



Republic of the Philippines  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
Visayas Avenue, Diliman, Quezon City  
Tel. No. 929-6626 to 29; 929-6633 to 35  
926-7041 to 43; 929-6252; 929-1669  
Website: <https://www.denr.gov.ph> / Email: [web@denr.gov.ph](mailto:web@denr.gov.ph)

## MEMORANDUM

FOR : The Chairperson, Anti-Illegal Land Titling Committee  
The Assistant Secretary  
Legal Affairs

The Vice Chairpersons, Anti-Illegal Land Titling Committee  
The Director  
Land Management Bureau  
[denrlmb@yahoo.com](mailto:denrlmb@yahoo.com)  
[lmb@denr.gov.ph](mailto:lmb@denr.gov.ph)

The Director  
Legal Affairs Service  
[las.denr@gmail.com](mailto:las.denr@gmail.com)

All Members, Anti-Illegal Land Titling Committee  
All Regional Executive Directors, DENR Regional Offices  
All Chiefs, Legal Division of Legal Affairs Service

FROM : The TWG Head  
Anti-Illegal Land Titling Committee

SUBJECT : **REVISED GUIDELINES IN THE DISPOSITION OF CASES OF  
ILLEGALLY / IRREGULARLY ISSUED LAND TITLES AND  
REGISTERED PATENTS**

This has reference to the official function of the Anti-Illegal Land Titling (AILT) Committee to recommend policies and guidelines in the disposition of cases of illegally or irregularly issued land titles and registered patents pursuant to Special Order 2021-716.

Please be advised that after a series of consultations and meetings, the AILT Committee – Technical Working Group (TWG) has finished drafting the draft DENR Administrative Order (DAO) entitled “Revised Guidelines in the Disposition of Cases of Illegally/Irregularly Issued Land Titles and Registered Patents.” Please be informed further that the AILT Committee – TWG will be presenting the draft DAO during the first AILT Committee Conference in the Island of Boracay, Malay, Aklan scheduled on 27-29 April 2022. Considering that the Land Management Bureau has initiated the revision of DAO 2016-31, which includes the provisions on the investigation/petitions involving registered patents, it is suggested that the proposed DAO would be endorsed to the Land Management Bureau by the AILT Committee for consideration and consolidation.

For easier discussion on these contents thereof on the upcoming AILT Conference, this Office respectfully furnishes you an advance copy of said **proposed administrative order** hereto attached.

For your guidance and information.

  
ATTY. ILLAC G. BOHOL, EnP.



Republic of the Philippines  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
Visayas Avenue, Diliman, Quezon City  
Tel. No. 929-6626 to 29; 929-6633 to 35  
926-7041 to 43; 929-6252; 929-1669  
Website: <https://www.denr.gov.ph> / Email: [web@denr.gov.ph](mailto:web@denr.gov.ph)

**ANTI-ILLEGAL LAND TITLING COMMITTEE  
RESOLUTION 2022 - \_\_\_\_\_**

**ENDORISING TO THE LAND MANAGEMENT BUREAU THE DRAFT DENR ADMINISTRATIVE ORDER REGARDING THE REVISED GUIDELINES IN THE DISPOSITION OF CASES OF ILLEGALLY / IRREGULARLY ISSUED LAND TITLES AND REGISTERED PATENTS FOR THE BUREAU'S CONSIDERATION IN THE AMENDMENT OR REVISION OF DENR ADMINISTRATIVE ORDER 2016-31**

**WHEREAS**, Special Order 2021-716 was issued last 06 December 2021 reconstituting the then Anti-Fake Titles Committee – Technical Working Group (AFTC-TWG) and renaming the same as the Anti-Illegal Land Titling (AILT) Committee;

**WHEREAS**, the reconstitution of the then AFTC-TWG has led to the designation of the Director and the Chief of the Legal Division of the Land Management Bureau as Vice Chairperson of the AILT Committee and member of the Technical Working Group (TWG), respectively;

**WHEREAS**, the AILT Committee, pursuant to Special Order 2021-716, was tasked to recommend policies or guidelines in the disposition of cases of illegally or irregularly issued land patents/registered titles;

**WHEREAS**, the draft DENR Administrative Order (DAO) on the Disposition of Cases of Illegally/Irregularly Issued Land Titles and Registered Patents prepared by the AILT Committee has incorporated the provisions of Chapter III of DENR Administrative Order (DAO) 2016-31 or the Procedure in the Investigation of Petitions Involving Registered Patents;

**WHEREAS**, the Land Management Bureau has initiated steps for the amendment or revision of DAO 2016-31;

**WHEREAS**, the AILT Committee seeks to unify, as much as possible, the different policies of the Department regarding the disposition of illegal land titles and registered patents in one instrument;

NOW, THEREFORE, FOR AND IN VIEW OF ALL THE FOREGOING, WE HEREBY RESOLVE, AS IT IS HEREBY RESOLVED, to authorize the endorsement of the AILT Committee's **draft** DAO<sup>1</sup> on the Disposition of Cases of Illegally/Irregularly Issued Land Titles and Registered Patents to the Land Management Bureau for the Bureau's consideration in the amendment or revision of DAO 2016-31.

**APPROVED** this \_\_\_\_\_ in \_\_\_\_\_ by the AILT Committee.

For the Anti-Illegal Land Titling Committee:

**ATTY. ANTHONY RAYMOND  
M. VELICARIA**  
Chief, Internal Affairs Division  
Member

**ATTY. ROSANNE B. TURINGAN**  
Head, Zero Backlog Taskforce  
Member

**ATTY. ROSETTE S. FERRER**  
OIC-Chief, Legal Research and Opinion  
Division  
Member

**ATTY. KARREN CECIL I. PANOPIO-  
LOFRANCO**  
Chief, Litigation and Prosecution  
Division  
Member

**ATTY. KEVIN CRUST GROYN**  
OIC-Chief, Investigation and  
Arbitration Division  
Member

**ATTY. AVENTINO S. GOPICO III**  
OIC-Chief, Claims and Conflicts  
Member

**ATTY. ILLAC G. BOHOL, EnP.**  
OIC-Chief, Legal Crisis Prevention and Management Division  
Technical Working Group Head/  
Member

**ATTY. EMELYNE V. TALABIS**  
Director, Land Management Bureau  
Vice Chairperson

**NORLITO A. ENERAN, LL.M., CESO  
III**  
Director, Legal Affairs Service  
Vice Chairperson

**ATTY. MICHELLE ANGELICA D. GO, LL.M., CESO II**  
Assistant Secretary, Legal Affairs  
Chairperson

---

<sup>1</sup> Attached as an integral part of this Resolution.



**SUBJECT : REVISED GUIDELINES IN THE DISPOSITION OF  
CASES OF ILLEGALLY / IRREGULARLY ISSUED  
LAND TITLES AND REGISTERED PATENTS**

Pursuant to the relevant provisions of Executive Order No. 292 dated 25 July 1987, otherwise known as the "*Administrative Code of 1987*", and Executive Order No. 192 dated 10 June 1987, or the "*Reorganization Act of the Department of Environment and Natural Resources*", Sections 91, 101 and other pertinent provisions of Commonwealth Act No. 141, as amended, or the "*Public Land Act*", the following guidelines are hereby promulgated and adopted for the compliance and guidance of all concerned for the effective, efficient, and uniform procedure in the inventory, investigation and disposition of reported cases of illegal titling, and for the endorsement to the Office of the Solicitor General (OSG) of cancellation of title and/or reversion case with the regular court:

**I. INSTITUTION OF PETITION FOR REVERSION**

**A. PETITION FILED BY A PRIVATE PARTY**

In cases of petition(s) filed by any individual person against registered patent(s), the resolution of the petition shall adopt the procedure under Chapter III of the DENR Administrative Order No. 2016-31<sup>1</sup> dated 29 December 2016, provided as follows:

SECTION 26. *Nature of the Investigation.* — The proceeding under this Chapter shall be merely investigative in nature which will be conducted as a fact-finding/recommendatory procedure to determine the propriety of initiating reversion proceedings.

SECTION 27. *Who May Initiate.* — The investigation may be initiated by the Regional Executive Director (RED) *motu proprio* (office-initiated investigation) or upon the filing of a Petition by any other person.

Letter-Complaints and/or Anonymous Complaints may be acted upon as basis of an office-initiated investigation.

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 swamp land;
6. The land is a salvage zone or public easement;
7. The land is part of navigable river, stream or creek;

---

<sup>1</sup> Procedure in the Investigation of Petitions Involving Registered Patents.



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 122 and 123 of C.A. 141.

SECTION 29. *Petition.* — The Petition shall be in writing and verified by the petitioner or his or her duly authorized representative.

All petitions involving registered patents shall be filed with the PENRO having jurisdiction thereof. If the petition is filed in the office of the RED or the CENRO, it shall be referred to the PENRO within one (1) day.

In the case of the DENR-NCR, the petition shall be filed at the Legal Division.

SECTION 30. *Formal Requirements of a Petition.* — The Petition shall be written in clear, simple, brief and concise language and must contain the name of the holder of the title, his or her address, the material allegations, the law and the grounds/basis/es of the petition, and the documentary and other forms of evidence to support the allegations.

The Petition must be supported by the following documents:

- a. Certificate to file action from the barangay concerned;
- b. Verification and Certification of Non-Forum Shopping;
- c. Proof of payment of the Petition fee;
- d. Certified true copy of the title or patent; and
- e. A recent 2x2 picture of the petitioner and his/her duly authorized representative and the subject lot/s.

The Petition and its supporting documents shall be filed in three (3) copies. The respondent shall also be furnished a copy thereof.

Petitions executed in Filipino shall be accepted.

The requirements under this section and the preceding section shall apply only to grounds 1 and 11 of Section 28.

SECTION 31. *Preliminary Evaluation.* — Within one (1) day from receipt of the Petition, the PENRO shall assign it to the Conservation, Development and Licensing Section (CDLS) for preliminary evaluation and determination if the requirements under Sections 29 and 30 are complied with. Otherwise, the PENRO may dismiss it without prejudice.

If the requirements have been complied with, the PENRO shall forward the Petition to the RED. The latter will then forward it to the Legal Division for an early evaluation whether the Petition has sufficient basis. The Legal Division, within three (3) days, shall recommend for the outright dismissal of the Petition if it has no sufficient basis; otherwise, it shall be forwarded to the RD for the issuance of an Order of Investigation.

If the Petition is filed in the DENR-NCR, the Legal Division shall conduct the preliminary evaluation.

SECTION 32. *Order of Investigation.* — Upon determination that the Petition is in due form and has sufficient basis, the RED shall issue the Order of Investigation directing the Land Investigation Officer (LIO) for the conduct of the actual investigation, ocular inspection and preparation of report.

SECTION 33. *Summons.* — The PENRO or the RED in the case of the DENR-NCR, within seven (7) days, shall issue summons to the registered owner and the petitioner, accompanied by a copy of the Petition, requesting the parties-in-interest to attend a meeting for the purpose of discussing the Petition.

If the registered owner does not attend the meeting, the LIO shall proceed with the ocular inspection and the review of the documentary pieces of evidence and registration documents.

If the registered owner attends the meeting, then a hearing shall be set and an ocular inspection shall be conducted. Thereafter, the documentary pieces of evidence and registration documents shall be review and evaluated.

All meetings, reviews and ocular inspections shall be concluded within ninety (90) days.

SECTION 34. *Investigation Report.* — After the termination of meeting/s and ocular inspection/s, the LIO shall submit an investigation report to the RED within thirty (30) days, taking into consideration the results of the investigation, meeting/s, ocular inspection/s and the pleadings and documents and other evidence submitted by the party/ies. The investigation report shall contain the factual findings on the case and the recommended appropriate action. The recommendation must be responsive to the issue/s thereon.

SECTION 35. *Forwarding of the Investigation Report by RED to the Legal Division.* — Upon receipt of the investigation report, the RED, within one (1) day shall forward it to the Legal Division for evaluation and the preparation of the appropriate action document affirming or denying the recommendation in the investigation report.

SECTION 36. *Memorandum Order*<sup>2</sup>. — The Legal Division shall draft a Memorandum Order if there is basis to initiate a reversion case. The Memorandum Order shall be addressed to the DENR Secretary, through the Assistant Secretary for Legal Affairs, which shall contain the facts and the legal bases thereof.

The Legal Division shall also draft a complaint for reversion case signed by the RED. It shall be attached in the Memorandum Order.

SECTION 37. *Resolution Dismissing the Petition.* — The Legal Division shall draft a Resolution dismissing the Petition if there is no sufficient basis for the initiation of a reversion case. The draft Resolution shall state the reasons and grounds relied upon.

SECTION 38. *Recommendation of ARD for Management to the RED.* — The Legal Division shall forward the draft Memorandum Order or Resolution to the Assistant Regional Director (ARD) for Management, who shall forward the same to the RED.

SECTION 39. *Resolution of the RED.* — The RED shall act on the recommendation within thirty (30) days from receipt thereof.

If the RED decides that a case for reversion should be filed, he/she shall approve the Memorandum Order and shall forward the case together with the draft complaint for reversion to the DENR Central Office for the latter's evaluation. If the RED's decision is affirmed, the DENR Central Office shall evaluate and forward the case folder to the Office of the Solicitor General (OSG) together with the draft complaint for reversion.

---

<sup>2</sup> See Annex "B-1"



If the RED's decision is not to file a case for reversion, he shall approve the draft Resolution dismissing the petition, furnishing a copy thereof to all parties concerned.

A.1. Transmittal of the case record for reversion to the DENR Central Office shall follow the procedure provided under B.3 of this Rule.

## B. OFFICE-INITIATED ACTION

The following procedure shall govern any investigation commenced by the office involving the disposition of reported cases of illegal titling:

1. The CENR/PENR Officer who submitted a listing of cases of illegal titles within his/her territorial jurisdiction must undertake the documentation thereof which involves:
  - a. Conduct of field investigation to substantiate and confirm the veracity of the reported finding that the title of a particular piece of land is illegal for covering forest/timberland, mineral, national parks, proclaimed/reserved area, and other inalienable lands of the public domain;
  - b. Gathering of the relevant land classification/projection/cadastral maps showing that the land involved falls within the inalienable and non-disposable area; papers/documents evidencing release; certification of status;
  - c. Preparation of certified copies of public land application, approval, order for issuance of patent and patent issued as well as certified copies of original certificate of title issued pursuant thereto, and its derivative title(s), if any;
  - d. Procurement of other relevant papers/documents which can serve as additional evidence such as Presidential Proclamation, Executive Order, Forest Administrative Order, etc. in certified form.
  - e. Names of witnesses, including the investigation officer, if not available, any member of the investigation team, and their respective Judicial Affidavits which shall serve as their direct testimonies to be attached to the complaint for reversion.<sup>3</sup>
2. If for any reason, any of the above-documents cannot be obtained, a "Certificate of No Record" and/or "Affidavit" shall be executed by the Records Officer of the

---

<sup>3</sup> Section 6, Rule 7 of the A.M. No. 19-10-20-SC OR The 2019 Amendments to the 1997 Rules of Civil Procedure:

Section 6. Contents. — Every pleading stating a party's claims or defenses shall, in addition to those mandated by Section 2, Rule 7, state the following:

- (a) Names of witnesses who will be presented to prove a party's claim or defense;
- (b) Summary of the witnesses' intended testimonies, provided that the judicial affidavits of said witnesses shall be attached to the pleading and form an integral part thereof. **Only witnesses whose judicial affidavits are attached to the pleading shall be presented by the parties during trial.** Except if a party presents meritorious reasons as basis for the admission of additional witnesses, no other witness or affidavit shall be heard or admitted by the court; and
- (c) Documentary and object evidence in support of the allegations contained in the pleading.



CENRO/PENRO explaining why the document(s) cannot be submitted, which shall be certified by CENR/PENR Officer.

3. All documents, maps, plans, and other documentary evidence in support of the reversion case must be certified by the Records Officer of the CENRO/PENRO.
4. When completed, the CENRO/PENRO concerned shall transmit the case record to the Regional Executive Director (RED) who shall endorse it to the Legal Division for evaluation. The case record should be in accordance with the format attached hereto as **ANNEX "A"**.

### **B.1. GROUNDS FOR REVERSION**

Complaint for cancellation/annulment of title and reversion based on patent must set forth the ground/reason therefor which may be any or a combination of the following:

1. When the lands are titled in violation of Sections 122 and 123 of the Public Land Act. [Section 124, CA No. 141, as amended];
2. Fraudulently titled non-registrable properties, such as the following:
  - a. Forest or timberland, public forest, forest reserves; including natural resources like watershed reservations or areas;
  - b. Mineral lands;
  - c. Military reservations;
  - d. Other kinds of reservation such as for park purposes; medical center site; Baguio town site Reservation, where all lands within the reservation, save those excepted from the effect of the 1922 decision in Civil reservation Case No. 1, are no longer registrable under the Land Registration Act;
  - e. Foreshore land or seashore;
  - f. Navigable rivers, streams and creeks; and man-made alluvial deposit along a river, more so if it is part of the river bed;
  - g. Lakes;
  - h. Mangroves swamps;
  - i. Public market, public plaza, municipal streets or public buildings; or
  - j. When land is titled on the basis of false statements by the patentee or grantee.
3. When land is titled on the basis of false statements, fraud or misrepresentation by the patentee or grantee;
4. The defendant has not occupied, possessed, and cultivated the land applied for the required period of time in the concept of owner and in the manner required by law, meaning, openly, publicly, notoriously, continuously and adversely in cases of free patent;
5. The land titled in favor of defendant has not been classified as alienable and disposable and is therefore still within the unclassified zone;
6. 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 CA 141;
7. The plan of the land differs from the documentary evidence of the applicant;

8. That the land covers or is part of expanded area brought about by a series of subdivision surveys;
9. When acquisition is in violation of the Constitution (Section 35 [5], Chapter XII, Title III, Book IV, E.O. No. 292), as when a private corporation acquires title to land of the public domain in violation of Section 3, Article XII of the 1987 Constitution except those private lands (judicially titled) transferred or assigned to persons disqualified under the Constitution to acquire land which is subject to escheat proceedings;
10. Land title was acquired in violation of Free Patents to Residential Lands under R.A. 10023; or
11. Land was titled despite falling within a Protected Area (PA) in violation of R.A. 7586 as amended by R.A. 11038, also known as the *Expanded National Integrated Protected Areas System* (ENIPAS) Act, other national laws and laws of local application establishing PAs except those who have acquired vested rights prior to the enactment of said laws.

## **B.2. DOCUMENTATION OF THE CASE**

The Legal Division of the Regional Office shall determine if all the essential documentary evidence to support the filing of reversion case, which includes but not limited to the following, are duly submitted:

1. Filed public land application covering the subject land;
2. Approval of the application;
3. Order of issuance of patent;
4. Patent issued;
5. In case the land was involved in claims and conflict, the protest filed;
6. The investigation report conducted relative to the petition for reversion;
7. Certified copies of the Original Certificate of Title (OCT) issued by virtue of the patent, and all derivative titles emanating therefrom, if any, and other documents in support thereof to be secured from the Registry of Deeds concerned; and
8. If there is any doubt as to the classification of the land, a final field verification should be ordered and a report thereon shall categorically state the classification thereof, through Land Classification Map No., Block No., Date of Certification, Copies of L.C. Maps and other survey records such as certification of status/classification must be attached to the report.

All documents must be certified true copies, otherwise, they shall be returned to the PENRO/CENRO concerned for compliance.

If the case record is incomplete, the Legal Division, shall return the entire case record to the PENRO/CENRO of origin, with a directive to submit the required documents, otherwise, a *Certificate of No Record* or an *Affidavit* shall be submitted by the Records Officer justifying its non-submission, or unavailability of records.

In case all the required documents and attachments are present, the Legal Division shall evaluate whether there is sufficient ground to warrant the filing of



reversion pursuant to OSG Policy in Reversion and Annulment of Title Cases dated 01 July 2008.<sup>4</sup>

In case the evidence is insufficient to support a reversion case, the Legal Division shall issue a Memorandum Order to the RED stating the reasons and grounds relied upon. Otherwise, the Legal Division shall prepare the draft complaint for reversion forwarded to the RED for review. See format for Memorandum Order and Complaint attached hereto as **ANNEXES "B" & "C" to "C-1"**.

### **B.3. TRANSMITTAL OF REVERSION COMPLAINT AND DOCUMENTARY EVIDENCE TO THE LEGAL AFFAIRS SERVICE**

If the RED is convinced that a case for reversion is proper, he/she shall affix his/her signature in the Verification and Certification of Non-Forum Shopping of the complaint and shall forward the entire case record, through a Memorandum Order, addressed to the Chairperson of the committee on ANTI ILLEGAL LAND TITLING COMMITTEE (AILTC) of the DENR Central Office, Legal Affairs Service. The forwarded case for reversion shall be subject to a final review and evaluation by the AILTC.

Aside from the draft complaint for reversion and corresponding documentary evidence in support thereof, the RED shall also submit a certification (shall form part of the entire case folder/record) stating the following:

1. List of lawyers to be deputized by the OSG to prosecute reversion cases;
2. DENR personnel who conducted surveys, investigation reports and those who can be presented as expert witness are still with the DENR Regional Offices;
3. Judicial affidavits which will serve as direct testimonies of the said personnel cited in item #2 are attached to the complaint; and
4. Landline number and email address of the legal division of the respective regional offices.

Upon receipt of the entire case record, the AILTC shall determine whether the essential documentary evidence in support of the complaint and the aforementioned certification are included. If incomplete, the AILTC is mandated to return the entire case record to the region of origin with instruction to attach the required documents. See format for Request for Additional Documents, attached hereto as **ANNEX "D"**.

When complete, the case record and draft complaint shall be endorsed to the OSG through the Chairperson of the AILTC, or in case of unavailability, the Vice Chairperson thereof.

### **C. DIRECT ACTION BY THE LEGAL AFFAIRS SERVICE**

---

<sup>4</sup> No. III (3 [OSG lawyers should require complete documentation of requests for reversion and cancellation of titles]:

Such investigation report should provide:

- A) Clear and convincing evidence and not merely preponderance of evidence of fraud and misrepresentation committed against the government in securing the title sought to be cancelled, explaining the details attending the issuance of title over the alleged inalienable land, and
- B) That the intended complaint for reversion is aimed at the return of the disputed portion of the public domain to the government, explaining why such issuance of title deprived the state of the claimed property



In exceptional cases, the Chairperson of the AILTC, on his/her own discretion, may order and authorize the Legal Affairs Service, DENR Central Office, through its Director, to undertake the investigation, documentation, and endorsement of reversion complaints to the OSG. To implement this action, the Director of Legal Affairs Service may ask the assistance of the Regional Office where the area suspected of having illegally issued titles is located.

## **II. ADMINISTRATIVE DISCIPLINARY ACTION**

The determination of administrative culpability and liability of DENR officials and employees suspected to be involved in the irregular and illegal approval or issuance of survey authorities, approval of land surveys, processing or issuance of patent shall be endorsed by the Chairperson of the AILTC or in his/her absence or unavailability, the Vice Chairperson, to the Internal Affairs Division - Legal Affairs Service, or to the Regional Office concerned pursuant to the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).

## **III. POLICY IN REVERSION AND ANNULMENT OF TITLE CASE**

Pursuant to the authority of the Office of the Solicitor General to file reversion cases Sec. 35(5) Executive Order No. 292 [Book IV, Title III, Chapter 12], the OSG, through Assistant Solicitor General Renan E. Ramos, issued a Policy in Reversion and Annulment of Title Cases. This policy was sent to All Regional Executive Directors, Regional Technical Directors for Lands, PENROs and Lawyers of the DENR through a Memorandum from the Assistant Secretary for Legal Services dated 15 March 2013. Copy attached as **Annex "E"**.

CASE RECORD

Table of Contents<sup>5</sup>

I. Public Land Application	-----	x
II. Approval of the Application	-----	x
III. Order of Issuance of Patent	-----	x
IV. Patent Issued	-----	x
V. Protest (if any)	-----	x
VI. Investigation Report	-----	x
VII. Certified Copies of The Original Certificate of Title (OCT)	-----	x
VIII. Final Field Verification/Report (if any)	-----	x
IX. Presidential Proclamation, Executive Order, Law/Statute (Reserving the Land as Forest Reserve, Military Reservation, National Park, Watershed, Etc.)	-----	x
X. Land Classification Map	-----	x
XI. Certification of Proper Authorities	-----	x
XII. Order of Release Issued by DENR Secretary/Forestry Administrative Order (if any)	-----	x
XIII. Cadastral Map	-----	x

<sup>5</sup> \*\*\*There should be numerical pagination at the bottom of each page.

XIV. Map of Reservation

----- x

XV. Judicial Affidavits of Witnesses

----- x

XVI. Certificate of No Record or Affidavit (if essential documents for reversion cannot be found despite diligent search)

----- x

XVII. Memorandum Order (endorsement for reversion)

----- x

XVIII. Draft Complaint for Reversion with Verification and Certification of Non-Forum Shopping signed by the RED

----- x

XIX. Certification from RED (which shall specify the following: list of lawyers to be deputized by the OSG, DENR personnel who conducted surveys, investigation reports and those who can be presented as expert witness who are still with the DENR, Judicial Affidavits of expert witnesses, landline number and email address of the legal division of the respective regional office)

----- x

XX. Soft Copy of the Entire Case Record (which shall be sent via email to the AFTC-TWG's official email address)

----- x



Memorandum Order  
Insufficient Evidence to Warrant the Filing Of  
Reversion Complaint

MEMORANDUM ORDER

FOR : The Regional Executive Director  
DENR Region \_\_\_\_

FROM : The Chief  
Legal Division

SUBJECT : EVALUATION OF THE REFERRAL OF \_\_\_\_\_(office of  
origin)\_\_\_\_\_ FOR THE FILING OF COMPLAINT OF  
REVERSION IN \_\_\_\_\_(location of illegal  
titles)\_\_\_\_\_

DATE :

This has reference to the above subject endorsed by the \_\_\_\_\_(office of  
origin)\_\_\_\_\_.

After careful evaluation of the record, this Office finds that the pieces of  
documentary evidence attached to the case record submitted are insufficient and have  
no probative value to support the filing of reversion case in court. (*Refer to B.1 of the rule  
for other grounds for the denial of the request to file reversion case*)

*(Elaborate further the grounds for denial, per documentary evidence if possible)*

In this regard, the entire case record shall be returned to the \_\_\_\_\_(office of  
origin)\_\_\_\_\_.

For your information, and further instructions, if any.

\_\_\_\_\_  
(Chief, Legal Division)

Memorandum for The Secretary  
Endorsement for Reversion Case to The Central Office

MEMORANDUM ORDER

FOR : The Secretary  
Visayas Avenue, Diliman, Quezon City

THRU : Assistant Secretary for Legal Service  
Chairperson, Anti-Illegal Land Titling Committee

FROM : The Regional Director  
DENR Region \_\_\_\_

SUBJECT : FILING OF A REVERSION CASE FOR THE CANCELLATION  
OF REGISTERED PATENT NO. \_\_\_\_\_ (LOT NO.  
\_\_\_\_\_) WHICH COVERS LOT \_\_\_\_\_ IN THE  
NAME OF \_\_\_\_\_ LOCATED AT \_\_\_\_\_  
CONSISTING OF \_\_\_\_\_ SQUARE METERS  
UNDER SURVEY PLAN \_\_\_\_\_

On the basis of an investigation duly conducted and pursuant to Chapter III of DAO 2016-31, the findings and evaluation made on the above case are as follows:

NATURE OF THE CASE

A Protest was filed \_\_\_\_\_ against the alleged fraudulent application, approval and issuance of free patent and title in the name of \_\_\_\_\_ over Lot No. \_\_\_\_\_ consisting of \_\_\_\_\_sq. m. situated at \_\_\_\_\_. Lot No. \_\_\_\_\_ is categorized as an accretion lot attached to the mother lot, Lot No. \_\_\_\_\_ covered by TCT \_\_\_\_\_ titled in the name of protestant, \_\_\_\_\_.

Protestant is of legal age, a natural born Filipino, married and a resident of \_\_\_\_\_. Respondent is likewise of legal age, a natural born Filipino, married and a resident of \_\_\_\_\_.

PROCEEDINGS

[Narration of the proceedings/conference conducted pursuant to  
DAO 2016-31]

CLAIMS AND EVIDENCE OF THE PROTESTANT

The claims of the protestant, \_\_\_\_\_ as set forth in his/her Protest and Position Paper is summarized as follows:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

3. \_\_\_\_\_

The documentary evidence submitted by protestant as attached to his/her Protest are the following:

### CLAIMS AND EVIDENCE OF THE RESPONDENT

The claims of respondent, \_\_\_\_\_ as set forth in his Answer and Position Paper is summarized as follows:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

The documentary evidence submitted by respondent Robert P. Guzman as attached to his Answer are the following:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

### ISSUES

The issue presented as alleged in the petition/protest \_\_\_\_\_

### EVALUATION

*[Findings of the Legal Division]*

### RECOMMENDATION

It is recommended that a reversion case be filed to cancel/annul the patent issued to Respondent over the subject lot. The draft complaint for reversion and cancellation of patent including the certified copies of annexes are attached for review and/or endorsement to the Office of the Solicitor General.

For your consideration.

\_\_\_\_\_  
*Regional Executive Director*



Please see Efficient Use of Paper Rule [A.M. No. 11-9-4 SC] for the Technical Format

REPUBLIC OF THE PHILIPPINES  
**REGIONAL TRIAL COURT**  
\_\_\_\_ JUDICIAL REGION  
Branch \_\_\_\_  
(City/Municipality & Province)

REPUBLIC OF THE PHILIPPINES, REPRESENTED  
BY THE REGIONAL EXECUTIVE DIRECTOR OF  
THE DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES (DENR), REGION

\_\_\_\_\_

Plaintiff,

-versus-

**CIVIL CASE NO. \_\_\_\_\_**  
**CANCELLATION OF PATENT/TITLE**  
**AND REVERSION**

\_\_\_\_\_ AND THE REGISTER OF  
DEEDS OF \_\_\_\_\_

Defendants.

x-----x

**COMPLAINT**

Plaintiff **REPUBLIC OF THE PHILIPPINES**, through the **OFFICE OF THE SOLICITOR GENERAL (OSG)**, respectfully states:

**THE PARTIES**

1. Plaintiff, represented by the Regional Executive Director for Region \_\_\_\_ of the DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR), is a sovereign political entity to which all lands of the public domain belong. The DENR is the agency charged with the administration and disposition of public lands as well as patrimonial properties of the State. It may be served with court processes through the OSG at 134 Amorsolo Street, Legaspi Village, Makati City and through electronic mail at [efile@osg.gov.ph](mailto:efile@osg.gov.ph).
2. Private defendant/s \_\_\_\_\_ is/are of legal age, Filipinos, and residents of \_\_\_\_\_ where they may be served with summons, notices, and other court processes.
3. Public defendant Register of Deeds of \_\_\_\_\_ is impleaded as a nominal party being the office charged with the duty of registering land patents and issuing the corresponding certificates of title over lands in the City of Laoag. It holds office at \_\_\_\_\_, where it may be served with summons and other court processes.

**ALLEGATIONS IN SUPPORT OF THE CAUSE OF ACTION**

4. On 9 March 2010, then President Gloria Macapagal-Arroyo approved Republic Act (R.A.) No. 10023 or "An Act Authorizing the Issuance of Free Patent to Residential Lands", which

allowed a Filipino citizen, either by herself or himself or through her or his predecessor-in-interest, who is occupying, living in, inhabiting or staying in a structure, the primary purpose of which is to serve as the residence of such person situated on a residential land, to apply for a Free Patent Title.<sup>6</sup>

5. On \_\_\_\_\_, private defendant \_\_\_\_\_ filed a Residential Free Patent Application (RFPA) covering Lot No. \_\_\_\_\_ with an area of \_\_\_\_\_, located at \_\_\_\_\_. She stated that she, through her predecessors-in-interest, has resided on and continuously possessed and occupied said lot under a *bona fide* claim of acquisition of ownership of the land for more than 10 years or since 1960.

6. On 16 February 2012, Free Patent No. \_\_\_\_\_ was issued in favor of private defendant.

7. Thereafter, the free patent was registered by public defendant Register of Deeds of \_\_\_\_\_. Consequently, Original Certificate of Title (OCT) No. \_\_\_\_\_ was issued in the name of \_\_\_\_\_.

8. Private defendant, in violation of Sections 1 and 3 of R.A. No. 10023,<sup>7</sup> misrepresented in her RFPA that she, through her predecessors-in-interest, has been in actual occupation, actual residence, and continuous possession of the subject lot for at least 10 years or since 1960. In truth and in fact, the land is still undeveloped, has no actual occupants and has no existing residential structure.

9. Since private defendant \_\_\_\_\_ obtained Free Patent No. \_\_\_\_\_ through fraud and misrepresentation, this present action for Reversion is thus filed, and the corresponding OCT No. 2014000014 must be revoked and the subject lot reverted to the Republic.

#### NAMES OF WITNESSES

10. Plaintiff will present as witnesses the following:

a.) (Name of Witness) – (Designation);

b.) (Name of Witness) – (Designation); and

c.) other additional witnesses whose testimony is material and relevant for the just resolution of the case.

<sup>6</sup> Section 2.2. of DENR Administrative Order No. 2010-12 or the “Rules and Regulations for the Issuance of Patents to Residential Lands under Republic Act No. 10023.”

<sup>7</sup> Section 1. *Qualifications.* - **Any Filipino citizen who is an actual occupant of a residential land may apply for a Free Patent Title under this Act:** Provided; That in highly urbanized cities, the land should not exceed two hundred (200) square meters; in other cities, it should not exceed five hundred (500) square meters; in first class and second class municipalities, it should not exceed seven hundred fifty (750) square meters; and in all other municipalities, it should not exceed one thousand (1,000) square meters; *Provided, further;* That the land applied for is not needed for public service and/or public use.

Section 3. *Application.* - The application on the land applied for shall be supported by a map based on an actual survey conducted by a licensed geodetic engineer and approved by the Department of Environment and Natural Resources (DENR) and a technical description of the land applied for together with supporting affidavit of two (2) disinterested persons who are residing in the barangay of the city or municipality where the land is located, attesting to the truth of the facts contained in the application to the effect that **the applicant thereof has, either by himself or through his predecessor-in-interest, actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the land applied for at least ten (10) years and has complied with the requirements prescribed in Section 1 hereof.**



### SUMMARY OF WITNESSES' TESTIMONY

11. (Name of Witness) will testify that - (summary of the matters which will be testified to by the witness).

12. (Name of Witness) will testify that - (summary of the matters which will be testified to by the witness).

13. Plaintiff intends to ask the Court for a court-supervised ocular inspection that will be attended by the parties and the Branch Clerk of Court who shall record his/her observation/description of the subject lot on whether there are actual occupants and residential houses, structures, improvements or on-going construction therein.

### DOCUMENTARY AND OBJECT EVIDENCE IN SUPPORT OF THE ALLEGATIONS

14. Plaintiff will present the following documentary and object evidence:

- A.) Exhibit "A" - \_\_\_\_\_
- B.) Exhibit "B" - \_\_\_\_\_
- C.) Exhibit "C" - \_\_\_\_\_
- D.) Exhibits "D" - \_\_\_\_\_
- E.) Exhibit "E" - \_\_\_\_\_
- F.) Exhibit "F" - \_\_\_\_\_
- G.) Exhibit "G" - \_\_\_\_\_
- H.) Exhibit "H", "H-1" to "H-7" - Geo-tagged Photographs
- I.) Exhibit "I" - \_\_\_\_\_
- J.) Exhibit "J" - Residential Free Patent Application
- K.) Exhibit "K" - OCT No. \_\_\_\_\_

### PRAYER

**WHEREFORE**, in view of the foregoing premises, it is respectfully prayed of this Honorable Court that Judgment be rendered in favor of herein plaintiff:

1. **DECLARING** Free Patent No. \_\_\_\_\_ and OCT No. \_\_\_\_\_ in the name of private defendant \_\_\_\_\_ as null and void *ab initio*;

2. **ORDERING** the reversion of Lot No. \_\_\_\_\_, covered by the said patent and title to the mass of the public domain; and

3. **ORDERING** \_\_\_\_\_ to surrender the owner's duplicate of OCT No. \_\_\_\_\_ to public defendant Register of Deeds of \_\_\_\_\_ and directing said Register of Deeds to cancel the same as well as the original thereof and all other Transfer Certificate/s of Title derived therefrom; and

4. **ORDERING** the private defendants, their privies, agents, successors-in-interest and any other person claiming interest under said titles to vacate the premises and desist from representing or exercising any acts of ownership or possession thereof.

Other just and equitable forms of relief are likewise prayed for.

Done in Makati City for \_\_\_\_\_.

**JOSE C. CALIDA**

*Solicitor General*

IBP Lifetime No. 015360, 8-16-16

Roll No. 24852

MCLE Exemption No. VII-OSG000228, 11-8-19

**DEREK R. PUERTOLLANO**

*Assistant Solicitor General*

IBP Lifetime No. 01927

Roll No. 36444

MCLE Compliance No. VI-0001182, 11-16-16

[drpuertollano@osg.gov.ph](mailto:drpuertollano@osg.gov.ph)

**JOSEPH BENJAMIN P. TAGSA**

*State Solicitor*

IBP Lifetime No. 014744, 5-23-15

Roll No. 60127

MCLE Compliance No. VI-0021146, 3-26-19

[jbtagsa@osg.gov.ph](mailto:jbtagsa@osg.gov.ph)

**OFFICE OF THE SOLICITOR GENERAL**

134 Amorsolo St., Legaspi Village, Makati City

Email Address: [efile@osg.gov.ph](mailto:efile@osg.gov.ph)



Telephone No: 812-7980

## **MANIFESTATION**

(Pursuant to Rule 13 of the 2019 Proposed Amendments to the 1997 Rules of Civil Procedure)

The OSG, pursuant to Section 9, Rule 13 of the Rules of Civil Procedure, as amended by A.M. No. 19-10-20-SC, respectfully manifests its consent to service by electronic means through the official e-mail address [efile@osg.gov.ph](mailto:efile@osg.gov.ph). For this purpose, only pleadings, motions, notices, orders, judgments and other court submissions transmitted to the official e-mail address until 5:00 p.m. of any working day will be considered officially served on said day, and any e-mail received beyond said time will be considered served only on the next working day. Kindly also furnish a copy to the handling lawyer/s whose e-mail addresses appear herein.

**JOSEPH BENJAMIN P. TAGSA**  
*State Solicitor*

VERIFICATION AND CERTIFICATION  
AGAINST FORUM SHOPPING

I, \_\_\_\_\_, of legal age, with office address at \_\_\_\_\_, after having been sworn in accordance with law, hereby depose and state that:

1. I am the Regional Executive Director of the Department of Environment and Natural Resources Regional Office \_\_\_\_\_, the primary agency of the government responsible for the conservation, management, development, and proper use of the country's environment and natural resources;

2. I caused the preparation of the foregoing Complaint, and the allegations contained therein are true and correct based on authentic official records;

3. The factual allegations in the petition have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;

4. The petition is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and

5. I have not commenced any other action or filed any other claim involving the same issues in any court, tribunal, or quasi-judicial agency and, to the best of our knowledge, no such other action or claim is pending therein. If we should thereafter learn that the same or similar action or claim has been filed or is pending, we shall report that fact to the Honorable Court within five (5) calendar days from knowledge thereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature this \_\_\_\_day of March 2021.

\_\_\_\_\_  
Regional Executive Director

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_ in \_\_\_\_\_, affiant who is personally known to me, exhibiting to me his \_\_\_\_\_.

Doc. No. \_\_\_\_  
Page No. \_\_\_\_  
Book No. \_\_\_\_  
Series of 2021.



## REQUESTING ADDITIONAL DOCUMENTS

## MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTOR  
 \_\_\_\_\_  
 \_\_\_\_\_

FROM : THE DIRECTOR  
 Legal Affairs Service

SUBJECT : DRAFT COMPLAINT FOR CANCELLATION  
 \_\_\_\_\_  
 \_\_\_\_\_  
 LOCATED

DATE :

This is to return the records of the draft Complaint for cancellation of the aforementioned OCT in the name of \_\_\_\_\_ covering one (1) lot located at \_\_\_\_\_.

Before we endorse the draft Complaint to the OSG for filing in court, there must be compliance with the requirements for documentation of cases as provided in DENR Memorandum Circular (DMC) No. \_\_\_\_\_. This circular requires the submission of certified true copies of essential documents in support of the Complaint.

After evaluating the draft Complaint and its annexes, we observed that the required **Certification** which needs to state the following is lacking:

1. List of lawyers to be deputized by the OSG to prosecute reversion cases;
2. DENR personnel who conducted surveys, investigation reports and those who can be presented as expert witness are still with the DENR Regional Offices;
3. Judicial Affidavits which will serve as direct testimonies of the said personnel cited in item #2 are attached to the complaint;
4. Landline number and email address of the legal division of the respective regional offices.

Non-submission of the list of lawyers to be deputized by the OSG is a ground for the said Office to return the draft complaint and the entire case record.

With regard to the certification that the DENR personnel who conducted surveys, investigations and other essential duties are still in active service with the DENR, its purpose is to ascertain whether there will be expert witnesses who are available to testify during trial. Moreover, the OSG will not file the Complaint if it ascertains that the essential witnesses are already separated from service with the DENR. This is because there will be no witnesses to testify as to the surveys, investigation reports and the like.

Concerning the Judicial Affidavits (JAs), its non-submission upon filing of the Complaint is a violation under Section 6, Rule 7 of the "2019 Proposed Amendments to the 1997 Rules of Civil Procedure." Without the JAs, the witnesses, as a general rule, cannot be presented during trial. Thus, the required certification should specifically

state that the JAs are attached to the draft Complaint for reversion and indeed attached to the Complaint.

The landline number and email address of the legal division should also be stated in the certification. This is to facilitate the communication between the handling lawyer/s of the OSG and the lawyer/s from the DENR Regional Offices concerning the queries of the OSG with respect to the case, if there is/are any.

We also note that the required **Verification** under Section 4, Rule 7 of the "2019 Proposed Amendments to the 1997 Rules of Civil Procedure" which needs to specifically state the following is lacking:

- (a)The allegations in the pleading are true and correct based on his or her personal knowledge, or based on authentic documents;
- (b)The pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and
- (c)The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

Also, the said Verification should be signed by the Regional Executive Director (RED) and attached to the Complaint.

Unless the above documentary requirements are complied with, and our concerns are addressed, this Office cannot endorse the draft Complaint to OSG. Further, to facilitate speedy review of the draft Complaint (after revising it), kindly submit its electronic copy to the official e-mail address of the Technical Working Group, Anti-Fake Titles Committee (AFTC): [antifakedenr@gmail.com](mailto:antifakedenr@gmail.com)

For compliance please.

---





Republic of the Philippines  
**Department of Environment and Natural Resources**  
Visayas Avenue, Diliman, Quezon City  
Tel. Nos. 929-6626 to 29; 929-6633 to 35  
926-7041 to 43; 929-6252; 929-1669  
Website: <http://www.denr.gov.ph> / E-mail: [web@denr.gov.ph](mailto:web@denr.gov.ph)

**MEMORANDUM**

**TO :** All Regional Executive Directors  
All Regional Technical Directors for Lands  
All PENROs  
All Lawyers

**FROM:** : The OIC, Assistant Secretary for Legal Services

**SUBJECT :** Policy in Reversion and Annulment of Title Cases  
(Revised as of July 1, 2008)

**DATE :** MAR 05 2013

---

Forwarded herewith is a copy of the subject Policy submitted by Assistant Solicitor General Renan E. Ramos.

For your information and reference.

  
ATTY. ANSELMO C. ABUNGAN

MEMO NO. 112

Let's Go Green

## **POLICY IN REVERSION AND ANNULMENT OF TITLE CASES**

(Revised as of July 1, 2008)

### **I. Distinction between action for reversion and action for declaration of nullity of land titles**

Prelatorily, distinction must be made between an action for reversion and an action for declaration of nullity of land titles.

Reversion is a proceeding by which the State seeks the return of lands of the public domain or the improvements thereon through the cancellation of private title erroneously or fraudulently issued over it (*Figuracion vs. Libi*, 539 SCRA 50, 60[2007]). Otherwise stated, reversion is an action where the ultimate relief sought is to revert land back to the government under the Regalian doctrine. Actions for reversion should be filed by the Office of the Solicitor General at the behest of the Director of Lands since the land title subject of the action originated from a grant by the government, thus, their cancellation is a matter <sup>^</sup>the grantor and the grantee (*De Guzman vs. Court of Appeals*, 394 SCRA 302, 309[2002]).

The proper official to initiate an action for reversion is the Solicitor General or the officer acting in his stead, who is authorized by law to do so on behalf of the Republic of the Philippines. Only the State can institute an action for reversion of the land to the public domain; a private individual cannot bring such action, pursuant to Section 101 of the Public Land Act (*Alvarico v. Sola*, 383 SCRA 232, 239-240[2002]; *Urquiaga v. Court of Appeals*, 301 SCRA 738, 745[1999]; *Causapin v. CA*, 233 SCRA 615, 624-625 [1994]), thus:

Sec. 101. - All actions for reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor General or the officer acting in his stead, in the proper courts, in the name of the Republic of the Philippines.

Even after the lapse of one year, the State may still bring an action under Section 101 of the Public Land Act for the reversion to the public domain of lands which have been fraudulently granted to private individuals (*Republic vs. Court of Appeals*, 255 SCRA 335 [1996]). The right of reversion or reconveyance to the State is not barred by prescription (*Republic v. Animas*, 56 SCRA 499[1974]; Articles 1108[4], 1113, Civil Code). Prescription and laches will not bar actions filed by the State to recover its own property acquired through fraud by private individuals (*Republic v. Heirs of Felipe Alejaga, Sr.*, 393 SCRA 361, 374[2002]; *Republic v. Heirs of Agustin L. Angeles*, 390 SCRA 502, 503, 509[2002]). This is settled law (*Republic v. Heirs of*



Felipe Alejaga, Sr., *supra*, citing *Baguio v. Republic*, 301 SCRA 450[1999]; *Republic v. Court of Appeals*, 111 SCRA 721[1989]; *Republic v. Court of Appeals*, 183 SCRA 620[1990]; *Republic v. Mina*, 114 SCRA 945[1982]; *Director of Lands v. Abanilla*, 124 SCRA 358[1983]).

Appropriately, actions for reversion may be instituted under Section 124 of the Public Land Act, thus:

Sec. 124. Any acquisition, conveyance, alienation, transfer, or other contract made or executed in violation of any of the provisions of sections one hundred and eighteen, one hundred and twenty, one hundred and twenty-one, one hundred and twenty two, and one hundred and twenty-three of this Act shall be unlawful and null and void from its execution and shall produce the effect of annulling and canceling the grant, title, patent, or permit originally issued, recognized or confirmed, actually or presumptively, and cause the reversion of the property and its improvements to the State.

The acquisition of lands in violation of the pertinent provisions of the Public Land Act is null and void and entitles the government, thru the Solicitor General or the officer acting in his stead, to file or initiate reversion proceedings.

On the other hand, a cause of action for declaration of nullity of free patent and certificate of title would require allegations of the plaintiff's ownership of the contested lot prior to the issuance of such free patent and certificate of title as well as the defendant's fraud or mistake, as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff. In such a case, the nullity arises strictly not from the fraud or deceit but from the fact that the land is beyond the jurisdiction of the Bureau of Lands to bestow and whatever patent or certificate of title obtained therefore is consequently void *ab initio*. The real party-in-interest is not the State but the plaintiff who alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant (*Heirs of Ambrocio Kionisala v. Heirs of Honorio Dacut*, 378 SCRA 206, 214-215[2002], cited in *Evangelista v. Santiago*, 457 SCRA 744, 764[2005]).

The line of distinction having been drawn, OSG lawyers should be able to discriminate between requests for reversion and requests for cancellation or declaration of nullity of free patent and certificate of title. In the former, the relief sought is the return of the land back to the government. In the latter, it is the recognition of ownership of the private party suing as plaintiff over the subject land.

## **II. Reason for backlog of DENR requests for reversion and cancellation of titles**

Going to the backlog of DENR requests of the filing of reversion and cancellation of title cases, it has been observed that the tedious work of OSG lawyers is further stymied by the following factors: (1) many of the requests have incomplete documentation; (2) the DENR requests are not accompanied by a list of lawyers to be deputized to prosecute the cases; (3) many reversion and cancellation of title cases filed by the OSG in court are dismissed for failure to prosecute, on account of the inability of OSG deputized DENR lawyers to appear and prosecute the cases in court.

## **III. OSG lawyers should require complete documentation of requests for reversion and cancellation of titles**

For the documentation to be complete, the OSG lawyer should look for:

1. A formal endorsement from the DENR Secretary or his duly-designated Undersecretary or Assistant Secretary, or the Lands Management Bureau Director.

2. Investigation report by the LMB Director (Piñero v. Director of Lands, 57 SCRA 386, 392[1974]; Republic v. Lozada, 90 SCRA 502, 511[1979]), or the DENR investigator upon authority of the DENR Regional Executive Director or CENRO, cf. Lands Office Circular No. 68, cited in Manual on Settlement of Land Disputes)

3. Such investigation report should provide: (a) clear and convincing evidence and not merely preponderance of evidence of fraud and misrepresentation committed against the government in securing the title sought to be cancelled, explaining the details attending the issuance of title over the alleged inalienable land, and (b) that the intended complaint for reversion is aimed at the return of the disputed portion of the public domain to the government, explaining why such the issuance of title deprived the State of the claimed property (see SAAD Agro-Industries, Inc. v. Republic, 530 SCRA 522, 528-529[2006]).



#### **IV. Proper subjects of reversion.**

1. When the lands are titled in violation of Sections 118, 120, 121, 122 and 123 of the Public Land Act (Section 124, CA No. 141, as amended).

2. Fraudulently titled non-registrable properties, such as the following:

a. forest or timberland, public forest, forest reserves (Director of Lands vs. Aquino, 192 SCRA 296, 304[1990]; Director of Lands vs. Rivas, 141 SCRA 329, 334 [1986]; Section 3, Article XII, 1987 Constitution), including natural resources like watershed reservations or areas (Director of Land Management v. Court of Appeals, 172 SCRA 455, 458, 463-464; Collado v. Court of Appeals, 390 SCRA 343, 359, 364, 372[2002] In rel. to Section 2, Article XII, 1987 Constitution).

b. mineral lands (Atok-Blg Wedge Mining Co., Inc. vs. Court of Appeals, 193 SCRA 71, 75-76 [1991]; Section 3, Article XII, 1987 Constitution).

c. military reservations (Republic vs. Marcos, 52 SCRA 238, 242 [1973]).

d. other kinds of reservations, such as for park purposes (Palonio vs. CA, 266 SCRA 392, 400-401 [1997]; Section 3, Article XII, 1987 Constitution); medical center site (Republic vs. Court of Appeals, 73 SCRA 146, 152-153 [1976]); Bagulo Townsite Reservation, where all lands within the reservation, save those excepted from the effect of the 1922 decision in Civil reservation Case No. 1, are no longer registrable under the Land Registration Act (Republic vs. Sangalang, 159 SCRA 515, 520 [1988]).

e. foreshore land or seashore (Cagampang vs. Morano, 22 SCRA 1040, 1042[1968]).

f. navigable rivers, streams and creeks (Republic vs. Lozada, 90 SCRA 503, 510 [1979]); Maneclang vs. IAC, 161 SCRA 469, 471 [1985]) and man-made alluvial deposit along a river which is part of the river bed (Republic vs. CA, 132 SCRA 514, 520-522 [1984]).

g. lakes (Art. 502 [4], New Civil Code).

h. mangrove swamps (Director of Forestry vs. Villareal, 170 SCRA 598, 602[1980]).

i. public market, public plaza, municipal streets or public buildings (Municipality of Antipolo vs. Zapanta, 133 SCRA 820, 824 [1984]). (adopted with modification from the enumeration of non-registrable properties by Justice Magdangal M. De Leon, citing Aquino, Land Registration and Related Proceedings, 2002 Rev. Ed., and

Noblejas, Registration of Land Titles and Deeds, 1997 Rev. Ed.).

3. When land is titled on the basis of false statements by the patentee or grantee (Section 91, CA No. 141, as amended; Piñero v. Director of Lands, 57 SCRA 386, 391-392[1974]; Republic v. Lozada, 90 SCRA 503, 509-511[1979]).

4. When the acquisition is in violation of the Constitution (Sec. 35 [5], Chapter XII, Title III, Book IV, E.O. No. 292), as when a private corporation acquires title to land of the public domain in violation of Section 3, Article XII of the 1987 Constitution.

#### V. Recommended courses of action

OSG lawyers through their ASGs must:

(1) return to the DENR all requests for the filing of reversion and cancellation of title cases with incomplete documentation, together with their records;

(2) reject requests for declaration of nullity of free patent and certificate of title although they are couched as requests for reversion and cancellation of title, where the intended beneficiary is a private party;

(3) reject requests where no DENR lawyers have been designated to handle and prosecute the cases to be filed by the OSG; and

(4) return to the DENR the records of terminated or dismissed reversion cases.

(5) in case the request is properly endorsed and fully documented, the reversion complaint may be filed and said complaint should be verified by the DENR Secretary or his duly-designated official.

Lastly, the ASGs must inform the OSG Docket Division of the lawyers to which the DENR requests for reversion are presently assigned, for it to update its records.

Respectfully submitted.

  
**RENAN E. RAMOS**  
Assistant Solicitor General

---

## BASIC PRINCIPLES TO BE CONSIDERED IN REVERSION PROCEEDINGS:

### Distinction between action for reversion and action for declaration of nullity of land titles

**Reversion** is a proceeding by which the State seeks the return of lands of the public domain or the improvements thereon through the **cancellation** of private title erroneously or fraudulently issued over it. Otherwise stated, reversion is an action where the **ultimate relief** sought is to revert land back to the government under the *Regalian* doctrine.

**Action for declaration of nullity of land titles** (free patent and certificate of title) would require allegations of the plaintiff's ownership of the contested lot prior to the issuance of such free patent and certificate of title as well as the defendant's fraud or mistake, as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff.

The nullity arises strictly not from the fraud or deceit but from the fact that the land is beyond the jurisdiction of the Land Management Bureau [LMB] to bestow and whatever patent or certificate of title obtained therefore is consequently void ab initio.

### *Proper official to initiate an action for reversion:*

Solicitor General or officer acting in his stead.

The real party-in-interest is not the State but the plaintiff who alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant

### *Basis*

Section 101 of Commonwealth Act (CA) 141 - All actions for the reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor-General or the officer acting in his stead, in the proper courts, in the name of the Commonwealth of the Philippines.

Ownership of the subject property



*Effect*

The return of the land back to the government.	It is the recognition of ownership of the private party suing as plaintiff over the subject land.
--	---

**Distinctions between Reversion per se and Escheat Proceedings:**

*As to source:*

Reversion	Escheat
Section 35 [5], Chapter XII, Title III, Book IV of E.O. No. 292 "Instituting the Administrative Code of 1987", the Office of the Solicitor General has the power and function among others, to:	Section 35 [5], Chapter XII, Title III, Book IV of E.O. No. 292 "Instituting the Administrative Code of 1987", the Office of the Solicitor General has the power and function among others, to:
Represent the Government in all land registration and related proceedings. Institute <b><u>actions for the reversion to the Government of lands of the public domain</u></b> and improvements thereon as well as lands held in violation of the Constitution.	Represent the Government in all land registration and related proceedings. Institute actions for the reversion to the Government of lands of the public domain and improvements thereon as well as <b><u>lands held in violation of the Constitution.</u></b>
	Section 13, Chapter IV, Title I, Book III of E.O. No. 292:  <i>Power to Direct Escheat or Reversion Proceedings.</i> - The President shall direct the Solicitor General to institute <b>escheat</b> or reversion proceedings over all <b>lands transferred or assigned to persons disqualified under the Constitution to acquire land.</b>

Sections (1) and section (5) of Rule 91 of the Rules of Court on Escheat Proceedings:

Section 1. When and by whom petition filed. – When a person dies intestate, seized of real or personal property in the Philippines, leaving no heir or person by law entitled to the same, the **Solicitor General** or his representative in behalf of the Republic of the Philippines, may file a petition in the Court of First Instance xxx.

Section 5. Other actions for escheat – Until otherwise provided by law, actions for reversion or **escheat of properties alienated in violation of the Constitution or of any statute shall be governed by this rule** xxx.

*Godinez v. Fong Pak Luen, G.R. No. L-36731 citing Abrams vs. State, 88 Pac. 327; Craig vs. Leslie et al., 4 Law, Ed. 460; 3 Wheat, 563, 589-590; Cross vs. Del Valle, 1 Wall, [U.S.] 513; 17 Law. Ed., 515; Gouverneur vs. Robertson, 11 Wheat, 332, 6 Law. Ed., 488.)* - It is only the **State** that is entitled by proceedings in the nature of *office found* to have a **forfeiture or escheat declared against the vendee who is incapable of holding title to the real estate sold and conveyed to him.**

*As to who will benefit:*

Reversion	Escheat
The state as the relief sought is the return of the land back to the government. [Regalian Doctrine]	Public schools, public charitable institutions and centers. [Section 3 & 5, Rule 91, Rules of Court]

*As to how jurisdiction is acquired over the person of the defendant:*

Reversion	Escheat
Service of Summons	Publication