



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph


10 May 2022

MEMORANDUM

FOR : The Regional Executive Director
THRU : The PENR Officer
FROM : The CENR Officer
SUBJECT : **REQUEST TO REVOKE ORDER CANCELLING HA 2-1237 OF
HONORIO CAYABO COVERING LOT 328 OF PLS 232 IN
RETAC, ROXAS, PALAWAN**

Respectfully submitting the report rendered in CSW by the Chief, Regulation and Permitting Section as required of premises attendant the subject hereof.

For consideration of the recommendation made.


PABLO L. CRUZ

DENR-CENRO ROXAS
RELEASED
DATE: 05/16/2022
BY: [Signature]
DOC. NO. 2022-05 07 13

Copy: file



Republic of the Philippines
Department of Environment and Natural Resources
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06 May 2022

MEMORANDUM

FOR : The CENR Officer

FROM : The Chief, Regulation and Permitting Section

SUBJECT : **CANCELLED HOMESTEAD APPLICATION COVERING
LOT 328 OF PLS 232 IN ROXAS, PALAWAN**

Records

1. Lot 328 of PLS 232 was surveyed between February 1949 and May 1951.
2. On 02 November 1955 while the survey returns are under verification for approval, one Honorio Cayabo filed a public land application recorded as HA 2-1237 involving a six-hectare tract described as Lot 328 of PLS 232.
3. On 16 October 1956, PLS 232 was approved listing Lot 328 with 6.6573 hectares for no specific claimant.
4. On 28 May 2015 public land surveys and patent processing were suspended in certain provinces including Palawan.
5. On 02 March 2020 the moratorium on public lands was lifted in selected municipalities including Roxas, Palawan.
6. Informed that HA 2-1237 was already cancelled, John Rey Cayabo ("John Rey" for brevity) requested to revoke the order cancelling the same.
7. In a letter of 11 August 2021 (text attached as Annex "A") provisions of the homestead law were explained to John Rey, advising them to secure a Bgy. Certification to the effect that they have introduced improvement on the land.
8. In a letter of 03 November 2021 (Annex "B") John Rey was made to understand that interests they have over the land shall be evaluated only by their being able to identify the same on site before a representative/s of the Office and not otherwise.
9. Seemingly not fully understood, John Rey was in a letter of 08 November 2021 advised to let the claimants accompany representatives of the Office for site inspection scheduled on 16 November 2021.

Applicable Laws

1. The constitution classifies lands into forest/timber, agricultural (alienable/disposable), mineral, and national parks of which only agricultural lands may be alienated (Section 3, Article XII).
2. Section 95 of CA 141, the Public Land Act as amended gives preference to actual occupants even over that of the applicant.
3. Sections 98 and 99 thereof forfeits to the government all rights in and interests to, including the improvements and crops upon, land for which an application has been denied or cancelled; and the land may be declared open only to sale or lease.



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Findings

1. The heirs of Honorio Cayabo represented by Siblings Divina, et al. led Land Management Inspector Renen Rey A. Aborot and the undersigned to a tract ranging from rolling to moderately steep orchard of fruit (Mango) and industrial (Gmelina) trees with two huts of light material, one is resided in by a certain Gonzaga who Divina, et al. claims to be their caretaker and the other seems to be utilized by them every time they come for a visit.
2. Inquired of the barbed wire fence separating the portion they claim occupation of and another orchard of Cashew, Banana, and Coco Palms on the west part, Divina said the same was to prevent stray animals from devouring plants.
3. Soon as we are about to leave, one Michael de Pedro occupant of the land on the east, approached us informing that it was Gonzaga that occupies the land we are shown by Divina and that the orchard opposite the barbed wire fence actually belongs to a certain Hamora. They (Michael and Divina) engaged in a not so pleasant exchange of words that we advised them just to calm down thanking them for their input and assuring that all shall be considered.
4. Owing to the observation that Divina, et al. are not certain of the actual extent of the land they claim coupled with the fact that a considerable portion of the subject lot yet forms part of the forest/timber lands, not failing to consider Michael De Pedro's information, they (Divina, et al.) were advised to see a surveyor not only for exclusion of the forest/timber land part but to reduce into separate lots, portions adversely occupied should Michael's allegation get confirmed.

Status

1. Able to get LC findings confirmed by the Regional Office, the Survey Authority requested by the heirs of Honorio Cayabo was duly issued (copy attached) authorizing GE Enrico Gabayan to cause the necessary survey confining their claim to what they actually occupy as evidenced by improvements introduced.
2. GE Gabayan has yet to submit his returns.

Recommendation

1. To affirm the only information available on records, i.e. HA 2-1237 was cancelled, consequently denying the request to revoke the same, part of the land covered thereby being within the forest/timber lands with option to declare the agricultural part open only to sale or lease.


RONNIE P. LILANG
LMC III

Copy: file

Republic of the Philippines
Department of Environment and Natural Resources
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Roxas, Palawan

SUBJECT: Survey Authority for a Tract
of a Public Land in New Barbacan, barangay, Palawan
Subdivision of lot 328, pld 537

SA-HSMB-2022-04-
March 30, 2022
Date

ENR. ENRILO L. CARRAN
SAN JUAN RD. BAY SAN MIGUEL, PAL

Sir/Madam:

Pursuant to **DENR Adm. Order No. 38** and upon evaluation of the request of the Hon. Atty. General above described tract of public land, to avail of your services, authority is hereby granted to you to execute the survey thereof subject to the relevant provisions of the Manual for Land Surveys in the Philippines as amended and to the conditions stated at the back hereof.

Violations of any aforesaid conditions shall invalidate this authority, and damages that may result there from shall be your sole responsibility, and professional responsibility.

Very truly yours,

For and by Order of the Secretary of DENR

Conditions Accepted;

(4)

ENRILO L. CARRAN

6366
(License No.)

(3)

PATRICIA L. CRUZ
CENRO Officer

**Above stated request confirmed:
Recommended:**

(1)

DIVINA S. GRANFLOR
Signature/Name of Claimant

(Address)

Issuance of Survey Order

(2)

Renan Rey A. Abant
Signature/Name

LM I
(Position or Designation)

Ref.

Dep. Secy P 2020 paid
Under O.R. No. 1409095
Dated MAR 30 2022

Ref. Insp./Invest. Report

Dated 16 November 2021



Republic of the Philippines
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11 February 2022

Mr. John Rey Cayabo
jrgcayabo@gmail.com

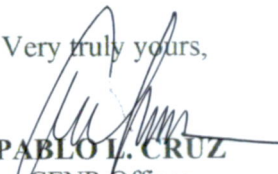
Dear Mr. Cayabo,

Greetings!

On the survey proposed of Lot 328 of PLS 232 in Bgy. New Barbacan, Roxas, Palawan and just as you were before advised, we shall inform the claimants soon as land classification (LC) findings of this Office gets confirmed by the DENR-MIMAROPA Regional Office pursuant to Department Memorandum Circular (DMC) No. 2019-10.

Please be guided.

Very truly yours,


PABLO L. CRUZ
CENR Officer

Copy:

The PENR Officer

File



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07 January 2022

Mr. John Rey Cayabo
jrgcayabo@gmail.com

Dear Mr. Cayabo,

Greetings!

On the survey being proposed of Lot 328(part) of PLS 232 in Bgy. New Barbacan, Roxas, Palawan be informed that as required under DMC 2019-10, this Office has yet to receive the necessary Land Classification Confirmation thereof by the DENR-MIMAROPA Regional Office.

Claimants shall be informed soon as developments occur.

Please be guided.

Very truly yours,


PABLO L. CRUZ
CENR Officer

Copy: The PENR Officer
The DENR-MIMAROPA Regional Director
file



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14 December 2021

Mr. John Rey Cayabo
jrgcayabo@gmail.com

Dear Mr. Cayabo,

Greetings!

On his query on land survey, be informed that while the CENRO has power to issue survey authority over public lands consisting of less than twelve (12) hectares, the Land Classification Confirmation required under Department Memorandum Circular (DMC) No. 2019-10 renders it necessary that all requests be forwarded to the Regional Office. Soon as confirmed and the claimant is able to present complete documents required under Section 4.2 of the same DMC, Office Charter gives us around five (5) days depending on the location of the land within which to issue the authority desired.

Attached is copy of the endorsement made of the request involving Lot 328 of PLS 232 in Bgy. New Barbacan, Roxas, Palawan.

Please be guided.

Very truly yours,

RONIE B. GANDEZA
OIC-CENR Officer

Copy: The RED
The PENR Officer
file



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08 November 2021

Mr. JOHN REY G. CAYABO
jrgcayabo@gmail.com

Dear Mr. Cayabo,

Greetings!

Still on claims over Lot 328 of PLS 232 in New Barbacan, Roxas, Palawan, be informed that the Regional Executive Director only refers for action exactly the same concern you have raised on the matter but which this Office has already addressed long before the memorandum of 26 August 2021 without the supposed claimants cooperating.

Here, it again appears that despite having clarified what needs to be done, nothing in your reply suggests a time convenient for the claimants to submit for the necessary site inspection, i.e. if the Office has made the requirement clear.

In order then that the matter may be disposed of with final dispatch the claimants are hereby advised to see representatives of the Office at 9:00 o'clock in the morning on 16 November 2021 (Tuesday) not only to accompany them to the site but identify before them, improvements referred to in the Bgy. Certification presented.

Thank you for relaying the matter to the claimants.

Very truly yours,

RONIE B. GANDEZA
OIC-CENRO

Copy: The RED
The PENRO
The Bgy. Council of New Barbacan, Roxas, Palawan
file



Republic of the Philippines
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03 November 2021

Mr. JOHN REY G. CAYABO

Bgy. 1, Roxas, Palawan

Dear Mr. Cayabo,

Greetings!

Acknowledging receipt of your e-mail yesterday involving claims over Lot 328 of PLS 232 in Bgy. New Barbacan, Roxas, Palawan, be informed that copy of our reply denying your desire to revoke the order cancelling the entry then allowed of the subject lot, was also furnished the DENR-MIMAROPA Regional Office.

It appears necessary to reiterate that interests claimants may have over any part of the same lot shall be evaluated by their being able to identify the same on site, before a representative if not representatives of this Office, especially considering that part thereof like you were previously made aware in our letter of 07 June 2021, forms part of the forestlands.

As no categorical recommendation referred to as desired by our Regional Executive Director may be attained without the claimants cooperating, they would do well to heed our advice in our letter of 11 August 2021.

Please be guided and we look forward to their visiting the Office for scheduling of the indispensable ground verification.

Very truly yours,

RONIE B. GANDEZA
OIC-CENRO

Copy: The RED
The PENRO
The Bgy. Council, New Barbacan, Roxas, Palawan
file



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11 August 2021

Mr. JOHN REY G. CAYABO
Cayabo Compound, Purok Masikap
Bgy. 1, Roxas, Palawan

Dear Mr. Cayabo,

Greetings!

Referring to your request to revoke cancellation of your late grandfather Honorio M. Cayabo's homestead application over Lot 328 of PLS 232 in Bgy. New Barbacan, Roxas, Palawan; be informed that aside from this level's lack of jurisdiction to effect such an order, homesteaders only have five years within which to comply with the requirements thereof in order to qualify for a grant. The only information there is on the records, shows the applicant failed to do so, otherwise he would have shown his intention to make final proof and eventually filed one. A representative of this Office would have verified the same so as to have duly recommended issuance of corresponding patent for the then District Land Officer to have finally issued an order to that effect.

There seems a need to stress that employees of this Office come and go, so that our means of evaluating land claims much depend upon records and the actual situation on the ground. Your allegation of the heirs' having continued actual possession of the subject lot to date may be evaluated by their filing appropriate application or applications of their own initially providing this Office with a Bgy. Certification issued to the effect that they have thereon introduced improvements indicating the extent, kind and number of crop and/or structure, and approximate years the same were made, if any.

Foregoing considered, we cannot help but deny your request for lack of jurisdiction.

Please be guided.

Very truly yours,

RONIE B. GANDEZA
OIC-CENRO

Copy: The RED
The PENR Officer
File

Cayaco, Amorin

HA-2-1237

Age - 33 yrs. old / Birthplace - Cayangaila, Pal.
Patanan

Spouse - Purita Rondon

Area: 6:0000 2nd

Lot no. 328, 115-23-1

foxes

Cancelled - 7/30/68

Date paid - 11/2/55

Indexed by - ~~J. Alencar~~

11-228 84

Refac

fca-5/18/92



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. III, Poblacion, Roxas, Palawan
Contact No. 09171606578
Email Address: cenroroxaspalawan@denr.gov.ph

DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: 2022-2114

Date and Time received:

04/29/2022 11:39:25 AM

From: LORMELYN E. CLAUDIO, CESO IV

Document Type: Memorandums

REGIONAL EXECUTIVE DIRECTOR-MIMAROPA REGION

Subject: FOLLOW-UP RE: INVESTIGATION REPORT ON MR. JOHN REY G. CAYABOs PROBLEM REGARDING THEIR FAMILYs INHERITED LAND MORE PARTICULARLY DESCRIBED AS LOT NO 328, PLS 232 LOCATED AT SQ ARAREN, BGY. RETAC, ROXAS PALAWAN

Attachment(s): No attachment(s)

Earmarked As:

Date:	From: <i>COMMO</i>	To: <i>EPS</i>
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s): <i>Pls. act on this with dispatch. Prep. gu csa rep + letter. Two given deadlines.</i> <i>[Signature]</i>		
Date: <i>4/29/22</i>	From: <i>[Signature]</i>	To: <i>[Signature]</i>
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input checked="" type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s): <i>[Signature]</i>		
Date: <i>4/29/22</i>	From:	To:
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s):		
Date:	From:	To:
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s):		

Printed on 04/29/2022 11:39:51AM Received at: INFORMATION DESK/R Received by: BALTAR, APRIL



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

APR 23 2022

MEMORANDUM

TO : FELIZARDO B. CAYATOC
DENRO - Palawan

ATTENTION : PABLO L. CRUZ
CENRO-Roxas, Palawan

FROM : THE Regional Executive Director

SUBJECT : FOLLOW UP RE: INVESTIGATION REPORT ON MR. JOHN REY G. CAYABO'S PROBLEM REGARDING THEIR FAMILY'S INHERITED LAND MORE PARTICULARLY DESCRIBED AS LOT NO. 328, PLS-232 LOCATED AT SITIO ARAREN, BARANGAY RETAC, ROXAS, PALAWAN COVERED BY HOMESTEAD APPLICATION NO. 2-1237 IN THE NAME OF HONORIO CAYABO



This is a follow-up on our Memorandum dated November 5, 2021 reiterating our Memorandum dated August 26, 2021 with directive to conduct a fact finding investigation in coordination with the concerned party/ies and to ascertain and substantiate with due diligence the legitimacy/legality of the cancellation of the said Homestead Application covering the mentioned lot. Take appropriate action consistent with existing laws, rules and regulations within the prescribed period provided under R.A. 11032. Identify the land classification, its physical use/condition, its present status and determine the listed claimant per our allocation book and/or rightful owner consistent with existing laws, rules and regulations.

Update this Office on any action taken and submit report within five (5) days in CSW form with comment/s and categorical recommendations to serve as basis for further action by this Office.


LORMELYN E. CLAUDIO, CESO IV

Cc : Mr. John Rey Cayabo
Cayabo Compound Purok Masikap
Barangay 1, Roxas, Palawan
Email: jrgcayabo@gmail.com



ED/BLT/02-28-2022

MEMORANDUM

TO : The PENRO
PPC, Palawan

ATTENTION: The CENRO
Roxas, Palawan

FROM : The Regional Executive Director

SUBJECT : LETTER DATED AUGUST 7, 2021 OF MR. JOHN REY G. CAYABO REQUESTING FOR ASSISTANCE REGARDING THEIR FAMILY'S INHERITED LAND MORE PARTICULARLY DESCRIBED AS LOT NO. 328, PLS-232 LOCATED AT SITIO ARAREN, BARANGAY RETAC, ROXAS, PALAWAN COVERED BY HOMESTEAD APPLICATION NO. 2-1237 IN THE NAME OF HONORIO CAYABO

Referred is a Letter dated August 7, 2021 of Mr. John Rey G. Cayabo and its enclosures regarding the above subject.

Per letter of Mr. Cayabo, he and his family has been in possession and maintained the land for years since the passing of their patriarch, supported by a Certification from Barangay New Barbacan and Tax Declaration. Also, said parcel of land was applied for Homestead Patent by his late grandfather with application numbered H.A. No. 2-1237 but accordingly, it was cancelled based on the remarks indicated in the index card.

In your letter dated June 28, 2021 addressed to Mr. Cayabo, he was informed that a copy of Homestead Application No. 2-1237, Approval of Application and Cancellation Order of Honorio Cayabo over Lot 328, Pls 232 were not on list/inventory of documents kept by that Office. Instead, you provide him a photocopy of index card and list of inventory of cancelled homestead applications, one of which is the said application.

In this regard, you are hereby directed to conduct a fact finding investigation in coordination with the concerned party/ies. Further, with due diligence ascertain and substantiate the legitimacy/legality of the cancellation of the said Homestead Application covering the mentioned lot. Take appropriate action consistent with existing laws, rules and regulations within the prescribed period provided under R.A. 11032. Identify the land classification, its physical use/condition, its present status and determine the listed claimant per our allocation

MEMORANDUM

TO : The PENRO
PPC, Palawan

ATTENTION: The CENRO
Roxas, Palawan *Robert*

FROM : The Regional Executive Director

SUBJECT : LETTER DATED AUGUST 7, 2021 OF MR. JOHN REY G. CAYABO REQUESTING FOR ASSISTANCE REGARDING THEIR FAMILY'S INHERITED LAND MORE PARTICULARLY DESCRIBED AS LOT NO. 328, PLS-232 LOCATED AT SITIO ARAREN, BARANGAY RETAC, ROXAS, PALAWAN COVERED BY HOMESTEAD APPLICATION NO. 2-1237 IN THE NAME OF HONORIO CAYABO

Referred are the email letters dated June 30, 2021, August 9, 13, 23, and 27, 2021 of Mr. John Rey Cayabo and its enclosures regarding the above subject.

In connection to this, we reiterate our Memorandum dated August 26, 2021 with directive to conduct a fact finding investigation in coordination with the concerned party/ies. Further, with due diligence ascertain and substantiate the legitimacy/legality of the cancellation of the said Homestead Application covering the mentioned lot. Take appropriate action consistent with existing laws, rules and regulations within the prescribed period provided under R.A. 11032. Identify the land classification, its physical use/condition, its' present status and determine the listed claimant per our allocation book and/or rightful owner consistent with existing laws, rules and regulations.

Further, update this Office and directly inform the letter sender on any action taken and submit report within five (5) days in CSW form with comment/s and categorical recommendations to serve as basis for further action by this Office.

For compliance.

Maria Lourdes G. Ferrer
MARIA LOURDES G. FERRER, CESO III

Cc :

Mr. John Rey Cayabo
Cayabo Compound Purok Masikap
Barangay 1, Roxas, Palawan
Email: jrgcayabo@gmail.com



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 69803

ED/BLT/10-28-2021