case No. 3194

TERESITA V. FRIA-TABANG,
Petitioner,

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

X_____X

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:

1. That, I am the petitioner in the above-entitled case;
2. That, I have caused the preparation of the foregoing petition and I have read and understood the contents thereof;
3. 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.

Doc. No. 431 ;
Page No. 88 ;
Book No. XIV ;
Series of 2021.




ATTY. EARL ALLENDE V. RODRIGUEZ
NOTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
Notarial Commission No. 2020-031 Until December 31, 2021
PTR No. 1512764; January 04, 2021; Puerto Princesa City
ABP No. 153381; January 18, 2021; Palawan Chapter
MCLE Compliance No. VI-002757 Until April 14, 2022
Roll No. 71349

JOURNAL Form No. 47
(Revised September, 1954)

62891

Book 11
Page 90

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
Land Registration Commission
OFFICE OF THE REGISTER OF DEEDS FOR THE PROVINCE OF PALAWAN

Original Certificate of Title
No. 0-5838

Entered, in accordance with section 122 of Act No. 496, of the Philippine Commission, pursuant to a patent issued by the President of the Philippines, dated at the City of Manila, on the 15th day of April, in the year nineteen hundred and seventy-one, and spread in the records of the Bureau of Lands, as follows:

DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
BUREAU OF LANDS

(RECONSTITUTED) HOMESTEAD PATENT No. 130258

"TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

"WHEREAS, it appears that pursuant to the provisions of Chapter IV of Commonwealth Act No. 141, as amended, governing the Homesteading of portions of the public domain, the claim of PEDRO YLLA has been established and duly consummated in conformity with law for a tract of agricultural public land situated in the barrio of Caraway Municipality of Puerto Princesa (Province of Palawan), Island of Palawan, Philippines, containing an area of hectares, 06, are, 00, centares, according to the official plat of the survey thereof on file in the Bureau of Lands, Manila, and described on the back hereof;

"NOW, THEREFORE, KNOW YE, That by authority of the Constitution of the Philippines, and in conformity with the provisions thereof and of the aforesaid Commonwealth Act No. 141 and the Acts supplemental thereto, there is hereby granted unto the said PEDRO YLLA, of legal age, married to AMPARO VILLARDO and residing in Caraway, Puerto Princesa, Palawan, the tract of public land above described;

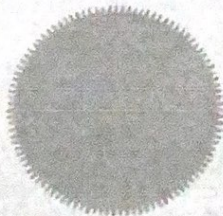
"TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereto of right belonging unto the said PEDRO YLLA and to his heirs or heirs and assigns forever, subject to the provisions of sections 118, 121, 123 and 124 of Commonwealth Act No. 141, as amended, which provide that except in favor of the Government or any of its branches, units or institutions, the land hereby acquired shall be inalienable and shall not be subject to incumbrance for a period of five (5) years next following the date of this patent, and shall not be liable for the satisfaction of any debt contracted prior to the expiration of that period; that it shall not be alienated, transferred or conveyed after five (5) years and before twenty-five (25) years next following the issuance of title, without the approval of the Secretary of Agriculture and Natural Resources; that it shall not be incumbered, alienated, or transferred to any person, corporation, association, or partnership not qualified to acquire public lands under the said Act and its amendments; and that, except with the consent of the grantee and the approval of the Secretary of Agriculture and Natural Resources and solely for educational, religious or charitable purposes or for a right of way, no corporation, association or partnership may acquire or have any right, title, interest, or property right whatsoever to the said land; and subject also to all conditions and public easements and servitudes recognized and prescribed by law, especially those mentioned in sections 100, 110, 111, 112, 113, and 114 of Commonwealth Act No. 141, as amended; and that this patent is issued in lieu of Homestead Patent No. 50415(X).

"IN TESTIMONY WHEREOF, and by authority vested upon me by law, I, FERDINAND E. MARCOS, President of the Philippines, have caused these letters to be made patent and the seal of the Republic of the Philippines, to be hereunto affixed.

"Given under my hand at the City of Manila, on this, the 15th day of April, 1971, in the year of Our Lord one thousand nine hundred and seventy-one.

"BY AUTHORITY OF THE PRESIDENT:

Arturo R. Tanas, Jr.
Under Secretary of Agriculture and Natural Resources



Transcribed in the "Registration Book" for the Province of Palawan, pursuant to the provisions of section 41 of Act No. 496, this 11th day of June, nineteen hundred and seventy-one, at 10:20 a. m.

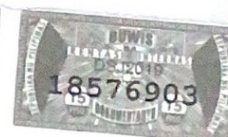
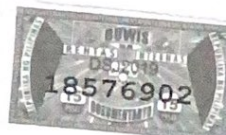
Caraway, Roxas, Palawan
(Grantor's Present Address)

REGISTERED BY: [Signature]
Register of Deeds



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 _____ A

OCT G-5838 p2/4

DESCRIPTION OF THE LAND

Plan E-182209

Beginning at a point marked "1" on Plan E-182209, being S. 32-07 W., 3174.85 m. from B.L.M. 1, Fls-798, thence
N. 99-16 W., 69.67 m. to point 2; N. 56-56 W., 35.75 m. to point 3;
N. 30-45 E., 118.54 m. to point 4; S. 70-34 E., 57.50 m. to point 5;
S. 58-19 E., 55.68 m. to point 6; S. 26-21 W., 128.59 m. to point 1;
point of beginning.

Containing an area of SIX HUNDRED (600) SQUARE METERS.

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

Bounded on the SW., along line 1-2 by E-35598 (Nicolas Gatian); on the W., along lines 2-3-4 by Public Land; on the NE., along lines 4-5-6 by E-151089 (Leonardo Heredero); and on the SE., along line 6-1 by Sulu Sea.

Bearings true.

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

NOTE:

This survey is inside alienable and disposable under Project No. 1-4, LC Map 889, May 21, 1939, and is covered by E. A. No. 182209.

For the Director of Lands:

Pedro N. Caldeira
PEDRO N. CALDEIRA
Supervising Geodetic Engineer I
7/13/70

abpajarillo
2-9-70

Checked by: *J. Mayan*
2-10-70

(X) dated February 26, 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 26, 1940.

DATE: OCT 22 2004
ROLL NO: 44
BY: _____

The government hereby grants to the grantee the right to use the land for five (5) years from the date of this grant, provided however, that grantee or his heirs may not use or utilize such timber as may be needed for his or their personal use.

(Continued on Additional Sheet _____, Page _____)

Register of Deeds



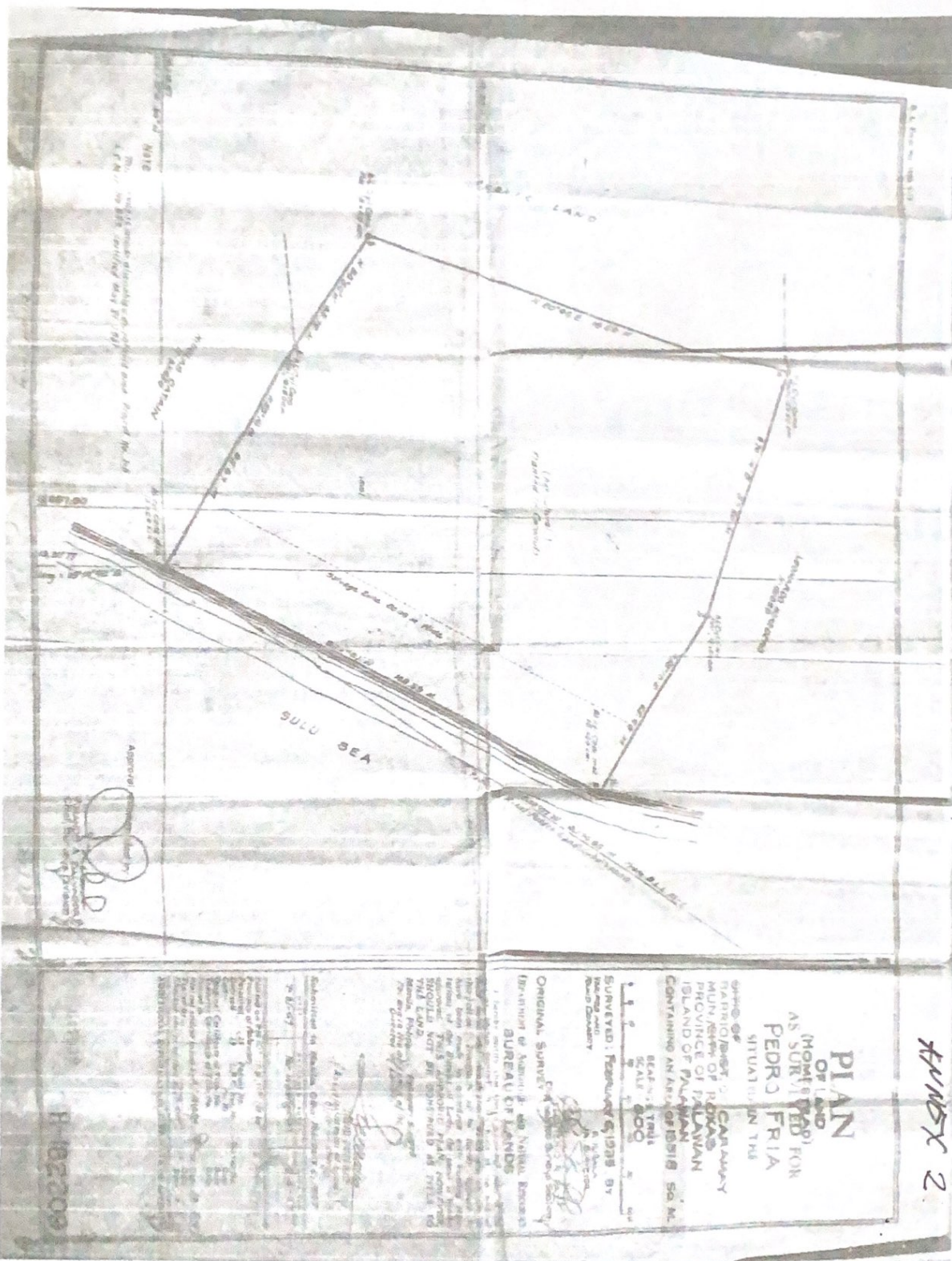
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Ref No: 2020000215 OR No: 1020505136

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

Time: 12:28:58 PM Amt Paid: 273.35

F



BUREAU OF LANDS LOT DATA COMPUTATION

ANNEX 4

FRIA PEDRO

0

CRIS C DELA CRUZ

MO DAY YR

000 00350 1

NAME OF CLAIMANT
POBLACION ROSAS PALAHAN

OTHER CLAIMANT
LUZON

CONTRACTOR OR GEO. ENGR. DATE SURVEYED
CM 18 12 00 N 119°14'00" E

LOT NO. SHT.
PLS 0798

ADDRESS OF CLAIMANT

QUADRANGLE

SURVEY NUMBER

TRACT BK PAGE	TRAVERSE STA. OCC.	TRAVERSE STA. COORDINATES NORTHING EASTING	SIDE SHOT OR EQV'T DIST./COR.	BEARING/LOT	CORNER NO. T P	LOT CORNER COORDINATES NORTHING EASTING	LOT BOUNDARY BEARING DISTANCE	CORNER DESC.
		17309.30	18314.46		1	17309.30	18314.46 N59-16W	65.67STAKE
		17342.86	18258.01		2	17342.86	18258.01 N56-57W	35.75STAKE
		17362.36	18228.05		3	17362.36	18228.05 N20-45E	118.54STAKE
		17473.21	18270.05		4	17473.21	18270.05 S70-14E	57.50STAKE
		17453.77	18324.16		5	17453.77	18324.16 S58-19E	55.68STAKE
		17424.53	18371.54		6	17424.53	18371.54 S26-21W	128.59STAKE
				AREA IN SQ. M.			13518.42	

CERTIFIED PHOTOCOPY

Virginia M. Regodon
VIRGINIA M. REGODON
Chief, Land Records Section
DENR-MIMAROPA
DPA 0103346 D
chd 12-2-9

