



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
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07 June 2022

Ms. IMELDA U. CANTARA
San Jose, Roxas, Palawan

Madam,

Greetings!

On concerns you have regarding the holding in abeyance of survey authority and resolution of land issues, the same was already addressed in our letter of 24 May 2022 copy of which is attached, specifically in paragraph three (3) thereof relating in effect thus; only objections on oath against subsisting public land applications are sanctioned in the law (Section 102 of CA 141, the Public Land Act as amended). That precisely is because surveys are but geographic positioning of points claimants identify on the ground. It follows that while it is ideal of bounding claimants to agree on boundary lines separating their respective claims, overlapping claims do not necessarily have to be resolved during the survey hence, contested lots listed for example as "A versus B" abound in survey records. As you are all aware, the Office already spent so much time accommodating your respective biases if only to afford claimants to iron-out issues where our only participation is to put into writing what is acceptable to all, and where nothing was reached CA No. 141 provides Sections 4, 92, and 95 copy of which is made available for your perusal.

Wherefore, this Office shall not allow any of you to delay any survey where at least a party desires to pursue.

Please be guided.

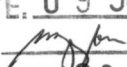
Very truly yours,


PABLO L. CRUZ
CENR Officer

copy:

The RED
The PENRO
The Bgy. Council, San Jose and Malcampo, Roxas, Palawan
All the other parties
file

CENR - CENRO ROXAS
RELEASED
DATE: 09 JUN 2022

BY: 
DOC. NO. 2022-06-0923

Commonwealth Act No. 141 of 1936

AND AN ACT TO AMEND COMPILE THE LAWS RELATIVE TO LANDS OF THE PUBLIC
DOMAIN

TITLE I

TITLE AND APPLICATION OF THE ACT, LANDS TO WHICH IT REFERS, AND
CLASSIFICATION, DELIMITATION, AND SURVEY — THEREOF FOR CONCESSION

CHAPTER I

Short Title of the Act, Lands to Which it Applies, and Officers Charged With Its Execution

SECTION 1. The short title of this Act shall be "The Public Land Act.

SECTION 2. The provisions of this Act shall apply to the lands of the public domain; but timber and mineral lands shall be governed by special laws and nothing in this Act provided shall be understood or construed to change or modify the administration and disposition of the lands commonly called "friar lands" and those which, being privately owned, have reverted to or become the property of the Commonwealth of the Philippines, which administration and disposition shall be governed by the laws at present in force or which may hereafter be enacted.

SECTION 3. The Secretary of Agriculture and Commerce shall be the executive officer charged with carrying out the provisions of this Act through the Director of Lands, who shall act under his immediate control.

SECTION 4. Subject to said control, the Director of Lands shall have direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Commerce.

SECTION 5. The Director of Lands, with the approval of the Secretary of Agriculture and Commerce shall prepare and issue such forms, instructions, rules, and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions.

CHAPTER II

Classification, Delimitation, and Survey of Lands of the Public Domain, for the Concession Thereof

SECTION 6. The President, upon the recommendation of the Secretary of Agriculture and Commerce, shall from time to time classify the lands of the public domain into —

- (a) Alienable or disposable;
- (b) Timber, and
- (c) Mineral lands,

SECTION 92. Although the maximum area of public land that may be acquired is fixed, yet the spirit of this Act is that the rule which must determine the real area to be granted is the beneficial use of the land. The concession or disposition shall be for less than the maximum area authorized if, at the time of the issuance of the patent or of the concession or disposition, it shall appear that the applicant is utilizing and is only able to utilize a smaller area, even though the application is for a greater area. For the purposes of this section, the Director of Lands is authorized to determine the area that may be granted to the applicant, and to deny or cancel or limit any application for concession, purchase, or lease if convinced of the lack of means of the applicant for using the land for the purpose for which he has requested it.

SECTION 93. Lands applied for under this Act shall conform to the legal subdivisions and shall be contiguous if comprising more than one subdivision. If subdivisions have not been made on the date of the application, the lands shall be rectangular in form so far as practicable, but it shall be endeavored to make them conform to the legal subdivision as soon as the same has been made, provided the interests of the applicant or grantee are protected; and the subdivision assigned to the applicant or grantee shall, so far as practicable, include the land improved or cultivated. The regulations to be issued for the execution of the provisions of this section shall take into account the legal subdivision to be made by the Government and the inadvisability of granting the best land at a given place to only one person. cd i

SECTION 94. In case the legal subdivisions have already been made at the time of the filing of the application, no charge shall be made for the survey; but if the legal subdivisions have not yet been made, the cost of the survey shall be charged to the Government, except in the following cases:

- (a) In purchases under chapters five and ten of this Act, the cost of the survey shall be charged to the purchaser if the same is a corporation, association, or partnership; in other purchases the purchases, whoever it be, shall pay the total cost of the survey.
- (b) In leases, the cost of the survey shall be paid by the lessee; but at any time after the first five years from the approval of the lease, and during Cost of the life of the same; the lessee shall be entitled to the reimbursement of one-half of the cost of the survey, if he shows to the satisfaction of the Director of Lands that he has occupied and improved a sufficient area of the land or incurred sufficient expenses in connection therewith to warrant such reimbursement.

SECTION 95. If before the delimitation and survey of a tract of public land the President shall declare the same disposable or alienable and such land shall be actually occupied by a person other than the applicant, the Director of Lands shall inform the occupant of his prior right to apply for the land and shall give him one hundred and twenty days time in which to file the application or apply for the concession by any of the forms of disposition authorized by this Act, if such occupant is qualified to acquire a concession under this Act.

SECTION 96. As soon as any land of the public domain has been surveyed, delimited, and classified, the President may, in the order issued by him declaring it open for disposition, designate a term within which occupants with improvements but not entitled to



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24 May 2022

Ms. IMELDA U. CANTARA
Bgy. 3, Roxas, Palawan

Madam,

Greetings!

On your letter clarifying survey preferences, if any is observed involving respective portion of the same lot especially in the order of size, be informed that such is sanctioned nowhere in the Public Land Law. While it is ideal and convenient for both the surveyors and claimants of respective portion of the same lot to avail services of the same surveyor, nothing prohibits hiring distinct ones. The release of Survey Authorities granted depends upon who comes first to claim the same by settling corresponding administrative fees.

Mere geographic positioning of points identified by claimants on the ground, land surveys have nothing to do with land ownership so much so that Section 102 of the Public Land Act as amended, only confines objections to those filed against subsiting public land applications. In the absence of any document agreed upon by bounding claimants clearly setting the manner of partition, Section 95 of CA 141 shall be imposed where claims are confined to portions occupied as evidenced by improvements introduced. Issues beyond the foregoing have to be settled by obtaining preference of possession before courts of justice, where competence to rule on better right of possession, reside.

Please be guided.

Very truly yours,

PABLO L. CRUZ
CENR Officer

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