



Republic of the Philippines
Province Of Occidental Mindoro
MUNICIPALITY OF SAN JOSE

OFFICE OF THE SANGGUNIANG BAYAN

October 21, 2021

MA. LOURDES G. FERRER, CESO III

Regional Executive Director

Department of Environment and Natural Resources (DENR) MIMAROPA

Attention: **MR. CESAR P. ODI**
OIC, Licenses, Patents and Deeds Division

Sir:

We are respectfully bringing to your attention the herein attached letter dated March 15, 2021 from Mr. Joseph E. Salgado, EnP., LGU Municipal Planning and Development Coordinator/Municipal Zoning Administrator, forwarding the application of certain individuals for Free Patent on the vacant land situated at the north-west end of the runway of San Jose Airport, Barangay San Roque in the Municipality of San Jose, Occidental Mindoro and seeking legislative action.

For impending actions to be taken by the Sanggunian, the undersigned, being the Chairperson on Committee on Rules, Ethics and Privileges would like to seek for your opinion and advice regarding the following concerns:

- 1) Can the interest of Civil Aviation Authority of the Philippines (CAAP), represented by Captain Jim C. Sydiongco, be considered by CENRO San Jose and Municipal Planning and Development Office (MPDO) in retaining or reserving public lands covered by Free Patent Application for future developments of San Jose Airport? *(Please see attached approved survey Ccs-4B-000282)*
- 2) Does the municipal mayor or the municipal council have the power to reserve motu-proprio the lands of public domain by simply alleging that the area will be devoted for the future developments of CAAP in the San Jose Airport?
- 3) Are municipal resolutions/ordinances covering a portion of public land binding and enforceable to the the provisions of Public Land Act (Commonwealth Act No. 141) as CENRO San Jose undergo issuance of Free Patent over public lands?
- 4) Considering that the subject applicants for Free Patent on the above specified land has been in possession of the said lot for more than forty (40) years and its predecessor-in-interest, Francisco Cacho, holds approved consolidation/subdivision plan (Ccs-4B-000282), could such application be acknowledged as valid qualification for the issuance of residential free patent?

Also attached herewith is a position letter from Regional Technical Director for Lands, Mr. Sydicious F. Panoy of DENR Regional Office IV dated August 10, 1992 stipulating questions with corresponding responses that are similar to hereinabove-listed queries. In aid of legislation, the undersigned is eager to know if your good office abide by the same standing. Please see all attached files for your perusal. Thank you as we anticipate your immediate helpful response.

Truly yours,


JOEL G. AGUILAR
Municipal Councilor

Noted by:


RODERICK Q. AGAS
Municipal Vice Mayor/ Presiding Officer

MUNICIPALITY OF SAN JOSE

Province of Occidental Mindoro, Philippines
MPDO bldg. (former Water District), Municipal Government Complex
Rizal Street, Barangay Poblacion VII 5100



MUNICIPAL PLANNING AND DEVELOPMENT OFFICE

Office of the Deputized Zoning Administrator

March 15, 2021

HONORABLE MEMBERS

Sangguniang Bayan of San Jose
San Jose, Occidental Mindoro

Thru: **Hon. RODERICK Q. AGAS**
Vice-Mayor / Presiding Office
San Jose, Occidental Mindoro

Dear Ma'am/Sir:

Greetings!

We are in receipt of a letter on 1 January 2021 from Captain Jim C. Sydiongco, Director General of the Civil Aviation Authority of the Philippines (CAAP), pertaining to the applications of certain individuals in our office for the issuance of Zoning Certifications for Free Patent on a vacant land situated on the north-west end of the runway of San Jose Airport, Barangay San Roque, San Jose, Occidental Mindoro.

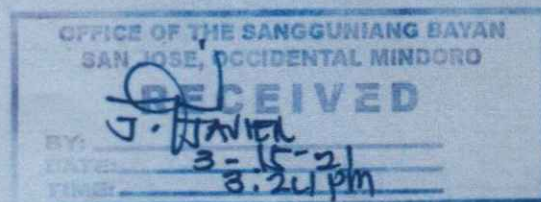
Considering the effect on airport operations once these individuals were given certifications and permit for Residential Free Patent application, CAAP is recommending the disapproval of the award of the said application. Furthermore, the latter is also requesting that the aforesaid area be retain in favor of the Republic of the Philippines for possible future airport development.

As such, we are forwarding all applications to the august Sangguniang Bayan and seek for your legislative wisdom on the matter. Presently, this area is within an open spaces and recreational zone and would require a reclassification into General Residential Zone if it will be opened for distribution to individuals. However, we recommend to put also into consideration all existing interested parties in the area.

Attached are the copies and list of requesting individuals as well as the San Jose Airport development plan and obstacle limitations surface (OLS) layout from CAAP.

Maraming salamat po!

EnP. JOSEPH E. SALGADO
Municipal Planning and Development Coordinator
Municipal Zoning Administrator



E-mail: mpdo_sjoccmndo@yahoo.com • mpdo_sanjosemindoro@gmail.com
Phone: (043) 457-0189 • +63-927-736-5218
Reach and follow us on Facebook:
<https://www.facebook.com/MPDOSanJoseOccMindoro>



Republic of the Philippines
CIVIL AVIATION AUTHORITY OF THE PHILIPPINES

INC-NCA-2021-003

_____, 2020

MR. EFREN L. DELOS REYES

Officer-In-Charge
Department of Environment and Natural Resources
MIMAROPA
San Jose, Occidental Mindoro

Thru: **MR. JOSEPH E. SALGADO, EnP.**
Municipal Planning Development Coordinator
Municipal Zoning Administrator

Dear **Mr. Delos Reyes**,

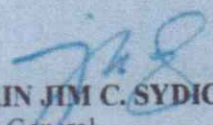
This refers to the application of certain individuals to your Office for the issuance of a Free Patent on a vacant lot situated on the north-west end of the runway of San Jose Airport, San Jose, Occidental Mindoro.

Relative with the above, please be informed that the said portion of lot will have an effect on the airport operation if structures will be built. Hence, we are recommending for the disapproval of the award of the said application. Furthermore, we would like to request for the retention of the said lot in favor of the Republic of the Philippines for future airport development.

In this connection, attached is the San Jose Airport development plan and obstacle limitation surface (OLS) layout for your reference.

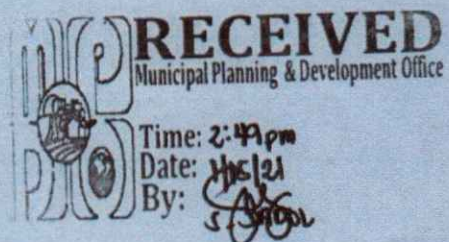
Preferential attention and favorable action on this request are highly appreciated.

Very truly yours,


CAPTAIN JIM C. SYDIONGCO
Director General

Cc. **Mr. Glenn D. Tripulca**
Acting Area Manager
Area Center III

Mr. Christopher G. Enriquez
OIC-Airport Manager
San Jose Airport

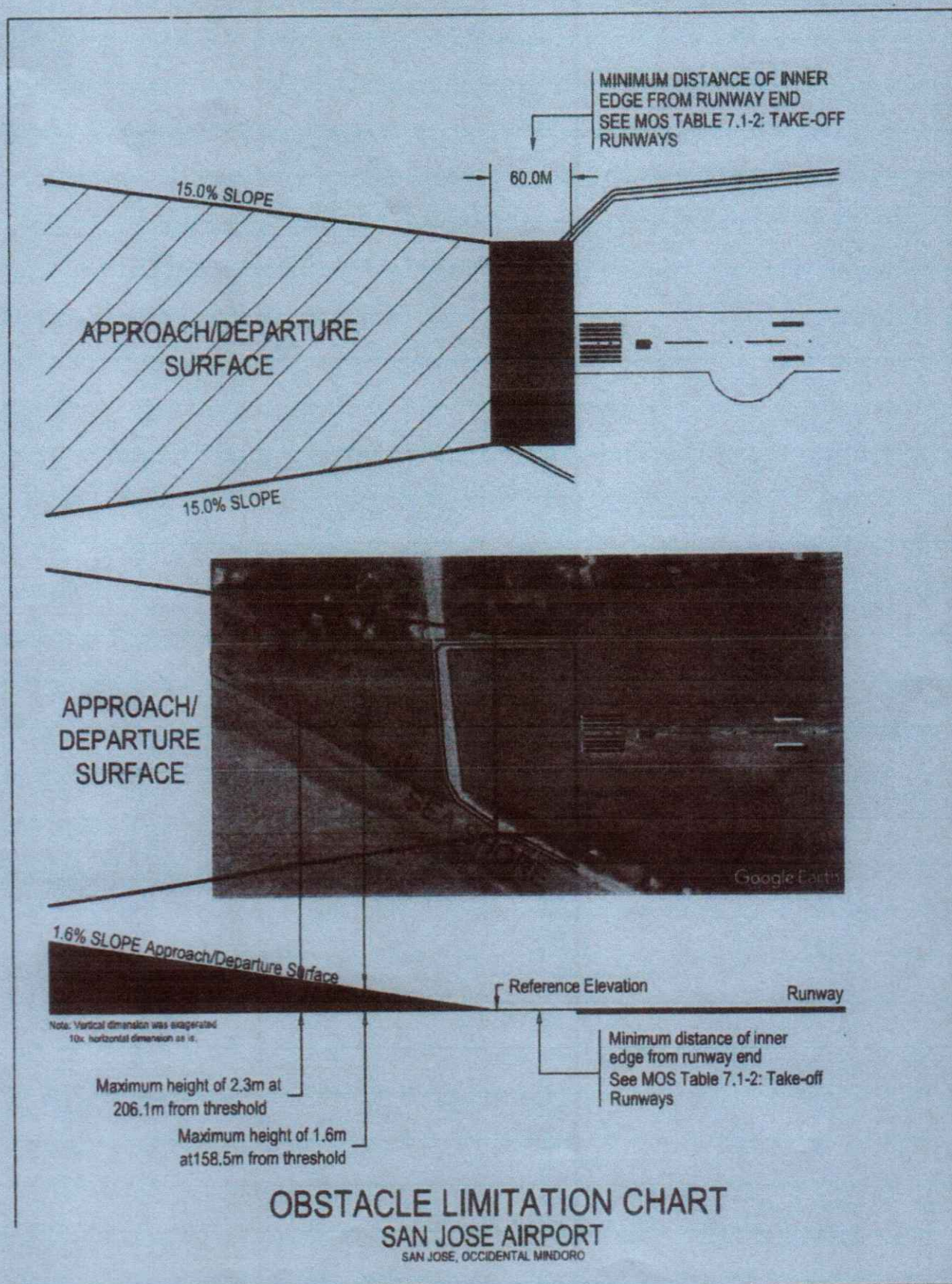




Republic of the Philippines
CIVIL AVIATION AUTHORITY OF THE PHILIPPINES



OBSTACLE LIMITATION SURFACE
San Jose Airport





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

Community Environment and Natural Resources Office
Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

November 23, 2020
(Date)

The Municipal Planning Development Officer
Municipality of SAN JOSE
Province of Occidental Mindoro

Sir:

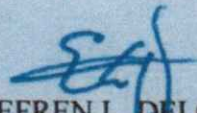
Information is requested whether the land described below is within the residential zone:

Kind of Application	:	Residential Free Patent Application
Name of Applicant	;	JESSIE M. CACHO
Lot No.	:	6,
Survey No.	:	CCS-4B-000282
Barangay	:	SAN ROQUE
Municipality	:	SAN JOSE
Province of	:	OCCIDENTAL MINDORO
Area	:	103 SQ.M.

May we request for the following information:

1. That the said lot is within Residential or Commercial Zone.
2. That the said lot is not needed by the government for future improvement.

Very truly yours,


EFREN L. DELOS REYES
Officer-In Charge



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

Community Environment and Natural Resources Office

Tel. Number (043) 437-0250 / (043) 742-0021

Email: cenrosanJose@denr.gov.ph

November 23, 2020

(Date)

The Municipal Planning Development Officer

Municipality of SAN JOSE

Province of Occidental Mindoro

Sir:

Information is requested whether the land described below is within the residential zone:

Kind of Application	:	Residential Free Patent Application
Name of Applicant	:	MARIA SUSANA C. SOHN
Lot No.	:	7
Survey No.	:	CCS-4B-000282
Barangay	:	SAN ROQUE
Municipality	:	SAN JOSE
Province of	:	OCCIDENTAL MINDORO
Area	:	105 SQ.M.

May we request for the following information:

1. That the said lot is within Residential or Commercial Zone.
2. That the said lot is not needed by the government for future improvement.

Very truly yours,

EFREN L. DELOS REYES
Officer-In Charge



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

Community Environment and Natural Resources Office

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

November 23, 2020
(Date)

The Municipal Planning Development Officer
Municipality of SAN JOSE
Province of Occidental Mindoro

Sir:

Information is requested whether the land described below is within the residential zone:

Kind of Application	:	Residential Free Patent Application
Name of Applicant	:	JUDY C. SUNE
Lot No.	:	8
Survey No.	:	CCS-4B-000282
Barangay	:	SAN ROQUE
Municipality	:	SAN JOSE
Province of	:	OCCIDENTAL MINDORO
Area	:	87 SQ.M.

May we request for the following information:

1. That the said lot is within Residential or Commercial Zone.
2. That the said lot is not needed by the government for future improvement.

Very truly yours,


EFREN L. DELOS REYES
Officer-In Charge



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

Community Environment and Natural Resources Office
Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

November 23, 2020
(Date)

The Municipal Planning Development Officer
Municipality of SAN JOSE
Province of Occidental Mindoro

Sir:

Information is requested whether the land described below is within the residential zone:

Kind of Application	:	Residential Free Patent Application
Name of Applicant	;	MA. JESUSA C. PARÍÑAS
Lot No.	:	9
Survey No.	:	CCS-4B-000282
Barangay	:	SAN ROQUE
Municipality	:	SAN JOSE
Province of	:	OCCIDENTAL MINDORO
Area	:	82 SQ.M.

May we request for the following information:

1. That the said lot is within Residential or Commercial Zone.
2. That the said lot is not needed by the government for future improvement.

Very truly yours,


EFREN L. DELOS REYES
Officer-In Charge



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

Community Environment and Natural Resources Office
Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

November 23, 2020
(Date)

The Municipal Planning Development Officer
Municipality of SAN JOSE
Province of Occidental Mindoro

Sir:

Information is requested whether the land described below is within the residential zone:

Kind of Application	:	Residential Free Patent Application
Name of Applicant	:	MEDIGRACE M. CACHO
Lot No.	:	10
Survey No.	:	CCS-4B-000282
Barangay	:	SAN ROQUE
Municipality	:	SAN JOSE
Province of	:	OCCIDENTAL MINDORO
Area	:	82 SQ.M.

May we request for the following information:

1. That the said lot is within Residential or Commercial Zone.
2. That the said lot is not needed by the government for future improvement.

Very truly yours,


EFREN L. DELOS REYES
Officer-In Charge



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

Community Environment and Natural Resources Office

Brgy. Labangan, San Jose, Occidental Mindoro

Tel. Number (043) 457- 0236 / (043) 742-6627

Email: cenrosanjose@denr.gov.ph

November 23, 2020
(Date)

The Municipal Planning Development Officer

Municipality of SAN JOSE

Province of Occidental Mindoro

Sir:

Information is requested whether the land described below is within the residential zone:

Kind of Application	:	Residential Free Patent Application
Name of Applicant	:	NONA C. CACHO
Lot No.	:	12
Survey No.	:	CCS-4B-000282
Barangay	:	SAN ROQUE
Municipality	:	SAN JOSE
Province of	:	OCCIDENTAL MINDORO
Area	:	81 SQ.M.

May we request for the following information:

1. That the said lot is within Residential or Commercial Zone.
2. That the said lot is not needed by the government for future improvement.

Very truly yours,


EFREN L. DELOS REYES
Officer-In Charge



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
REGIONAL OFFICE IV
1515 Roxas Boulevard, Manila

SUBJECT: Queries as to the authority of the Municipal Government of Quezon, Palawan to deal with, and transact business over, lands of the public domain

August 10, 1992

The Community Environment and Natural Resources Officer
DENR, Quezon, Palawan
Thru: The Provincial Environment and Natural Resources Officer
DENR, Puerto Princesa City

Attention: LMO III Hilario V. Regondola, Jr.

Sir:

This refers to the written Queries dated July 16, 1992 (received August 6, 1992) of your Land Management Officer III, Hilario V. Regondola, Jr., relative to the above-noted subject, and to inform as follows:

1. Query No. 1 - Has the Mayor or the Municipal Council the Power to dispose and distribute lands of the Public Domain? The Answer is NO, as that power resides with the State exercised through the DENR, and any usurpation thereof is actionable in Court.

2. Query No. 2 - Has the Municipal Council the power to reserve motu proprio lands of the public domain, by simply alleging that the same will be devoted to public purpose? Again the ANSWER is NO. Only the State thru a Proclamation issued by the President upon recommendation of the Secretary of the DENR, can validly reserve a portion of the lands of the Public Domain which must be specific as to the public purpose and to the exact area needed.

3. Query No. 3 - Has the Municipal Council the power to donate lands of the Public Domain to private entities? The ANSWER is definitely NO since the State and not the Municipality owns the land. Hence, the donation or any transaction by the Municipality over the land is null and void ab initio and has no legal force and effect whatsoever.

4. Query No. 4 - Has the Municipal Council the power to accept Public Land Applications and then charge the applicants P50.00 as Administrative Fee? Similarly, the ANSWER is NO. To accept public land applications over these lands is to assume that the Municipal Council has the power and authority to dispose of --- which it does not have, because it does not own these lands. Hence, the collection of P50.00 as administrative is illegal.

However, in the cities of Baguio, Olongapo and Puerto Princesa collections for public land applications filed with the DENR accrue to the coffer of these City governments. It is because this is explicitly authorized in their respective city charters.

5. Query No. 5 - Can the CENR Office continue to touch these reservations made by the Municipal Council thru or without Municipal Resolutions? YES, because these are not valid reservations, as municipalities have no inherent power and authority to establish reservations over lands belonging to the State. Jurisdiction, administration and control

EXHIBIT #7

over these lands continue to remain with the DENR.

6. Are these Municipal Resolutions binding and enforceable to us? Decidedly, the ANSWER is NO. Such kind of Resolutions are ultra vires acts of the Municipal Council and are, therefore, void without any legal force and effect. Any attempt to enforce them will subject the enforcing officials to administrative, civil and criminal liabilities.

It may further be mentioned in passing that local government units (LGU) cannot, in the exercise of its proprietary functions, acquire public agricultural lands from the mass of public domain. And no matter how long local government units have possessed lands of the public domain, they cannot acquire ownership, thru extraordinary acquisitive prescription over it as against the State.

In connection herewith the following instructions/directives are hereby given:

a. Conduct an inventory of all lands of the public domain which the Municipality may have disposed or attempting to dispose thru:

1. public land applications;
2. donations; and
3. any form of absolute conveyance.

b. Conduct an inventory of all lands of the public domain which the Municipality has nota proprio reserved without authority to do so. In this particular case, however, you should be able to help the Municipality by ascertaining from them areas which it may wish to reserve for specific public purposes, like market site, barangay center sites, government building sites, etc. Take note, however that requests for reservations for proprietary purposes, like municipal parking area, beach resort areas, and other similar purposes should not be entertained.

Your report hereon should be submitted to this Office within thirty (30) days from receipt hereof.

Please give this Reply to your Queries the widest possible circulation for the guidance of all concerned.

Very truly yours,

SYDICIUS F. PANOY
Regional Technical Director for Lands

Copy furnished:

The Municipal Council
Quezon, Palawan

All Land Management Officers

CONSOLIDATION SUBDIVISION
PLAN OF LAND
OF LOTS 6028-M and 6028-N, Cad-04-016597-D
AS SURVEYED FOR
CACHO, CACHO & CO.
SITUATED IN THE
RURBAN CODE:
BARANQUAY OF SAN ROQUE
MUN./CITY OF SAN JOSE
PROVINCE OF OCCIDENTAL MINDORO
ISLAND OF MINDORO
CONTAINING AN AREA OF
PPCS. TAMPRS 82 ZONE NO. 1
BEARINGS 1: 100
SCALE 1: 100
11 241 SQ. M.

I further certify that this plan conspicuously indicates the boundaries of the property as subjected to me, as the grantor by the survey, marked by the said monuments and survey and intended to be the legal and equitable boundaries of the said land, and I assume full responsibility for the above-mentioned correctness of the survey and that I assume full responsibility for the above-mentioned correctness of the survey and

OCT 10, 2017
Date of Issuance
INDIAN SALTWORKS
GEODETIC ENGINEER
PAC ID No. 4589 Date 6/26/2016
PRR NO. 5-2016-0000 Date 6/26/2016
TIM NO. 502-8541-5250

Republic of the Philippines
Department of Environment and Natural Resources
TECHNICAL SERVICES
MINAROPA Region
MANILA

The survey plotted herein is found to be correct and the Engineer hereby certifies that the same is true and correct and that the same is recommended for approval of the Consulting Engineer and therefore recommended for approval.


 RONALD J. HAYS
 Civil Engineer
 Date Approved: 02/11/15
 Date: 02/11/15

This approved plan, however, shall not be taken as a precedent for other projects.

VICENTE B. TUDDAO JR., PH.D., GE
Assistant Regional Director for Technical S

AUGUST 09, 1968
Date dictated

[illegible]

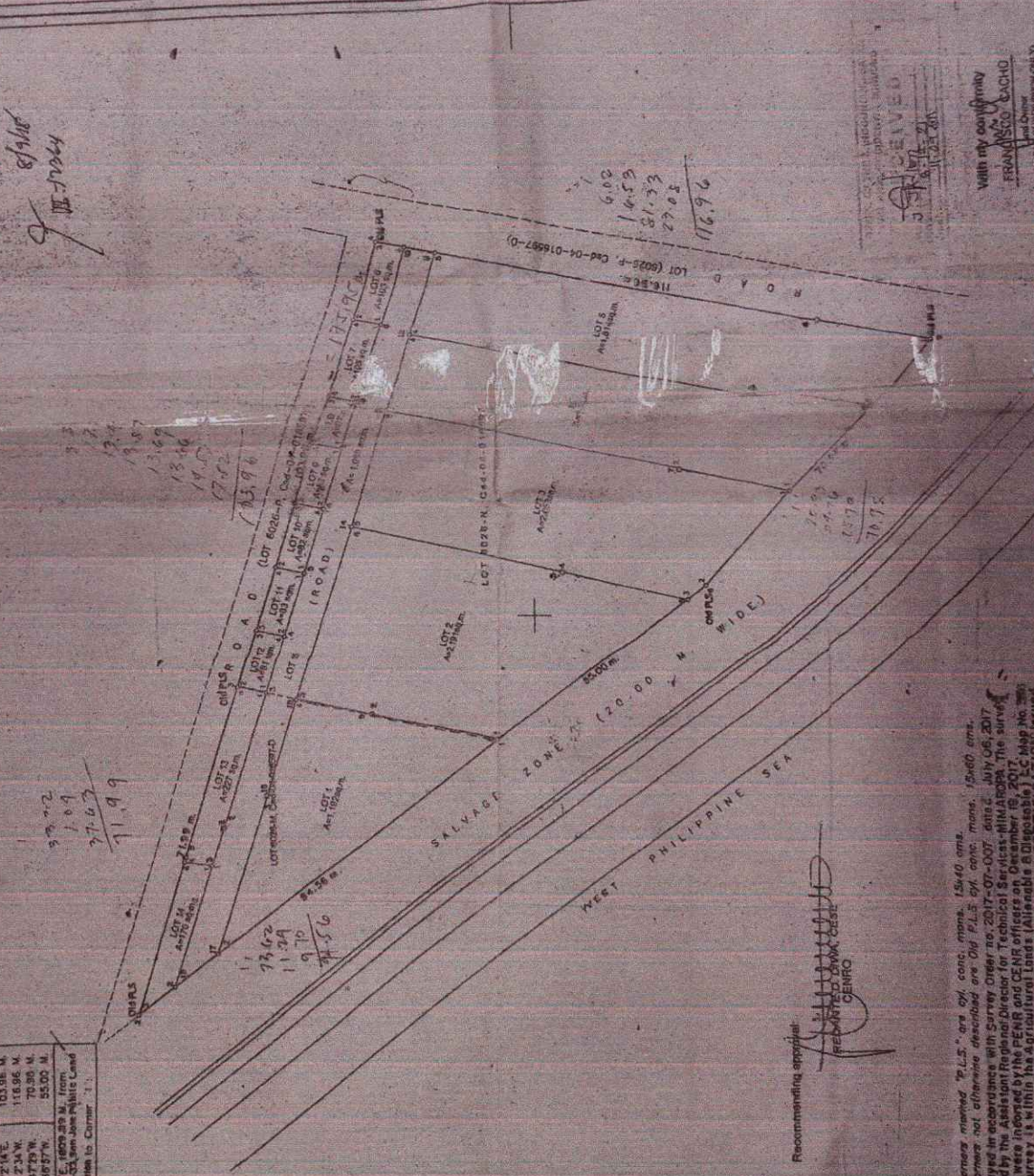
Position verified by GPS N
Plotted on Map
Field Notes checked by John G. Galt
Computation checked by John G. Galt
Astronomical / Traverse / Lat Data
Inscribed / Inscribed

Plotted by _____
 Traced by _____
 Checked & Verified by: _____
 9/3/28

ADDITIONAL INFORMATION AFTER DATE OF APPROVAL
 Rejected to AFD, per LC map NO.

done April 1861 6-5 P.M.
dated 6-5-61

CCS-4B-000



VERIFICATION FEE	
Paid Under	P L S
O. R. No.	
Date	15 July 08

THE

co Carbo
m. wide) would be preserve as
ent structure shall be establish

[illegible]

Project
by Red
Lots
Public
The
The b
environ
in this a
Sugm
con