



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 8929-66-26/28; 8929-6635/8929-3618/8929-4028
IP Phone Trunkline No. 8988-3367

MEMORANDUM

TO : The PENR Officer
DENR Oriental Mindoro, Region IV B - MIMAROPA
Sitio II, Ilang-ilang St., Brgy. Suqui, Calapan City

FROM : The Head, DENR Action Center/Hotline

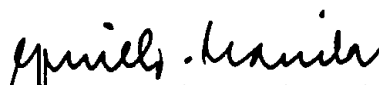
SUBJECT : **REFERENCE CODE NO. PCC-DAVE-06-17-2022-063 RE: REQUEST FROM MR. SERGIO TUPAS, JR. TO EXPEDITE THE DECISION ON THE PROTEST AGAINST FPA NO. 045212-669 LODGED TO CENRO ROXAS SINCE 2013**

DATE : July 5, 2022

Respectfully referred herein email dated 17 June 2022, addressed and coursed thru the Presidential Complaint Center (PCC) thru Dir. Jaime Llaguno Mabilin, bearing Code No. **PCC-DAVE-06-17-2022-063**, transmitted to the Office of the OIC DENR Secretary, indorsed to the Head Executive Assistant, and further conveyed to the DENR Action Center/Hotline from Mr. Sergio B. Tupas, Jr. <sergiojr.tupas@gmail.com> pertaining to his request to expedite the decision to resolve dispute on protest against Free Patent Application No. 045212-669 over Lot No. 2, Ccs-04-002673 identical to Lot No. 10377, Cad-506, Roxas Cadastre - being processed by the Land Management Section of CENRO Roxas, Oriental Mindoro. Accordingly, the said protest/complaint was lodged to the said Office since 28 February 2013 however, it allegedly failed to render appropriate decision based on the evidences submitted by parties involved. Furthermore, it was recently identified that the lot in question had been mortgaged by the party in-possession to a private individual without securing a written authority from the other party involved and the CENRO. Hence, this request, which merits for appropriate actions, consistent with existing laws, rules, and regulations for the property be recovered and awarded to the rightful proprietor/s.

Kindly inform directly the requesting party of action taken in this regard furnishing the PCC, HEA, and this Office for monitoring/reference purposes. Expeditious action is requested in accordance with the provisions of Republic Act No. 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 as implemented and enforced by the Anti-Red Tape Authority. Please be reminded that failure to timely respond to the public's concern shall be ground for administrative sanctions under existing laws and regulations.

For immediate attention, please.


MERLINDA R. MANILA

Copy furnished:

The Presidential Complaint Center (PCC), Malacañang, Manila
The Undersecretary USEC for Field Operations and Environment
DENR Region IV B MIMAROPA, 1515 L & S Building,
Roxas Boulevard, Ermita, Manila
Mr. Sergio B. Tupas, Jr. <sergiojr.tupas@gmail.com>

/jmm

----- Forwarded message -----

From: **Office of Head Executive Assistant** <ohea@denr.gov.ph>

Date: Tue, Jun 21, 2022 at 1:20 PM

Subject: Fwd: Request to expedite decision to resolve dispute on Protest against F.P.A. No. 045212-669 over Lot 2, Ccs-04-002673 Identical to Lot 10377, Cad-506, Roxas Cadastre - DENR Land Management Section, CENRO, San Mariano, Roxas, Oriental Mindoro (Part 2)

To: DENR Action Center <actioncenter@denr.gov.ph>

Head
DENR Action Center
Hotline 8888

Ma'am, respectfully forwarding the email from the Presidential Complaint Center.
For your information and appropriate action, please

Thank you

----- Forwarded message -----

From: **Presidential Complaint Center (PCC)** <pcc@malacanang.gov.ph>

Date: Tue, Jun 21, 2022 at 11:41 AM

Subject: Re: Request to expedite decision to resolve dispute on Protest against F.P.A. No. 045212-669 over Lot 2, Ccs-04-002673 Identical to Lot 10377, Cad-506, Roxas Cadastre - DENR Land Management Section, CENRO, San Mariano, Roxas, Oriental Mindoro (Part 2)

To: DENR Action Center <actioncenter@denr.gov.ph>, DENR HEA <ohea@denr.gov.ph>

Cc: sergio tupas <sergiojr.tupas@gmail.com>

Sir/Madam

Respectfully forwarding the email* received through the Presidential Complaint Center (PCC) email address pcc@malacanang.gov.ph, for appropriate action, consistent with existing laws, rules and regulations on the matter, seeking intercession relative to issues and concerns which may be best addressed/coordinated by that Office.

A reply direct to the party/ies concerned copy furnished the Center citing PCC Code No., will be highly appreciated. Expeditionary action is requested in accordance with the provisions of Republic Act No. 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 as implemented and enforced by the Anti-Red Tape Authority. Please be reminded that failure to timely respond to the public's concern shall be a ground for administrative sanctions under existing laws and regulations.

If you have any questions/comments/queries/suggestions, please email us at pcc@malacanang.gov.ph
Your Feedback is valuable to us especially during these challenging times. Please let us know your experience by clicking the link below!

<https://forms.gle/aL3jYCGTud8qZaD9A>

Thank you.

PRESIDENTIAL COMPLAINT CENTER

Office of the President of the Philippines

A | J. P. Laurel Street, Malacanang Complex, San Miguel, Manila

T | +63 2 8249 8310 Local 8175

Monday - Friday (except National Holidays and Work Suspensions)

8:15 AM - 5:00 PM

*** OFFICIAL PCC TRANSMITTAL TO FOLLOW**

IMPORTANT NOTICE:

The information contained in the communication is privileged and confidential and intended solely for the use of the

individual or entity to whom it is addressed and others authorized to receive it. If you are not the intended recipient, you must not disclose or use the information contained in it. If you have received this email in error, please notify us immediately by return email and delete the document. The Center is neither liable for the proper and complete transmission of the information nor for any delay in its receipt. The Center accepts no liability for any damage caused by this email or its attachments due to viruses, interference, interception, corruption or unauthorized access.

/MIM

Code No. PCC-DAVE-06-17-2022-063

DENR

From: "sergio tupas" <sergiojr.tupas@gmail.com>

To: "Presidential Complaint Center, PCC" <pcc@malacanang.gov.ph>

Sent: Friday, June 17, 2022 5:23:10 AM

Subject: Request to expedite decision to resolve dispute on Protest against F.P.A. No. 045212-669 over Lot 2, Ccs-04-002673 Identical to Lot 10377, Cad-506, Roxas Cadastre - DENR Land Management Section, CENRO, San Mariano, Roxas, Oriental Mindoro (Part 2)

Dear Sir:

Good day,

This is to lodge complaint regarding above subject as this issue had been received by the mentioned office way back on February 28, 2013 as shown by herein attached documents.

Since 2013 upto the present, CENRO failed to render appropriate decision based on hard evidence submitted to them (documents of both parties attached).

Lately on June 10, 2022, it was discovered that on March 16, 2021, the disputed property had been mortgaged by the party now in possession to a private individual (document attached), without securing a written authority from the other party and from CENRO.

I pray, that your office could facilitate immediate action in order that decision be rendered and that the subject property can be recovered by the rightful owner.

Sincerely,

Sergio B. Tupas Jr.

Attorney-in-Fact

pw 8/6

Republic of the Philippines
Department of Environment and Natural Resources
Land Management Section
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Roxas, Oriental Mindoro

IN RE: PROTEST AGAINST FPA NO. 045212-669 OVER LOT 2, Ccs-04-002673, IDENTICAL TO LOT 10377, CAD-506, ROXAS CADASTRE

ELSA A. FAELDOG,
Protestant,

-versus-

NERISSA D. SANTOS,
Protestee.

X-----X

PROTESTEE'S POSITION PAPER

COMES NOW the undersigned representative of the PROTESTEE who is presently abroad but who gave a handwritten authorization to the undersigned hereto appended, to this Honorable Office, most respectfully submits this position in support of her position that the instant protest must be dismissed and that her free patent application must be granted by alleging that:

Belinda

This is a protest against protestee's application for title over a parcel of land with an area of more or less one hectare located San Jose, Roxas, Oriental Mindoro. Protestant's opposition to the application is anchored on her claim that the subject parcel of land was merely mortgaged by Robinson Faeldog to his sister Felisa Dimatulac, sometime in 1984 for the sum of P10, 000.00, a loan that was already paid in full. Unfortunately however, other than bare, hearsay and self-serving allegations, protestant could not present any document supporting this averment. It is an elementary rule of evidence that in all actions, the party asserting a fact has the burden of proof to establish his or her allegation by competent evidence. In this aspect, the protestant miserably fails. The witnesses who gave perjured information that misled the protestant to file a protest are either bias or incompetent.

Protestee categorically and vehemently denies protestant's allegation that the transaction between Robinson Faeldog and Felisa Dimatulac was simply a loan; on the contrary, she asserts that it was a sale. Robinson Faeldog sold the land as early as October 5, 1971 to Felisa Dimatulac as evidenced by that deed of absolute sale acknowledged before notary public Pablo Baculinao and recorded in his notarial book as Doc. No. 264; Page No. 19; Book No. XI; Series of 1971 hereto attached as Annex "1". This sale was duly annotated at the back of the old tax declaration, copy of which is hereto attached as Annex "2", the annotation at the back is bracketed and marked as Annex "2-A". These documents evidencing sale are entitled to greater evidentiary value, they being official public documents, as against protestant's bare and self-serving averment.

Since acquiring the land from Robinson Faeldog in 1971, Felisa Dimatulac had been in peaceful possession of this one-hectare land and was the one paying real property taxes thereon. Attached to this position paper are: Annex "3", the recent tax declaration of the subject land; Annex "4", the official receipt evidencing payment of the current real property tax; and Annex "5", a certification of tax payment. Her ownership and occupancy of the land were respected by Robinson Faeldog, even up to his death in 2007. Protestant was aware of this fact because when she herself applied for title over the property left by her husband Robinson Faeldog, her application covered only three hectares, the remaining area of the estate of Robinson Faeldog. She did not include in her application the one-hectare occupied by Felisa Dimatulac. And this was rightfully so because by virtue of the sale, protestant's inheritance covered only those properties that still belonged to Robinson Faeldog at the time of his death.

If indeed Robinson merely mortgaged the subject land to Felisa Dimatulac and that the loan was already paid in full, then why was it that he did not run after the property during his lifetime. He tolerated the possession and the exercise of dominion over the land by Felisa Dimatulac. And the protestant similarly did not lift her finger to run after the property as soon as the loan was paid in full; it was only recently, when the subject application was filed, that she asserted her right over it, probably because she was misled by bias witnesses who were not aware of the sale made by Robinson Faeldog to his sister Felisa Dimatulac.

Incidentally, it must be mentioned that it was not only Robinson Faeldog who sold, long time ago, a portion of his share to the Dimatulac family. Some of his siblings also sold portions of their shares from the estate of Jose Faeldog to other children of Felisa Dimatulac, who, like the protestee, had been in peaceful possession of the land. In an approved survey plan of the entire property of Jose Faeldog hereto attached as Annex "6", the portions sold by the heirs of Jose Faeldog to other persons are reflected. From the approved survey plan, only Lot 1 and Lot 3 with a total area of three hectares are reflected to belong to Ruben Faeldog. Lot 4 was already marked to belong to the undersigned representative while other portions were marked for Socrates Dimatulac, etc.

Aside from the fact that the protestant has no cause of action against the protestee, the instant protest is likewise barred by time-honored principle of prescription and/or estoppels by laches. As the saying goes, he who remains silent when he ought to speak should not be allowed to speak when he ought to remain silent.

Prayer

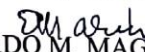
WHEREFORE, all the foregoing considered, it is respectfully prayed that judgment be rendered dismissing the instant protest and granting protestee's application for title over the subject property.

Protestee prays for such other relief and remedies equitable and just under the premises.

Roxas, Oriental Mindoro, March 26, 2013.


ROSARIO K. DIMATULAC
Roxas, Oriental Mindoro

SUBSCRIBED AND SWORN TO BEFORE me this March 26, 2013 in Bongabong, Oriental Mindoro by the affiant who is personally known to me.


Atty. EDUARDO M. MAGSINO
Notary Public until Dec. 31, 2013
Roll of Attorney No. 45398
PTR No. 4537976/Jan. 2, 2013
Bongabong, Oriental Mindoro
IBP No. 921927/Jan. 10, 2013
Oriental Mindoro Chapter

October 23, 2010

To whom it may concern:

This is to authorize my sister-in-law, Mrs. Rozanis K. Dimatulac, to represent myself in contesting the case filed by Mrs. Elsa Faldog at the DENR, Pan Marikina. This is regarding a one-hectare lot bought by my mother, Mrs. Felicia F. Dimatulac, from her brother, Mr. Ruben Faldog quite a number of years ago, for a sum of ten thousand pesos (P10,000). This lot has been bequeathed to me by my mother before she died. The lot is located in Kalinisan.

I do not agree with the desire of Mrs. Elsa Faldog to reacquire the lot by returning the amount of ten thousand pesos (P10,000) received by her late husband.

Please be guided accordingly.

(Signature)
NERISSA DIMATULAC-SANTOS, M.

Ammy "1"

WITNESSES BY THEIR PRESENCE:

That I, ROBINSON FALDAG, Filipino, of age, married, with residence at Texas, Oriental Mindoro, Philippines, for and in consideration of the sum of TWO THOUSAND PESOS (2,000.00), Philippine Currency to me paid in hand, the receipt whereof is confessed and acknowledged to my entire and complete satisfaction by FELISA FIEDALINE, Filipino, of age, married to DOMESTICO FIEDALINE, with residence and postal address at Texas, Oriental Mindoro, Philippines, have by these presents sold, gave, transfer and convey, here ver, unto the said Felisa Fiedaline, her heirs and successors, the following described property:

25 parcel of land with an area of ONE HECTARE (1 Ha.), situated in the site of Galingan, Texas, Oriental Mindoro, and when segregated is bounded as follows:

- North- Property of Juan Faldag
- East- Property of Fernanda Fiedaline
- South- Property of Fernanda Fiedaline
- West- Remaining Portion

of which property I am the true and lawful owner came my share of the inheritance from my parents, the same is only a portion of the whole property covered with Title No. 2441, in the name of DOMESTICO, JUAN FALDAG and FELISA FIEDALINE.

IN WITNESS WHEREOF, I hereunto set my signature to this document at Texas, Oriental Mindoro, this 5th day of October, 1971.

WITNESSES IN THE PRESENCE OF:
Alfredo T. Villar
Luzan Mamerto

Robinson Faldag
ROBINSON FALDAG
Vendor

Felisa Fiedaline
FELISA FIEDALINE
Vendee

NOTARIAL OFFICE OF THE PHILIPPINES
PROVINCE OF ORIENTAL MINDORO) S. S.
MUNICIPALITY OF TEXAS

Reported before me, Robinson Faldag, with Pub. Cert. No. 222667 issued at Texas, Oriental Mindoro, on 7-2-1971. He is well known to me and is no other than the very person who executed this document and who confessed and acknowledged that same as his free act and deed. WITNESS MY HAND AND SEAL, at Texas, Oriental Mindoro, this 5th day of October, 1971.

Fee. No. 264
Page 17
Bk M
Series 1971

Robinson Faldag
ROBINSON FALDAG, Sr.
Notary Public

Dated December 11, 1971.

FORM NO. 1A

Assessment of Real Property No.: 2012-120014-00099

Property Index No.: 029-12-0014-004-11

DECLARATION OF REAL PROPERTY

(Filed Under Republic Act No. 7160)

Owner: FIEDALINO, FELISA m/d to DEMETRIO
 Administrator: Aric Dimatulac
 Address: PACLASAN, ROXAS, ORIENTAL MINDORO
 Address:

Location of Property: (Number and Street) SAN JOSE (Barangay) ROXAS, ORIENTAL MINDORO (Municipality/Province)

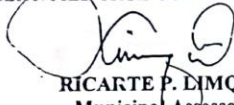
OCT/TCT No.: OCT-P-2441-pt Survey No.: Lot 1602-pt Lot No.: 1602-pt Blk.No.:

Boundaries: North: Lot 1602-pt. South: Lot 1602-pt.
 East: Lot 1602-pt. West: Lot No. 1602-pt.

(State streets, streams or PIN by which bounded, or names of owner of adjoining lands)

Kind of Property	Actual Use	Area	Market Value	Assessment Level %	ASSESSED VALUE
Land	Agricultural	1.0000 has	P 63,054.00	40	P 25,220.00

CERTIFIED TRUE COPY:


 RICARTE P. LIMQUE
 Municipal Assessor

TOTAL P 63,054.00

TOTAL P 25,220.00

Total Assessed Value: Twenty Five Thousand Two Hundred Twenty Pesos Only
 (Amount in Words)

Area: 10,000 sqm.

Taxable [X] Exempt []

Tax Effectivity: 2012

Recommended by:

RICARTE P. LIMQUE

Municipal Assessor

Recommending Approval:

ONISIMO S. NALING

Provincial Assessor

This declaration cancels ARP No. 2006-12014-00053

Previous Assessed Value: 16,810.00

Date: December 5, 2011

Memoranda: General Revision of Assessment 2012

Acknowledgement:

Owner/Administrator

Date

Certification Fee: P 100.00

O.P.No.: 4994119

Date paid: March 5, 2013

IMPORTANT: This declaration is issued only in connection with real property taxation and the valuation indicated herein is based on a schedule of market values prepared for the purpose. It should not be considered as title to the property.

III (a) BUILDING AND OTHER IMPROVED RIZ

OWNERS DECLARATION						Market Value
DESCRIPTION	Floor Area	1st Story	2nd Story	3rd Story	Roof	
Realty taxes paid under OR No. 553870 N dated July 21, 1988 at Roxas, Oriental Mindoro in the amount of P 297.07 for the years 1979 to 1988.						
Total						

2. ASSESSOR'S FINDINGS						Market Value
DESCRIPTION	Floor Area	1st Story	2nd Story	3rd Story	Roof	
Transfer tax and Penalty under Sec. 64, PD 464 paid under OR NO. 0372323 dated July 21, 1988 at Roxas, Oriental Mindoro in the amount of P 6.70 and P 16.70 respectively.						
Total						

III (a) MACHINERY

1. OWNERS DECLARATION					Market Value
DESCRIPTION	Year of Installation	Original Cost	Current Cost	Depreciation	
Total					

2. ASSESSOR'S FINDINGS					Market Value
DESCRIPTION	Original Cost	Replacement Cost	Depreciation		
Total					

RETURN STATEMENT OF OWNERS

I, the undersigned, in compliance of Presidential Decree No. 404, I HEREBY CERTIFY that the current and fair market value of the foregoing described property of which I am the owner/administrator, is to the best of my knowledge and belief, as follows:

Land: _____

Improvements: _____

TOTAL VALUE _____

Felisa Fidelino
(Signature)

TAX _____

and sworn to before me this 21st day of July, 1988 at Roxas, Oriental Mindoro

MARCOS C. SUAREZ
Dep. Provincial Assessor

TAN _____
(Official Title)

(CITY/PROVINCIAL ASSESSOR)

ASSESSMENT BY (BOARD OF ASSESSMENT APPEALS)

Kind of Property and	Actual Use	Market Value	Assessment Level	Assessed Value
	Agri. 1	6,700.00	40	2,690.00
TOTAL ASSESSED VALUE				2,690.00

APPROVED: _____ (AMOUNT IN WORDS) TWO THOUSAND SIX HUNDRED NINETY (2,690)

MARCOS C. SUAREZ
By: _____
DATE: 7-21-88

THIS DECLARATION CANCELS TAX NOS. 2-12013 (C1-054) part

TAX UNDER THIS DECLARATION BEGINS WITH THE YEAR 1988 CEASES WITH THE YEAR 1988 ENTERED IN THE PROVINCIAL ASSESSMENT BOOK FOR THE YEAR 1988

PREVIOUS ASSESSED VALUE OF 2,690.00 PREVIOUS OWNER 114

Notary Public PABLO S. SANTIAGO on October 5, 1971 and recorded as Doc. No. 264, Page No. _____

Republika ng Pilipinas)
Lalawigan ng Silangang Mindoro) S.S.
Bayan ng Roxas)

SINUMPAANG SALAYSAY

AKO, **BERNALDO DULCE**, may sapat na taong gulang, may asawa, at naninirahan sa Brgy. San Jose Bal-ong, Roxas, Silangang Mindoro, matapos makapanumpa sang-ayon sa batas ay malaya at kusang-loob na nagsasaad ng mga sumusunod:

1. Na ako rin ang Bernaldo Dulce na gumawa ng isang Salaysay noong ika-19 ng Pebrero 2009 na nagsabi doon na kilala ko si Ruben Faeldog na naging tagapagmana sa isang pitak ng lupa na may sukat na apat na ektarya mula sa kanyang amang si Jose Faeldog;
2. Na nasabi ko rin sa salaysay na iyon na ang pinapatituluhan isang-ektaryang lupa ni Nerissa Dimatulac Santos ay sakop ng lupa ni Ruben Faeldog;
3. Na ginawa ko ngayon ang salaysay na ito upang ituwid ang aking nasabi sa salaysay na iyon sapagkat ang nasabing isang ektaryang lupa na pinapatituluhan ni Nerissa Dimatulac Santos ay bahaging nabili ng kanyang ina na si Felisa Dimatulac mula kay Ruben Faeldog nang ito'y nabubuhay pa;
4. Na ang totoo bagaman ang nasabing isang hektaryang lupa na pinapatituluhan ni Nerissa Dimatulac Santos ay bahagi nga nang apat na ektaryang minana ni Ruben Faeldog mula sa kanyang ama ito ay pag-aari na ng pamilya ni Nerissa Dimatulac Santos mula ng ito ay mabili ng kanyang ina;

5. Na alam ko ang bagay na ito sapagkat ako mismo ang katiwala o magsasakang nakatalaga sa nasabing isang ektaryang lupa na nabili ni Felisa Dimatulac mula pa noong ito ay nabili nga;

6. Na sa pamamagitan ng salaysay na ito ay itinutuwid ko at binibigyang linaw ang nasabi ko sa nauna kong salaysay at upang patotohanan ang karapatan ni Nerissa Dimatulac Santos sa isang ektaryang lupang kanyang pinapatituluhan na ako nga ang namumuwisan.

SA KATUNAYAN ng lahat ng ito ay inilagda ko ang aking pangalan sa ibaba nito ngayong ika-9 ng Setyembre 2009 dito sa bayan ng Roxas.

Bernaldo Dulce
Bernaldo Dulce
May Salaysay

SINUMPAAN AT PINAGTIBAY sa harap ko ngayong ika-9 ng Setyembre 2009 dito sa bayan ng Roxas, Oriental Mindoro.

[Signature]
Atty. Lysander L. Fetizanan

NOTARY PUBLIC

Until December 31, 2009

Roll of Attorney's No. 50913

IBP O.R. No. 727246; 01-06-09

PTR No. 2588475; 01-07-09

Roxas, Oriental Mindoro

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Series of 2009.