



Department of Environment and Natural Resources

Region IV - MIMAROPA

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

South National Highway, Bgy. Sta. Monica, Puerto Princesa City

Email Address: cenroppchuc@yahoo.com

Tel Fax No.: (048) 433-0660

August 18, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR IV-MIMAROPA Region
1515 L&S Building, Roxas Blvd.
Ermita, Manila

THR : The Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **COMPLAINT LODGED AT PRESIDENTIAL COMPLAINT
CENTER WITH PCC CODE NUMBER PM-MTM-07-06-2022-
070 REQUESTING FOR A PUBLIC HEARING AND THE
AWARDING OF TITLES TO THE MEMBERS OF
AUBREVISTA HEIGHTS ASSOCIATION, INC.**

This pertains to the complaint lodged at Presidential Complaint Center by one Amelia Del Barrio regarding her request for a public hearing and the awarding of titles to the members of Aubrevista Heights Association, Inc.

It can be gleaned from the said complaint that she is requesting the following offices to be invited in the said public hearing:

1. Department of Environment and Natural Resources (DENR);
2. City Assessor's Office;
3. City Engineering Office;
4. Philippine National Police (PNP);
5. Military;
6. Department of Interior and Local Government (DILG);
7. Department of Justice (DOJ); and
8. All the residents of Barangays Macarascas and Buenavista together with its concerned barangay officials.

Per verification, a similar concern was also lodged by one Quirino D. Abrea, in addition to his request for the cancellation of the approved plan Csd-04-024835-D of Lot 68,

Sgs-04-000744-A in the name of Romia Labrador, et. al. located in Barangay Macarascas, Puerto Princesa City.

Records verification disclosed the following information, to wit:

1. That the land subject of the complaint is described as Lot No. 68, Sgs-04000744-D with an area of 54.9160 hectares located in Brgy. Macarascas, Puerto Princesa City;
2. That based on the allocation book of this Office, Lot No. 68, Sgs-04-000744-D is listed in the name of Romia L. Labrador;
3. That the subject lot has been subdivided into twenty nine (29) lots from Lot No. 68-A to 68-C, Csd-04-024835-D of which some lots were already patented to different individuals;
4. That the subject lot is covered by PENRO Case No. 0377 and DENR Case No. M-02-20-L, entitled:

AUBRE VISTA HEIGHTS ASSOCIATION, INC.
REP. BY QUIRINO D. ABREA,
CLAIMAN-PROTESTANT

-VERSUS-

ROMIA L. LABRADOR, ENGR. ELPIDIO J. LOLENG,
ENGR. REX S. VELASCO, CONRADO M. CORPUZ,
NOEL V. SUMIDO, ROGELIO D. PAGLINAWAN,
EDUARDO L. PADOJINOG, JOHNNY P. LILANG,
DAVID F. DALINO, EENGR. JESUS C. PERILLA AND
RENATO GONZAGA
PROTESTEES.

5. That a Final Investigation Report dated July 9, 2015 was submitted by LMO III/Hearing Officer Hilario V. Regondola, Jr. regarding the aforementioned case;
6. That a DECISION dated February 26, 2020 was rendered by Regional Executive Director Henry A. Adornado, Ph.D., on the above-mentioned case, the dispositive portion of which is quoted hereunder:

“WHEREFORE, premises considered, the complaints against private parties Eduardo Padojinog, Romia L. Labrador, Julito Elma, Jr., and Engr. Jesus C. Perilla, Jr. are **DISMISSED** for lack of jurisdiction. Likewise, the complaints against Engr. Rex S. Velasco, Conrado M. Corpuz, Noel V. Sumido, Johnny P. Lilang, David F. Dalino, and Renato S. Gonzaga are **DISMISSED** for failure to establish a prima facie case.

It is **NOTED** that the complaints of Abrea are treated as one filed in his personal capacity for failure to submit a resolution to file the same in behalf of Aubre Vista Heights Association, Inc.

The Assistant Regional Director for Technical Services and OIC-Chief, Surveys and Mapping Division are DIRECTED:

1. To **EVALUATE** Abrea's complaint for cancellation of SGS-04-744-D in accordance with DMC 2010-13;
2. To **SUBMIT** report of action taken on the Order dated January 21, 2013 issued by then Regional Executive Director Edgardo O. Galeon re: Subdivision Survey of Lot 68-A, Csd-04-024835 vis-à-vis the plan submitted by Engr. Jesus C. Perilla on January 27, 2014;

The Memorandum dated April 21, 2014 of the OIC-PENRO Officer, Palawan relative to the report of Engr. Jesus C. Perilla re: Survey of Lot 68-A, Csd-04-024835-D per Order dated January 21, 2013 was referred to the OIC-Chief, Land Management Division per Memorandum dated May 6, 2014; and

3. To **PROVIDE** technical assistance to the Local Government of Puerto Princesa City to resolve the Political Boundary of Barangay Buenavista and Barangay Macarascas pursuant to Section 6 of Local Government Code of 1991(Republic Act No. 7160)".
4. That the resolution of the complaints for the cancellation of subdivision plan Csd-04-024835-D of Lot 68, Sgs-04-000744-D in the name of Romia L. Labrador requires that the political boundary dispute of Barangays Buenavista and Macarascas, Puerto Princesa City must be settled first;
5. That in a letter dated February 3, 2022 of this Office to Hon. Lucilo R. Bayron, City Mayor of LGU Puerto Princesa, he was informed that in order to resolve the boundary dispute between Barangays Buenavista and Macarascas, Puerto Princesa City, the Survey and Mapping Division of the DENR-MIMAROPA Region shall provide a technical assistance regarding the survey and delineation of the political boundary of the concerned barangays, however, it is further requested that the same should be funded by the City Government;
6. That a letter dated July 25, 2022 was also received by this Office from Punong Barangay Jane C. Villarin of Barangay Macarascas, this City, requesting assistance to resolve the political boundary dispute between Barangay Macarascas and Buenavista and to issue STATUS QUO covering the said area until after the said dispute is finally resolve. She further informed the following:
 - a. That the area is intended as a relocation site of the residents of Purok Mandaragat of the said barangay since it is within their administrative jurisdiction;
 - b. That continuous construction of structures and entry of the members of a certain association which are not residents of Brgy. Macarascas has been monitored.

Attached hereto are the following documents in support to the aforementioned statements:

1. Decision on DENR Case No. M-02-20-L dated February 26, 2020
2. Memorandum from the OIC-Chief, Surveys and Mapping Division for the Regional Executive Director dated January 11, 2021;
3. CENRO Memorandum for the Regional Executive Director dated August 11, 2021;
4. Memorandum from the RED to PENRO Palawan dated October 11, 2021
5. PENRO Memorandum to CENRO Puerto Princesa City dated January 13, 2022;
6. PENRO Memorandum to CENRO PPC dated January 17, 2022;
7. Letter from the CENRO to Hon. Lucilo R. Bayron dated February 3, 2022;

For information and record.


PEDRO A. VELASCO

Copy furnished:

1. 8888Citizens Complaint Hotline
complaint@8888.gov.ph
2. Mr. Quirino Abrea
Email Address: adquirino.795@gmail.com
3. Ms. Amelia del Barrio
Email Address: aubrevista@gmail.com
4. Hon. Jane C. Villarin
Punong Barangay
Brgy. Macarascas, Puerto Princesa City
5. Hon. Juanito D. Capin
Punong Barangay
Brgy. Buenavista, Puerto Princesa City
6. Hon. Lucilo R. Bayron
City Mayor
New City Hall Building, Brgy. Sta. Monica
Puerto Princesa City

DENR MIMAROPA REGION
CENRO PUERTO PRINCESA
RELEASED
NO: 3741
DATE: 6-19-22



Julito Elma, Jr.
09057145668

AUBRE VISTA HEIGHTS ASSOCIATION, INC. Rep. by Quirino D. Abrea, Claimant-Protestant,	DENR Case No. M-02-20-L Approved plan (Csd-04-024835-D) of Lot 68, Sgs-04000744-D, Barangay Macarascas, Puerto Princesa City
-versus-	Area: 54.9160 hectares
EDUARDO L. PADOJINOG, ROMIA L. LABRADOR, and JULITO D. ELMA, JR.	
ROMIA L. LABRADOR, ENGR. ELPIDIO J. LOLENG, ENGR. REX S. VELASCO, CONRADO M. CORPUZ, NOEL V. SUMIDO, ROGELIO D. PAGLINAWAN, EDUARDO L. PADOJINOG, JOHNNY P. LILANG, DAVID F. DALINO, ENGR. JESUS PERILLA AND RENATO S. GONZAGA,	
JOHNNY P. LILANG, RENATO N. GONZAGA, CONRADO M. CORPUZ, ENGR. REX S. VELASCO, DAVID F. DALINO AND NOEL V. SUMIDO,	
Protestees	
x-----x	

for 2.28.2020
MARICEL M. BADILLA
 DENR - MIMAROPA REGION

DECISION

For resolution are the consolidated complaints dated October 14, 2010, September 12, 2014, and February 24, 2015 filed by Quirino D. Abrea (hereafter Abrea).

An Affidavit of Complain(sic) dated October 14, 2010 was filed by Quirino D. Abrea against Eduardo Padojinog, Romia Labrador and Julito Elma, Jr. An Order of Investigation dated November 23, 2010 was issued by then Regional Executive Director Concordio D. Zuñiga directing the PENRO Palawan to cause the immediate investigation on the complaint filed by Quirino D. Abrea, representative of the Aubre Vista Heights Association Inc., regarding the alleged encroachment of claims by Labrador, Elma and Padojinog which is grossly disadvantageous to their rights as actual occupants of their developed area since 1998, and that they strongly opposed the processing of the approved plan of Lot 68, Sgs-04-000744-D granted in favor of Romia Labrador with an area of 54.9160 hectares as the same violated their rights as actual occupants of the area.

He alleged in the said complaint that Eduardo Padojinog is a former DENR employee, Romia L. Labrador is the Punong Barangay of Macarascas, while Julito Elma, Jr. and his group requested for survey authority over Lot 68.

On October 17, 2014, another complaint dated September 12, 2014 was filed by Abrea against "Romia L. Labrador, Engr. Elpidio Loleng, Engr. Rex Velasco, Conrado Corpuz, Noel Sumido, R. Paglinawan, Eduardo Padojinog, Engr. (sic) Johnny Lilang, David Balino(sic), Engr. Jesus Perilla and Renato Gonzaga" for "cancellation of approved plan of Lot 68, Sgs-04-000744-D, Ignorance of the Law, Abuse of Authority, Incompetence and Dereliction of Duties" before this Office.

Abrea stated in the *Verification with Certification of Non-Forum Shopping* that he previously filed two (2) letter complaints why he was not issued on time a survey authority but the same was not

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4. Memorandum dated June 10, 2015 issued by then Undersecretary for Field Operations Demetrio L. Ignacio, Jr., the latter instructed the Regional Director, MIMAROPA, and the PENR Officer, Palawan "to suspend the issuance of survey authorities (SA), the conduct and approval of survey plans for untitled lands and the acceptance and processing of all public land applications within the province of Palawan".

FINAL INVESTIGATION REPORT

On July 9, 2015, a Final Investigation Report was submitted by LMO III/Hearing Officer Hilario V. Regondola, Jr.:

"On November 23, 2010, an Order of Investigation was issued by the Regional Office treating the letter complaint of Quirino Abrea as a formal protest and in due form which, in my legal observation, is not. Furthermore, the lot mentioned in the said Order was the whole Lot 68, Sgs-04-00744-D where in fact only the portion of Lot 68 was protested specifically Lot 68-A and those occupied by the respondents.

Nevertheless, on October 19, 2011, a hearing was conducted and all the parties concerned were present. During the said hearing, Atty. Ma. Victoria R. Timbancaya, counsel for the Protestee manifested that the letter-complaint filed by the Protestant be dismissed on the ground that Quirino Abrea, the protestant has no personality to represent the association having filed the same in his personal capacity and not in behalf of the association, and that the complaint is directed against the personnel of the DENR-CENRO, Puerto Princesa City and not against the protestees. Furthermore, the letter-complaint filed do not conform to the formalities required by law.

Consequently, on May 15, 2013, an Order was issued by the undersigned dismissing the said letter-complaint as it was not in the form required by law and that Quirino Abrea has no personality to represent the association and lastly, the complaint was directed against the personnel of the CENRO of Puerto Princesa City. The said Order however was without prejudice and subject for re-filing of a formal protest."

DISCUSSION

To backtrack, a previous complaint dated October 14, 2010 was filed by Abrea wherein an Order of Investigation dated November 23, 2010 was issued by then Regional Executive Director Concordio D. Zuñiga. The gist of this complaint is for the cancellation of the approved plan Csd-04-024835-D of Lot 68, Sgs-04-000744-D. A Final Investigation Report dated July 9, 2015 was submitted by LMO III/Hearing Officer Hilario V. Regondola, Jr.

A second complaint dated September 12, 2014 was also filed by Abrea. Thereafter, an Order dated March 10, 2015 directing the respondents to submit their answer to said complaint was issued by the Office. The gist of the complaint is still for the cancellation of approved plan Csd-04-024835-D of Lot 68, Sgs-04-000744-D in the name of Romia L. Labrador.

Another complaint dated February 24, 2015 was referred to this Office per 1st Indorsement issued by the Assistant Secretary, Internal Audit and Anti-Corruption, and received on September 4, 2015. Several show-cause memorandums all dated September 15, 2015 were issued by then OIC, Regional Director Oscar C. Dominguez to the concerned personnel.

In all his complaints, Abrea's consistent cause of action is for the cancellation of the approved plan of Lot 68, Sgs-04000744-D.

Records show that Abrea failed to submit any board resolution authorizing him to file a complaint in behalf of Aubre Vista Heights Association, Inc. As such, his complaint for cancellation of the approved plan of Lot 68, Sgs-04000744-D, is treated as one filed in his personal capacity.

28. 2020
MARIENE M. BADILLA
Admin. Asst. III Records Officer Designate
Legal Division, DENR MIMAROPA Region

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The resolution of the complaints for the cancellation of subdivision plan Csd-04-024835-D of Lot 68, Sgs-04-000744-D in the name of Romia L. Labrador requires that the political boundary dispute of Barangays Buenavista and Macarascas, Puerto Princesa City must be settled first. The procedure for cancellation of survey plan is provided under Article 39, Section 211 of DENR Memorandum Circular No. 2010-13³.

In the recently issued DENR Memorandum Circular No. 2019-10 dated December 11, 2019⁴, the following are some of the documents required to support the request for a survey authority:

- a. *Notarized Barangay Certification of the applicant's actual residence, issued by the Barangay Chairperson; and*
- b. *Sworn Affidavit of two (2) disinterested persons (residents of the same barangay where the lot is located), attesting that the applicant is the actual occupant or possessor of the lot.*

The above-cited documents are required for a survey authority to be issued. Since there exists a political boundary dispute between Barangays Buenavista and Macarascas, Puerto Princesa City, it would create more land claims and conflicts cases if both barangays will issue certifications to public land applicants over Lot 68 considering that the area covers 549,160 square meters (54.9160 hectares).

Further, since the gist of Abrea's complaints is the cancellation of the approved plan of Lot 68, Sgs-04000744-D in the name of Romia L. Labrador, his complaints against the DENR personnel who processed and/or investigated the subject lot are premature considering that the approved plan of Lot 68 remains valid until cancelled.

Per Memorandum dated August 20, 2019 of the Director, Legal Affairs Service, this Office was requested, among others, to "provide technical assistance to the Local Government of Puerto Princesa City to resolve the Political Boundary Dispute of Brgy. Buenavista and Brgy. Macarascas pursuant to Section 6 of Local Government Code of 1991 (Republic Act No. 7160) and for DENR to provide technical assistance in the resolution of their dispute."

WHEREFORE, premises considered, the complaints against private parties Eduardo Padojinog, Romia Labrador, Julito Elma, Jr., and Engr. Jesus C. Perilla, Jr. are **DISMISSED** for lack of jurisdiction. Likewise, the complaints against Engr. Rex S. Velasco, Conrado M. Corpuz, Noel V. Sumido, Johnny P. Lilang, David F. Dalino, and Renato S. Gonzaga, are **DISMISSED** for failure to establish a *prima facie* case.

It is **NOTED** that the complaints of Abrea are treated as one filed in his personal capacity for failure to submit a resolution to file the same in behalf of Aubre Vista Heights Association, Inc.

The Assistant Regional Director for Technical Services and OIC-Chief, Surveys and Mapping Division are **DIRECTED**:

1. To **EVALUATE** Abrea's complaint for cancellation of Sgs-04000744-D in accordance with DMC 2010-13;
2. To **SUBMIT** report of action taken on the Order dated January 21, 2013 issued by then Regional Executive Director Edgardo O. Galeon re: Subdivision Survey of Lot 68-A, Csd-04-024835 vis-à-vis the plan submitted by Engr. Jesus C. Perilla on January 27, 2014.

The Memorandum dated April 21, 2014 of the OIC-PENR Officer, Palawan relative to the report of Engr. Perilla re: Survey of Lot 68-A, Csd-04-024835-D per Order dated January 21, 2013 was referred to the OIC-Chief, Land Management Division per Memorandum dated May 6, 2014; and

³ Adoption of the Manual on Land Survey Procedures

⁴ Supplemental Procedures on the Issuance, Processing, and Approval of Survey Authority, Survey Plans, and Public Land Applications (PLAs) Covering Lots in the Provinces of Sarangani, South Cotabato and Palawan

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3. To **PROVIDE** technical assistance to the Local Government of Puerto Princesa City to resolve the Political Boundary Dispute of Barangay Buenavista and Barangay Macarascas pursuant to Section 6 of Local Government Code of 1991 (Republic Act No. 7160).⁵

SO ORDERED.

Manila, Philippines, FEB 26 2020

[Signature]
HENRY A. ADORNADO, Ph.D.
 Regional Executive Director

RECEIVED
 DENR-CENRO
 PUERTO PRINCESA
 DOC. NO. 1111 16-2020
 DATE: 11/16/2020
 TIME: _____
 NAME: _____
 POSITION: _____
 SIGNATURE: *[Signature]*

- Copy furnished:
- Quirino D. Abrea
 - Atty. Edepigo T. Litang
 - Atty. Rustico Cacal
 - Eduardo L. Padojning
 - Romia Labrador
 - Engr. Elpidio J. Loleng
 - Julito D. Edma, Jr.
 - Engr. Rex S. Velasco
 - Conrado M. Corpuz
 - Noel V. Sumal
 - Rogelio D. Paglindwan
 - Johnny P. Litang
 - David F. Dalno
 - Renato S. Gonzaga
 - PENRO Palawan
 - CENRO Puerto Princesa City**
 - ARD-MS/LD

MONTHLY ACCOMPLISHMENT MONITORING FORM NO. DENR-202

Type	Remarks	Date
Other	Sito Sia, Purok Milenyo, Brgy. Buenavista, Puerto Princesa City	
Other	Icaonapo Litang and Associates Law Firm Suites 402-403 Doña Amparo Building, España, Manila	
Other	E.B. Cojanco Building, National Highway Sta. Monica, Puerto Princesa City	
Other	23-L Baltan St. Brgy. San Miguel, Puerto Princesa City	
Other	Bgy. Macarascas, Puerto Princesa City	
Other	Western Homes, Wescom Road, Puerto Princesa City	
Other	c/o Atty. Victoria R. Timbancaya Rocamora Timbancaya Law Office 43 Fernandez St., Puerto Princesa City	
Other	c/o PENRO Palawan	
Other	c/o CENRO Brooke's Point, Palawan	
Other	c/o CENRO Puerto Princesa City	
Other	c/o CENRO Puerto Princesa City (Scan copy sent thru messenger)	
Other	25 Purok Masaya, Libis Road, San Pedro, Puerto Princesa City	
Other	11 Tulungan St., Barangay Mandaragat, Puerto Princesa City	
Other	Tercera Calle, Alta Homes Subdivision, Barangay San Jose, Puerto Princesa City	

**DENR DENRO
 PALAWAN RECORDS
 RELEASED**
 BY: _____
 DATE: 6.08.2020

Verified by the immediate supervisor.

FOR THE INCHIEF, MERRIDMO
 RODRIGUEZ/VERINA

Christy Castriano

Department of Environment
 and Natural Resources
 MIMAROPA Region



Doc ID 30036

[Signature] 2.28.2020
MARLENE M. BADILLA
 Admin. Ass. III Records Officer Designate
 Legal Division, DENR MIMAROPA Region

⁵ Memorandum dated January 16, 2020 issued by the undersigned to the Assistant Regional Director for Technical Services
 1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
 DENR VOIP (632) 82483367/82483468/82493367 local 2700/1 (Regional Executive Director), 2709 (Legal Division)
 Direct Line (632) 84050157, Facsimile (632) 84050046
 Email: denr.rdmimaropa@gmail.com

given due course, and if in the future he may learn that one is filed then I am bound to inform this Honorable Body of its status, hence, there is no violation of the "Rule on Forum Shopping".

However, Abrea filed another complaint dated February 24, 2015 before the DENR Central Office against PENRO and CENRO personnel, namely Johnny Lilang, Renato Gonzaga, Conrado Corpuz, Engr. Rex Velasco, David Dalino and Noel Sumido. Per 1st Indorsement of the Assistant Secretary, Internal Audit and Anti-Corruption, "xxx the other DENR personnel complained of, Eduardo Padojinog and Rogelio Paglinawan are no longer connected in the Department in view of their retirement from service on 17 April 2003 and 18 August 2007, respectively. While as to Engr. Jesus Perilla, he had already died on 10 December 2014. Hence, our Department is already bereft of jurisdiction over their persons, in addition to the two (2) private individuals complained of, namely: Engr. Elpidio A. Loleng and Romia L. Labrador."

Notably, he stated in the *Verification with Certification of Non-Forum Shopping* of his 2015 complaint that he previously filed two (2) letter complaints why he was "not issued on time a survey authority but the same was not given due course and administrative case against the same respondents above xxx"

ALLEGATIONS OF THE PARTIES

I. Claimant- Protestant

Abrea alleged among others, that on October 28, 2002, a letter-request for survey authority was submitted by Julito Elma Jr., et. al. to the DENR-CENRO Puerto Princesa City on the same lot that Romia L. Labrador requested (Lot 68, Sgs-04-000744-D). That the said request was granted Survey Authority No. 045316-2002-47 dated December 5, 2002 with approved subdivision plan dated May 9, 2003 in the name of Romia L. Labrador.

In his complaint, Abrea prayed for the following "in behalf of all the members of Aubre Vista Heights Association, Inc. of Sitio Purok Milenium, Barangay Buenavista, Puerto Princesa City":

1. That we be given fair and honest yet sincere and straight forward immediate response and explanation to substantiate for the inaction and total neglect of all our request for the last twelve (12) long years by MR. DIOSDADO L. OCAMPO, DENR-CENRO Puerto Princesa City;
2. That a thorough inquiry and investigation be done as soon as possible on the actual, true, genuine and real status of Lot 68, Sgs-04-000744-D and to include as to who are the actual claimants and occupants;
3. That an outright ocular inspection and inmost(sic) scrutiny of the above mentioned lot be done by personnel of the regional office MIMAROPA-IV-B to avert and deter any possible cover up, much more if at all for honest and transparent purpose and resolve.

II. Protestees

Protestee/Respondents on the otherhand(sic), manifested for the dismissal of the said letter-complaint on the ground that it was not in accordance with the(sic) required by law and that it was filed in his personal capacity and not in behalf of the association. Furthermore, the said complaint was anchored on the personnel of the CENRO Puerto Princesa City.¹

A *Respectful Query* dated April 10, 2014 submitted by Atty. Victoria R. Timbancaya, counsel for Mr. Elma, filed before the PENRO Palawan, stated the following:

1. In the hearing of the said protest on October 19, 2011, the protest was dismissed in the presence of the representative of the protestant, Quirino Abrea, and their counsel Atty. Rustico Cacal, who did not object to the dismissal.

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2. After herein protestee's inquiries regarding the dismissal, the Hearing Officer issued an Order dated May 15, 2013 wherein undersigned counsel of protestee Elma was ordered to file a written manifestation xxx
3. Undersigned counsel for and on behalf of protestee Elma, thereafter complied with said order, filing the ordered Manifestation on June 18, 2013 with a copy later further served on CENRO on July 3, 2013 upon its request therefor(sic). A copy was served on Atty. Rustico Cacal, counsel of Abrea, as shown in the original of the Manifestation filed with this Office.
4. Protestee has never received any comment to said Manifestation from Abrea/Atty. Cacal.
5. PENRO's Juan Dela Cruz acknowledged PENRO's receipt of a copy of said protestee's Manifestation in his July 8, 2013 Memorandum to the Regional Executive Director, DENR Region IV, MIMAROPA. xxx
6. At any rate, as already adverted to, the dismissal was orally ordered at the hearing on October 19, 2011 or 2 and ½ years ago, while compliance with the Order for protestee Elma to file his Manifestation relative thereto was done on June 18, 2013 or ten (10) months ago.

6a. Protestee Elma now invokes one other constitutional right, namely, the right to speedy disposition of cases

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BACKGROUND

On June 6, 2000, a Joint Resolution of Barangay Buenavista and Barangay Macarascas agreeing to have Sia River as their natural boundary was adopted and approved by its barangay officials.

Records show that Csd-04-024835-D of Lot 68, Sgs-04-000744-D in the name of Romia L. Salvador with an area of 549,160 square meters was approved on May 9, 2003 by Assistant Regional Executive Director for Operations Elvero C. Eusebio.

Per Resolution No. 762-2010 of the Sangguniang Panlungsod of Puerto Princesa City entitled "A Resolution Confirming and Recognizing the Existing Political Boundaries of Barangay Macarascas and Barangay Buenavista, Both of this City" adopted on February 22, 2010 by the Sangguniang Panlungsod of Puerto Princesa City. It is stated that:

"WHEREAS, in the Legal Opinion No. 002-2010 dated February 11, 2010, the City Legal Office rendered its legal opinion relative to the alleged boundary dispute between Barangays Macarascas and Buenavista, both of Puerto Princesa City:

WHEREAS, as stated in the legal opinion of the City Legal Office that since the point of reference of the actual boundary is apparent, there is therefor(sic) no boundary dispute. On the other hand, the "Joint Resolution" is ultra vires in so far as it alters the boundary of the two barangays. To insist in making "Sia River" as the boundary of the two barangays will require a conduct of a PLEBISCITE for both barangays to decide in accordance with the provisions of Republic Act No. 7160 (Local Government Code)"

Per Memorandum dated May 11, 2016 of then PENR Officer Juan C. Dela Cruz, he stated that the concern of Aubre Vista Heights Association regarding the boundary dispute between Barangays Macarascas and Buenavista, Puerto Princesa City was already addressed by Sangguniang Panlungsod (SP) Resolution No. 762-2010. However, per Memorandum dated July 5, 2019², Barangay Buenavista issued Barangay Resolution No. 08, Series of 2011 strongly opposing the said SP Resolution contending among others, that "Sia River" is a permanent landmark remaining in the same position since 1954 when Macarascas became a separate barangay from Bahile.

² Submitted by the Investigation Team, Investigation and Arbitration Division

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ISSUANCES/MEMORANDUMS

- 1. Order dated January 21, 2013 issued by then Regional Executive Director Edgardo O. Galeon which states that:

"This treats of Lot 68-A, Csd-04-024835-D containing 8.7330 hectares in Macarascas, Puerto Princesa City and the series of complaints filed by Messrs. Simon S. Salvani, Jr., et.al. impugning the issuance by the CENRO in the locality of two (2) Survey Authorities over one and the same parcel of land, to wit: S.A. No. 045316-2011-77 dated July 4, 2011 in the names of Engr. Mariano Maglines and S.A. No. 045316-2011-92 dated August 19, 2011 of Engr. Elpidio Loleng.

On the bases of the said complaints, Regional Special Orders(sic) Nos. 220, 226, 241, series of 2011 were issued creating a team to conduct a comprehensive investigation on the matter. In compliance therewith, the investigation team reported that the said complainants were actually pushing for the approval of the survey pertaining to their claims as against that of the other adverse claimants. The investigation team noted that the two (2) survey authorities in question both specified that the execution of the subdivision survey was for purposes of determining on the ground the metes and bounds of the respective claims and occupations of the actual claimants. The said survey authority, however, was not followed by any of the said surveyors. As reported, both surveys did not conform with nor reflect the actual position and/or position of the claimants in the area. That was why, on July 4, 2012, this Office sent a memorandum to PENRO-Palawan returning the survey returns submitted thereof and directing the submission of a report and recommendation on the matter. Hence, the CENRO in Puerto Princesa City and the said PENRO submitted their respective memorandum on the subject dated October 25 and November 5, 2012 recommending the issuance of a SURVEY ORDER for the residential subdivision of the parcel of land in question by the DENR and recommending further that funds be allocated for the purpose.

Corollary to this, the records show that the claimants sought clearance from the City Planning and Development Coordinator (CPDC) in Puerto Princesa. The CPDC eventually approved their subdivision scheme of the land for residential purposes with the required provisions for open spaces roads and alleys.

WHEREFORE, the conduct of Public Land Survey by Administration is hereby directed consistent with the subdivision scheme as endorsed by CPDC of Puerto Princesa City and subject to the provisions of DENR Administrative Order 2007-29, also known as the Revised Regulations on Land Surveys. Upon completion and approval of the survey, the resultant lots shall be disposed of thru the applicable mode of disposition to qualified claimants/applicants"

- 2. Memorandum dated February 6, 2014 submitted by then PENR Officer Juan C. Dela Cruz, forwarding the transmittal-letter of Engr. Jesus C. Perilla dated January 27, 2014 recommending approval of the subject plan covering Lot 68-A, Csd-04-024835-D located at Barangay Macarascas, Puerto Princesa City. The same was submitted in compliance to the Order dated January 21, 2013 issued by OIC-RED Oscar C. Dominguez.

The subject plan consists of one hundred eleven (111) residential lots with an area of 87,323.14 square meters. Attached therein is the CENRO Certification informing that the said parcel of land falls within agricultural (alienable and disposable) area.

- 3. Memorandum dated April 21, 2014 of the OIC-PENR Officer, Palawan relative to the report of Engr. Perilla re: Survey of Lot 68-A, Csd-04-024835-D per Order dated January 21, 2013.

On May 7, 2014, this was referred to the OIC-Chief, Land Management Division per Memorandum dated May 6, 2014 of the OIC-Chief, Legal Division.

2. 28. 2020
MARLENE M. BADILLA
Assistant Regional Executive Director
Legal Division

9



JAN 11 2021

MEMORANDUM

FOR

THE REGIONAL EXECUTIVE DIRECTOR

FROM

THE OIC-CHIEF, SURVEYS AND MAPPING DIVISION

SUBJECT

DECISION IN DENR CASE NO. M-02-20-1 ENTITLED "AUBRE VISTA HEIGHTS ASSOCIATION, INC. REP. BY QUIRINO D. ABREA, CLAIMANT-PROTESTANT, -VERSUS- EDUARDO L. PADOJINOG, ROMIA L. LABRADOR AND JULITO D. ELMA, JR., ROMIA L. LABRADOR, ENGR. ELPIDIO J. LOLENG, ENGR. REX S. VELASCO, CONRADO M. CORPUZ, NOEL V. SUMIDO, ROGELIO D. PAGLINAWAN, EDUARDO L. PADOJINOG, JOHNNY P. LILANG, DAVID F. DALINO, ENGR. JESUS PERILLA AND RENATO S. GONZAGA, JOHNNY P. LILANG, RENATO N. GONZAGA, CONRADO M. CORPUZ, ENGR. REX S. VELASCO, DAVID F. DALINO AND NOEL V. SUMIDO, PROTESTEES, RE: APPROVED PLAN (CSD-04-024835-D) OF LOT 68, SGS-04000744-D, BARANGAY MACARASCAS, PUERTO PRINCESA CITY WITH AN AREA OF 54.9160 HECTARES

This pertains to the decision of DENR Case No. M-02-20-01 wherein the undersigned were directed to provide technical assistance to the Local Government of Puerto Princesa City to resolve the Political Boundary Dispute of Barangay Buenavista and Barangay Macarascas pursuant to Section 6 of Local Government Code of 1991 (Republic Act. 7160) and for DENR to provide technical assistance in the resolution of their dispute.

Please be informed that during the clarificatory meeting on April 30, 2019 at PENR Office of Palawan, the undersigned suggested that before the execution of lot survey, the Political Boundary of Macarascas and Buenavista should be established first to be funded by the city government and the DENR Regional Office shall provide technical assistance in the execution and approval to be defined by both barangays and the documents relative to the abovementioned case were already turned-over to the investigation team headed by Bayani V. Mantubig.

For your information and record.

DENR - R - IV - B OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR	
DOC. NO.	
RECEIVED	RELEASED
BY: <i>[Signature]</i>	BY: _____
DATE: 1/12/21	DATE: _____
TIME: _____	TIME: _____

[Signature]
ENGR. ROMAN G. LEGASPI

DENR By the Bay Building, 1515 Roxas Boulevard, Ermita, Manila
DENR VOIP (02) 8248-3367/8249-3367 loc. 2701
Website: <http://mimaropa.denr.gov.ph/>
Email: mimaroparegion@denr.gov.ph



Republic of the Philippines
 Department of Environment and Natural Resources
 MIMAROPA Region
 PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
 Bgy. Sta. Monica, Puerto Princesa City, Palawan
 Telfax No. (048) 434-8791
 Email Add: penropalawan@denr.gov.ph



August 11, 2021

MEMORANDUM

FOR : The Regional Executive Director
 DENR-MIMAROPA, 1515 L & S Bldg.
 Roxas Blvd., Ermita, Manila

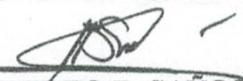
ATTENTION : The Assistant Regional Director for Technical Services
 The Chief, Surveys and Mapping Division

FROM : The Provincial Environment and
 Natural Resources Officer

SUBJECT : **STATUS OF LOT 68, SGS-04-000744-D LOCATED IN
 BGY. MACARASCAS, PUERTO PRINCESA CITY (DOC.
 REF. NO. 2021-3310)**

Forwarded is the Memorandum from CENRO Puerto Princesa City dated July 19, 2021 pertaining clarification on the status of Lot 68 and all its resultant lots located in Barangay Macarascas, Puerto Princesa City.

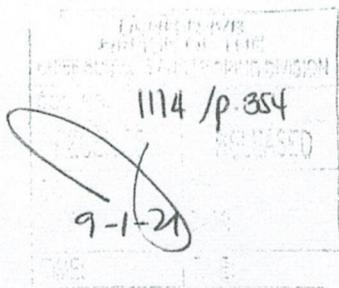
For information, record and consideration.


 ERIBERTO B. SAÑOS, CESE

Ref. No. 2021-7232
 /ldm081121

**DENR PENRO
 PALAWAN RECORDS
 RELEASED**

BY: 
 DATE: 8-A-21 9-1-21-1894



17P



OCT 11 2021

MEMORANDUM

TO : THE PENR OFFICER
Sta. Monica, Puerto Princesa City

ATTN : THE CENR OFFICER
Sta. Monica, Puerto Princesa City

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : STATUS OF LOT 68 SGS-04-000744-D LOCATED IN BRGY
MACARASCAS, PUERTO PRINCESA CITY

DENR PENRO
PALAWAN REGION
RECEIVED
BY: [Signature]
DATE: 10-25-2021 21:2572

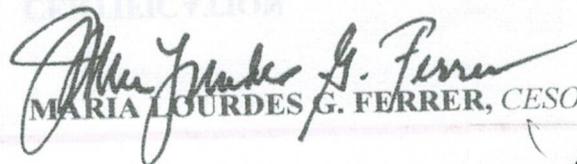
This is in connection with the Memorandum dated August 11, 2021 from PENRO Eriberto B. Sanos, CESE, forwarding the Memorandum from CENRO Puerto Princesa City dated July 19, 2021 pertaining clarification on the status of the action taken on the Decision dated February 26, 2020.

We are providing you a copy of Memorandum dated January 11, 2021 from the OIC-Chief of the Surveys & Mapping Division in reply to the instruction stated in the said Decision.

Also, please be informed that in the *DISCUSSION* part of the said Decision, it was stated that, "The procedure of the cancellation of survey plan is provided under Art. 39, Section 211 of the DENR Memorandum Circular No. 2010-13." Thus, based on the cited procedure specifically under Nos. 3 to 4 requires an Order of Investigation be issued in order to ascertain whether there is valid ground to cancel the previously approved plan.

Further, the Subdivision Plan of Lot 68-A, Csd-04-024835 submitted by Engr. Jesus C. Perilla on January 27, 2014 was referred to the OIC-Chief, Land Management Division per Memorandum dated May 6, 2014 from the OIC-Chief Legal Division and was impeded due to the suspension of issuance of survey authorities, conduct of approval of survey plans for untitled lands issued by then USEC for Field Operations, Demetrio L. Ignacio Jr. Should you need to resume the approval of the subdivision plan covering Lot 68-A, Csd-04-024835, the Political Boundary dispute between Barangay Macarascas and Buenvista must first be resolved and established.

For information.


MARIA LOURDES G. FERRER, CESO III

SMD/SCS/ JOAS 09/21/2021

DENR by the Bay Bldg., 1515 Roxas Boulevard, Ermita, Manila
DENR VOIP (02) 8248-3367/8249-3367 loc. 2701
Website: <http://mimaropa.dnr.gov.ph/>
Email: mimaroparegion@dnr.gov.ph

 Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 70851



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

January 13, 2022

MEMORANDUM

TO : The OIC-Community Environment and
Natural Resources Officer
Santa Monica, Puerto Princesa City

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **70851 STATUS OF LOT 68, SGS-04-000744-D, LOCATED IN
BRGY. MACARASCAS, PUERTO PRINCESA CITY**

Referred is the Memo dated October 11, 2021 from DENR-MIMAROPA Regional Executive Director, Maria Lourdes G. Ferrer, received by this office dated December 23, 2021, citing instructions to resume the approval of the subdivision plan covering Lot 68-A, Csd-04-024835.

However, prior to resumption to its approval, solution to Political Boundary dispute must be first resolved and established by both Barangays, between Macarascas and Buenavista, City of Puerto Princesa.

For your information and record.

For the PENRO:

JOHNNY P. LILANG
Supervising ECOMS/Chief TSD
In-Charge, Office of the PENRO



Cc:

The RED
DENR By the Bay Building, 1515 Roxas Boulevard, Ermita, Manila
DENR VOIP (02) 8248-3367/8249-3367 LOC. 2701
Website: <http://mimaropa.denr.gov.ph/>
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Doc. Ref. Nos. : 12572
TSD-RPS/DFD

Bgy. Santa Monica, Puerto Princesa City, Palawan
Telfax No. (048) 433-5638
Email add: penropalawan@denr.gov.ph



Republic of the Philippines
 Department of Environment and Natural Resources
 MIMAROPA REGION
 PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

202-0104 January 17, 2022

RECEIVED
 DENR PENRO
 PUERTO PRINCESA
 OFFICE
 DATE: JAN 21 2022
 TIME: 10:27 AM
 NAME: [Signature]
 POSITION: [Signature]
 ADDRESS: [Signature]

MEMORANDUM

TO : The Community Environment and Natural Resources Officer
 Puerto Princesa City

FROM : The OIC Provincial Environment and Natural Resources Officer

SUBJECT : STATUS OF LOT 68, SGS 04-000744-D LOCATED IN BARANGAY MACARASCAS, PUERTO PRINCESA CITY

Referred is the memorandum of the then Regional Executive Director dated October 11, 2021 attached a copy of the memorandum from the OIC Chief, Surveys and Mapping Division suggesting action to be taken in order to resolved the boundary dispute between Barangay Buenavista and Barangay Macarascas of this city.

Accordingly, the establishment of the political boundary is indeed necessary prior the execution of lot survey. It is suggested further that the expenses to be incurred on the political boundary survey should be funded by the City Government of Puerto Princesa.

Relative to this, please coordinate with the LGU and parties concerned assuring them of technical assistance of the Surveys and Mapping Division.

Attached is the memorandum of May 31, 2021 returning the entire record of DENR Case No. M-02-20-01 to your end.

For information, and report of action/s taken.

[Signature]
FELIZARDO B. CAYATOC

Copy furnished:

The Regional Executive Director
 DENR-IV MIMAROPA, 1515 L&S Bldg.
 Roxas Blvd, Ermita, Manila
 TSD-RPS DRN 2022-12572lmo

**DENR PENRO
 PALAWAN RECORDS
 RELEASED**
 BY: [Signature]
 DATE: JAN 17 2022
 2022-12572



Republic of the Philippines
 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES
 PUERTO PRINCESA CITY
 South National Highway, Bgy. Sta. Monica, Puerto Princesa City
 TEL Fax No. (048) 433-0660
 Email Address: cenroppchuc@yahoo.com

February 3, 2022

Hon. Lucilo R. Bayron
 City Mayor
 Puerto Princesa City



OFFICE OF THE CITY MAYOR
RECEIVED

By: *[Signature]* C/N: *[Signature]*
 Time: 3:12 Date: 02/22/2022

Dear Hon. Mayor,

Environmental greetings!

This has reference to the attached letter dated October 13, 2021 of this Office requesting for technical assistance from the City Government thru the Engineering Office for the conduct of political boundary survey on the ground of Lot 68, Sgs-04-000744- D situated in Barangay Macarascas, Puerto Princesa City.

In a PENRO Memoranda dated January 13, 2022 and January 17, 2022 anent to the RED Memorandum dated October 11, 2021 with attached copy of the Memorandum from the OIC-Chief, Surveys and Mapping Division suggesting action to be taken in order to resolve the boundary dispute between Barangay Buenavista and Barangay Macarascas, Puerto Princesa City.

Relative thereto, this Office was instructed to coordinate with you with assurance that the Surveys and Mapping Division of DENR-MIMAROPA Region shall provide a technical assistance and requesting that such activity should be funded by the City Government for the expenses to be incurred on the survey and delineation of **political boundary** of the concerned barangays.

Thank you for your usual support and best regards.

Very truly yours,

For and in the absence
 of the CENRO:

RODNEY G. VERIAN
 Forester III/Chief, MES/ODMO
 Office-In-Charge

[Signature]

CF:

1. The Chief, Surveys and Mapping Division
 DENR-MIMAROPA Region
 L & S Building, Ermita, Manila
2. The PENRO

DENR - MIMAROPA REGION
 CENRO - PUERTO PRINCESA
RECEIVED
 DATE: 2-4-22
 BY: *[Signature]*