

REPUBLIC OF THE PHILIPPINES
Regional Trial Court
Fourth Judicial Region
Branch ____
Province of Palawan

**REPUBLIC OF THE PHILIPPINES,
REPRESENTED BY REGIONAL
DIRECTOR LORMELYN E.
CLAUDIO, DEPARTMENT OF
ENVIRONMENT AND NATURAL
RESOURCES MIMAROPA
REGIONAL OFFICE,**

Plaintiff,

- versus -

Civil Case No.

**SUNLIGHT INTERNATIONAL
RESORT, INC., GIOK EH SY
BRITO, AND THE REGISTER OF
DEEDS OF PALAWAN,**

Defendants.

FOR: Cancellation of
Free Patent, Original
Certificate of Title,
and Reversion

X-----X

COMPLAINT

PLAINTIFF REPUBLIC OF THE PHILIPPINES, through the Office of the Solicitor General (OSG), respectfully states:

1. Plaintiff Republic of the Philippines, represented by the Regional Executive Director Lormelyn E. Claudio of the Department of Environment and Natural Resources (DENR) - MIMAROPA, is a sovereign entity with capacity to sue and in whom absolute ownership of all lands of the public domain is vested in the concept of *jura regalia*. It may be served with writs, orders, and other court processes through the OSG at 134 Amorsolo Street, Legaspi Village, Makati City.

2. Defendant Sunlight International Resort, Inc. is a corporation organized and existing under the laws of the Republic of the Philippines with office address at 10th Floor,

Ri-Rance Corporate Center 1, Block 2 Lot 16, Pres. Diosdado Macapagal Boulevard, Asean Enclave, Aseana City, 1701 Parañaque City.

3. Defendant Giok Eh Sy Brito is of legal age and a resident of Sevilla Street, Binondo, Manila, where he may be served with summons, notices and other court processes.

4. The defendant Register of Deeds of Palawan is impleaded as a nominal party and in his official capacity as the public official charged with the duty of issuing certificates of titles over lands situated in the province of Palawan under Section 122 of Act No. 496, the Land Registration Act, in relation to Section 103 of Presidential Decree No. 1529, the Property Registration Decree. He may be served with summons, writs, orders, and other court processes at the Office of the Register of Deeds, Puerto Princesa City, Palawan.

5. On February 15, 1972, the Director of the Bureau of Lands of the Department of Agriculture and Natural Resources issued Sales Patent No. 5152 in the name of Giok Eh Sy Brito covering the entire island of Naglayan, situated in Barangay Baldat, Culion, Palawan, with an area of eighteen hectares.

6. As a result, Original Certificate of Title (OCT) No. 2013000081 covering the subject land was issued in the name of Giok Eh Sy Brito on October 10, 2012, pursuant to Section 122 of Act 496 (now P.D. 1529). A copy of OCT No. 2013000081 is attached as Annex "A."

7. On December 13, 2013, the Register of Deeds of the Province of Palawan cancelled OCT No. 2013000081 issued Transfer Certificates of Title (TCT) Nos. 065-2014000136 and 0652014000137 in the name of Giok Eh Sy Brito. Copies of TCT Nos. 065-2014000136 and 0652014000137 are attached as Annexes "B" and "C."

8. On March 16, 2015, the Regional Director of the DENR-MIMAROPA Region issued Regional Special Order No. 69 creating a Composite Team to conduct a comprehensive investigation on the alleged violations of certain

environmental laws by Sunlight International Resort, Inc. in Naglayan Island, Culion, Palawan. Among of the findings of the Composite Team was that the entire island was patented and registered in the name of Giok Eh Sy Brito, and the patent and titles were issued without jurisdiction. Hence, it was recommended that a case for cancellation of title and reversion should be filed. Copies of Regional Special Order No. 69 and the Investigation Report dated April 8, 2015 are attached as Annexes "D" and "E."

9. Upon verification, the area where TCT Nos. 065-2014000136 and 0652014000137 is located was found to be forest land. Thus, the Community and Environment and Natural Resources Office (CENRO) Coron, Palawan issued a Certification dated November 10, 2014 stating that the entire island of Naglayan, Barangay Baldat, Culion, Palawan was verified to be within the Forest Land (Protection Forest) per Land Classification Map No. 3634, Project 16-A, Block ZZ for the Municipality of Culion, Palawan, certified/approved on July 31, 2007. Copies of the Certification and the Land Classification Map No. 3634 are attached as Annexes "F" and "G."

10. The Coron CENRO issued another Certification dated March 16, 2015 stating that, from the records of their Office, no Sales Patent Application was filed by Giok Eh Sy Brito. A copy of and the Certification is attached as Annex "H."

11. Parenthetically, at the time of the alleged approval of the Sales Application filed by Giok Eh Sy Brito on February 15, 1972, the status of the land was "Unclassified," and the island was part of the Leper Colony under the Department of Health until the approval of LC Map No. 3634 project 16-A, Block ZZ as Forest Land on July 31, 2007.

12. On September 26, 2019, the Register of Deeds of the Province of Palawan cancelled TCT Nos. 065-2014000136 and 0652014000137 and issued TCT Nos. 065-2019001450 and 065-2019001451, both in the name of Sunlight International Island Resort, Inc. Copies of TCT Nos. 065-2019001450 and 065-2019001451 are attached as Annexes "I" and "J."

13. Being timberland, the land covered by TCT Nos. 065-2019001450 and 065-2019001451 must be reverted to the realm of public domain.

14. Section 3, Article XII of the 1987 Constitution limits alienable lands to agricultural lands:

Section 3. Lands of the public domain are classified into agricultural, forest or timber, mineral lands, and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands....¹

15. Likewise, Section 2, Article 12 of the 1987 Constitution provides:

Section 2. ... With the exception of agricultural lands, all other natural resources shall not be alienated.

16. Commonwealth Act No. 141 or the Public Land Act also excludes timber land from its coverage.² Forest lands are outside the commerce of man and unsusceptible of private appropriation in any form.³ There is a big difference between forest as defined in a dictionary and forest or timber land as a classification of lands of the public domain as appearing in our statutes. One is descriptive of what appears on the land while the other is a legal status, a classification for legal purposes. Forests, in the context of both the Public Land Act and the Constitution classifying lands of the public domain into agricultural, forest or timber, mineral lands, and national parks, do not necessarily refer to large tracts of wooded land or expanses covered by dense growths of trees and underbrushes.⁴

17. Timber or forest lands are not alienable or disposable under either the Constitution of 1935 or the Constitution of 1973. Although the Director of Lands has jurisdiction over public lands classified as agricultural under the Constitution, or alienable or disposable under the Public

¹ Underscoring supplied.

² Section 2, C.A. No. 141.

³ *Landbank of the Philippines v. Republic*, G.R. No. 150824, February 4, 2008, citing *Gordula v. Court of Appeals*, 348 Phil. 670, 684 (1998).

⁴ *Secretary of DENR v. Mayor Jose Yap*, G.R. No. 167707, October 8, 2008.

Land Act, and is charged with the administration of all laws relative thereto, mineral and timber lands are beyond his jurisdiction.⁵ Thus, the issuance of a title covering a timberland, as in this case, is void.

PRAYER

Plaintiff Republic of the Philippines consequently prays that this Honorable Court render judgment:

1. declaring as void Sales Patent No. 5152 and Original Certificate of Title No. 2013000081 and all titles emanating therefrom;

2. ordering the Register of Deeds of Palawan to cancel Transfer Certificate of Title Nos. 065-2019001450 and 065-2019001451;

3. ordering the reversion of the land covered by Transfer Certificates of Title Nos. 065-2019001450 and 065-2019001451 to the mass of public domain; and

4. ordering defendant Sunlight International Island Resort, Inc. to surrender the owner's copies of Transfer Certificates of Title Nos. 065-2019001450 and 065-2019001451, and to refrain from exercising acts of possession or ownership over the premises.

The plaintiff also prays for such other relief just and equitable under the premises.

Makati City, June 21, 2022.

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⁵ Republic v. Hon. Samson Animas, G.R. No. L-37682, March 29, 1974.


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