



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
So. Balud, Sto. Nino, Sablayan, Occidental Mindoro 5104
Email Add: cenrosablayan@denr.gov.ph

November 2, 2022

MEMORANDUM

FOR : The Regional Executive Director
1515 DENR By The Bay Building
Roxas Blvd., Brgy. 668,
Ermita, Manila

THRU : The OIC, Assistant Regional Director for Technical Services

The OIC, PENR Officer

FROM : The CENR Officer

SUBJECT : **COMPLETED STAFF WORK (CSW) REPORT REGARDING THE LETTER COMPLAINT DATED JUNE 20, 2022 FROM RICARDO LORENZO D. CUSTODIO FOR THE PENDING IVAS TRANSACTION NO. 26735 [E-2022-89743]**

REFERENCE

This has reference with the Memoranda from the OIC, Assistant Regional Director For Technical Services and OIC, PENR Officer dated July 20, 2022 and September 12, 2022, respectively, regarding the letter complaint from Ricardo Lorenzo D. Custodio dated June 20, 2022.

BACKGROUND

On October 19, 2022, CENRO Anastacio A. Santos together with Deputy CENRO Isaias A. Guimod coordinated with the Officials of Barangay Araw at Bituin, Lubang, Occidental Mindoro requested assistance to contact the concerned parties for a dialogue, however, only Mr. Constancio S. Masangkay arrived. On the process of conversation, Mr. Masangkay declared that Engr. Ricardo Lorenzo D. Custodio offered his service for the survey and titling of his land/property in exchange of a one hundred fifty (150) square meters part of lot 744 will be given as a package deal payment for his services.



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FINDINGS

Mr. Constancio S. Masangkay decisively produced the **Extra-Judicial Settlement of Estate with Absolute Sale** between **Marcelo Villas, Jr.** and **Reynaldo Oliva Villas**, the of a Pesos (Php 310,000.00) received by the **Vendors** (Marcelo Villas, Jr. and Reynaldo Oliva Villas) from the **Vendee, Constancio S. Masangkay** married to **Araceli Z. Masangkay** for a parcel of land consisting an approximate area of **4, 743 square meters** part of Lot 744, PLS 41 on December 1, 2013 at Lubang, Occidental Mindoro. **(Attachment A)**

Further, Mr. Constancio S. Masangkay provided an **Affidavit of Self Adjudication with Sale** between **Magno Tanaliga**, the sole surviving heir of **Quintin Tanaliga and Sabina Tesorio Tanaliga**. The sum of Thirty Five Thousand Pesos (Php 35,000.00) received by the Vendor, Magno Tanaliga from the Vendee, Spouses Constancio S. Masangkay and Araceli Z. Masangkay for a parcel of land approximately consisting an area of 0.6087 hectare Part of Lot 744, PLS 41, on January 30, 2017 at Lubang, Occidental Mindoro. **(Attachment B)** With regard to the abovementioned document, we asked Mr. Masangkay if he has knowledge on how the 0.6087 hectare was acquired by the parents of Mr. Magno Tanaliga from Mr. Benito Oliva, thereby he replied negatively. However, we advised him to secure copy of the transfer document from the Vendor, if there is any.

CONCLUSION/RECOMMENDATION

Based on the aforementioned documents provided by Mr. Constancio S. Masangkay as Proof of Transfer from the surviving heirs of Benito Oliva could suffice his ownership on the parcel of land consisting an approximate area of 4,743 square meters part of Lot 744, PLS 41. However, **there is no proof of transfer provided on the side of Benito Oliva to the spouses Quintin Tanaliga and Sabina Tesorio Tanaliga** wherein Magno Tanaliga is the sole surviving heir who sold, transferred and conveyed the 0.6087 hectare by way of Absolute Sale unto the Vendee, spouses Constancio S. Masangkay and Araceli Zubiri Masangkay. The parcel of land consisting 0.6087 hectare part of Lot 744, PLS 41 is not ascertained as to the ownership of the spouses Quintin Tanaliga and Sabina Tesorio Tanaliga wherein their sole heir Magno Tanaliga sold to Constancio S. Masangkay. Therefore, **this Office recommends the deferment approval of the Survey Plan of the 0.6087 hectare from any form of transaction/exploitation in favour of Mr. Constancio S. Masangkay unless a Proof of Transfer shall be provided thereof.**



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ATTACHMENTS

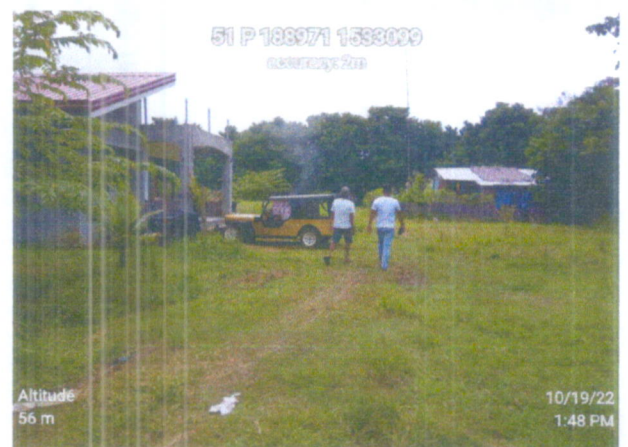
1. Photocopy of Extra-Judicial Settlement of Estate with Absolute Sale
2. Photocopy of Affidavit of Self Adjudication with Sale
3. Photocopy of Tax Declaration of Real Property of Quintin Tanaliga and Spouse
4. Geo-tagged pictures of Lot 744, PLS 41 as well as during the dialogue with Mr. Constancio S. Masangkay

For your information and record.

FOR. ANASTACIO A. SANTOS, MPA



Conversation with Mr. Constancio S. Masangkay



Geo-Tagged Pictures of Lot 744 occupied by Mr. Constancio S. Masangkay

"A"

**EXTRA-JUDICIAL SETTLEMENT OF ESTATE
WITH ABSOLUTE SALE**

KNOW ALL MEN BY THESE PRESENTS:

This Extra-Judicial Settlement of Estate with Absolute Sale made and executed by and between:

MARCELO VILLAS, JR. Filipino, of legal age, married, with residence and postal address at Barangay Bagong Sikat, Lubang Occidental. Mindoro,

REYNALDO OLIVA VILLAS, Filipino, of legal age, married, with residence and postal address at Barangay Araw at Bituin, Lubang Occidental. Mindoro,

WITNESSETH:

That the above-named parties are the surviving heirs of the deceased **BENITO OLIVA**, who died intestate on February 5, 1967 at Lubang Occ. Mindoro.

That the deceased at the time of his death left a parcel of land located at Tapat, Araw at Bituin, Lubang Occidental Mindoro, and which is more particularly described as follows:

DESCRIPTION

A PARCEL OF LAND situated at Tapat, Araw at Bituin, Lubang Occidental Mindoro identified as Cadastral Lot No. 744 Part Pls. 41 containing an area of **5.8071 hectares** more or less covered by Tax Declaration No. 05-011-0133-A, PIN No. 028-05-011-02-035 and with boundaries as follows:

North Lot No. 745 & 746
South Lot No. 744 Part
East Road
West Lot No. 971, 972 & 973

That the deceased died intestate without WILL or TESTAMENT and without leaving any debts whatsoever in favor of any person or entity.

That no personal properties are involved in this Extra-Judicial Settlement with Sale.

That pursuant to Rule 74, Section 1 of the Revised Rules of Court of the Philippines and the parties both of legal ages has agreed to adjudicates the real property above-described unto themselves.

That Further For and in Consideration of the sum of **THREE HUNDRED TEN THOUSAND PESOS (Php 310,000.00)** Philippine currency, receipt of which is hereby acknowledged by the VENDORS in this instrument from the VENDEES, **CONSTANCIO S.MASANGKAY**, Filipino, of legal age, married to **ARACELI Z.MASANGKAY**, and **ANNA SHIEL MASANGKAY MARQUEZ**, Filipino, of legal age, married to **OLIVER AMAD MARQUEZ**, all residence of Barangay Araw at Bituin, Lubang Occidental Mindoro, the HEIRS/VENDORS do hereby SELLS, TRANSFERS and CONVEYS by way of Absolute Sale unto the said VENDEES, their heirs, successors and assigns portion of the above-described parcel of land consisting an area **4,743 square meters** more or less (2/3 of the area is for **CONSTANCIO S.MASANGKAY** married to **ARACELI Z.MASANGKAY** and 1/3 of the area is for **ANNA SHIEL MASANGKAY MARQUEZ** married to **OLIVER AMAD MARQUEZ**.,

The portion of land being sold is more particularly bounded as follows:

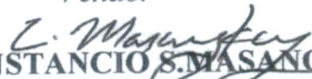
North Lot No. 744 Part
South Lot No. 744 Part
East Lot No. 744 Part
West Lot No. 744 Part & Lot No. 970 Part

That they hereby affirm and warrant unto the said VENDEES their title and ownership and that henceforth they shall have exclusive right of ownership and possession over said portion of land free from any and all liens and encumbrances of whatever kind and nature except those owing to the government.

That this land is not tenanted and does not come under the operation of the Land Reform Code and Allied Presidential Decree and Circulars of the Department of Agrarian Reform


IN WITNESS WHEREOF, we have hereunto signed this document this 1st day of December 2013 at Lubang Occidental Mindoro, Philippines.


MARCELO VILLAS, JR.
Vendor


CONSTANCIO S. MASANGKAY
Vendee


REYNALDO OLIVA VILLAS
Vendor


ANNA SHIEL M. MARQUEZ
Vendee


SIGNED IN THE PRESENCE OF:
WITNESS


WITNESS

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF OCCIDENTAL MINDORO: S.S.
MUNICIPALITY OF LUBANG)
X -----X

ACKNOWLEDGEMENT

BEFORE ME, A Notary Public, for and in the Municipality of Lubang, Province of Occidental Mindoro, this 1st day of December 2013, personally came and appeared the following persons with their I-D Nos. opposite their names, to wit


<u>NAMES</u>	<u>ID NO.</u>	<u>ISSUED ON</u>	<u>ISSUED AT</u>
MARCELO VILLAS, JR.	CTC # 16576756	07-13-2013	Lub.Occ.Mdo.
REYNALDO OLIVA VILLAS	SEN ID# 3114	04-03-2009	Lub.Occ.Mdo.
CONSTANCIO S. MASANGKAY	SEN ID# 2495	11-07-2008	Lub.Occ.Mdo.
ANNA SHIEL M. MARQUEZ	CTC # 16576011	04-17-2013	Lub.Occ.Mdo.

All known to me and to me known to be the same persons who executed the foregoing instrument which they acknowledged before me as of their free and voluntary acts and deeds.

This instrument consists of two (2) pages including this page wherein this acknowledgement is written and have been signed by the parties and their instrumental witnesses on the upper portion of this page hereof and on the left hand margin of the first page and this relates to An Extra-Judicial Settlement of Estate with Absolute Sale of a portion of land with an approximate area of 4,743 square meters more or less.

WITNESS MY HAND AND NOTARIAL SEAL, at the place/date first above mentioned.

Doc. No. 452 ;
Page No. 91 ;
Book No. V ;
Series of 2013


ALFREDO T. MUNIZ
Notary Public
Until December 31, 2014
PTR NO. 3962321 Jan. 8, 2013
Issued at Lubang Occ. Mindoro
IBP NO. 905528 -Nov. 8, 2012
Issued at Pasig City
Roll No. 27615
MCLE Compliance IV-0019415
Issued on April 30, 2013
Issued at Pasig City

" B "

**AFFIDAVIT OF SELF ADJUDICATION
WITH SALE**

KNOW ALL MEN BY THESE PRESENTS:

I, **MAGNO TANALIGA**, Filipino, of legal age, with residence and postal address at Barangay Araw at Bituin, Lubang Occidental Mindoro, after having been duly sworn in accordance with law depose and state:

That I am the sole surviving heir of **QUINTIN TANALIGA** and **SABINA TESORIO TANALIGA**, who died intestate on March 31, 1996 and April 24, 1995.

That said deceased at the time of their death left a parcel of land located at Tapat, Araw at Bituin, Lubang, Occidental Mindoro and which is more particularly described as follows:

(DESCRIPTIONS)

A PARCEL OF LAND (Upland) located at Tapat, Araw at Bituin, Lubang, Occidental Mindoro, declared under Tax Declaration No. 05-011-0229-A, PIN 028-05-011-02-034, Lot No. 744 Part, Pls.41 consisting an area of **0.6087 hectare** more or less and with boundaries as follows:

North	Lot No. 745
South	Lot No. 744 Part
East	Road
West	Lot No. 744 Part

That pursuant to Section i, Rule 74 of the Revised Rules of the Philippines, I hereby adjudicate unto myself the parcel of land above-described, and I hereby request the Register of Deeds of Occidental Mindoro to register and render the same effective.

THAT FOR AND IN CONSIDERATION OF THE SUM OF THIRTY FIVE THOUSAND PESOS (Php 35,000.00) Philippine currency to me in hand paid to my great satisfaction by the VENDEE, Spouses **CONSTANCIO SARI MASANGKAY** and **ARACELI ZUBIRI MASANGKAY**, likewise Filipino, of legal ages, with residence and postal address at Barangay Araw at Bituin, Lubang, Occidental Mindoro. the AFFIANT /VENDOR do hereby **SELL, TRANSFER** and **CONVEY** by way of Absolute Sale unto the said VENDEE, his heirs, successors and assigns the parcel of land above-described free from any and all liens and encumbrances of whatever kind and nature except those owing to the government.

That the above-reatly does not come under the operation of the Land Reform Code.

IN WITNESS WHEREOF, I have hereunto signed this document this 00 day of January 2017 at Lubang, Occidental Mindoro, Philippines


MAGNO TANALIGA
Affiant/Vendor


CONSTANCIO SARI MASANGKAY
Vendee


ARACELI ZUBIRI MASANGKAY
Vendee

SIGNED IN THE PRESENCE OF:


ROBERT TANALIGA


KAP. JUAN MASANGKAY

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF OCCIDENTAL MINDORO: S.S.)
MUNICIPALITY OF LUBANG)

X-----X

ACKNOWLEDGEMENT

BEFORE ME, A NOTARY PUBLIC, for and in the Municipality of Lubang, Province of Occidental Mindoro, this 30 day of January 2017, personally came and appeared the following persons with their ID Nos. opposite their names, to wit:

<u>NAMES</u>	<u>ID. NO.</u>	<u>ISSUED ON</u>	<u>ISSUED AT:</u>
MAGNO TANALIGA	SEN ID # 009474	03-21-2014	San Juan City
CONSTANCIO S.MASANGKAY	SEN ID# 2495	01-07-2008	Lubang, Occ. Mindoro
ARACELI Z. MASANGKAY	SEN ID# 4407	07-06-2011	Lubang, Occ. Mindoro

known to me and to me known to be the same persons who executed the foregoing instrument which they acknowledged before me as of their free and voluntary acts and deeds.

WITNESS MY HAND AND NOTARIAL SEAL, at the date/place first above written.

ALFREDO T. MUNIZ

Notary Public

Until December 31, 2017

PTR NO. 5557796-01-04-2016

Issued at Lubang, Occ. Mindoro

IBP NO 963211 - 12-07- 2015

Roll No. 27615

MCLE Compliance V-0018033

Issued on April 8, 2016

Issued at Pasig City

Doc. No. 1290 ;

Page No. 258 ;

Book No. 211 ;

Series of 2017

Araceli Masangkay

C. Masangkay

RPA Form No. 1

TAX DECLARATION NO. 05-011-0229-4

DECLARATION OF REAL PROPERTY
(FILED UNDER REPUBLIC ACT NO. 7160)

Owner TANALIGA, Quintin & Spouse

~~Araw at Bituin Lubang, Occ. Mindoro~~

Administrator

Address

Address

DESCRIPTION AND OTHER PARTICULARS OF PROPERTY

Location of Property Tapat Araw at Bituin Iubang, Occ. Mindoro
Number and Street (Barangay/District) (Municipality/City/Province)

Certificate of Title No. _____ Cadastral Lot. No. 744 Part. Assessor's Lot No. _____

Boundaries Pls. 41 Block No.

North Lot No. 745 South Lot No. 744 Part

East _____ Road _____ West _____ Lot No. 744 Part _____

(State streets, lots, or streams by which bounded or names of owners of adjoining lands)

I (a) LAND (AGRICULTURAL/MINERAL)

OWNER'S DECLARATION			ASSESSOR'S FINDINGS				
Kind	Area	Value	Kind	Area	Class	Unit Values	Market Values
			Upland	.6087	2nd	30,550.00	19,525.57
			Total	.6087			P
Total		P	Total Adjusted Market Value				P 19,525.57

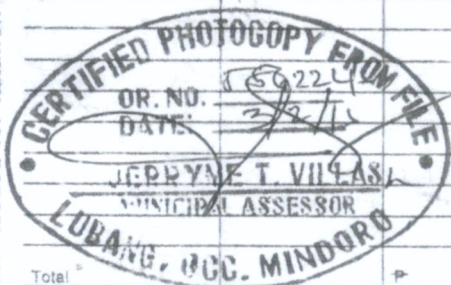
I (b) PLANT & TREES

[illegible]

II LAND (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, SPECIAL)

OWNER'S DECLARATION			ASSESSOR'S FINDINGS				
Kind	Area	Value	Kind	Area	Unit Values	Adjustments	Market Value
Total		P	Total				P

IMPORTANT: Issued for taxation purposes and should not be considered as title to the property.



III (a) BUILDING AND OTHER IMPROVEMENTS

1. OWNER'S DECLARATION

DESCRIPTION	Floor Area	Construction Materials				Market Value
		1st Story	2nd Story	3rd Story	Roof	
						P
Total						P

2. ASSESSOR'S FINDINGS

DESCRIPTION	Floor Area	Construction Materials				Market Value
		1st Story	2nd Story	3rd Story	Roof	
						P
Total						P

III (b) MACHINERY

1. OWNER'S DECLARATION

DESCRIPTION	Date of Operation	Original Cost	Depreciation	Market Value
				P
Total				P

2. ASSESSOR'S FINDINGS

DESCRIPTION	Date of Operation	Replacement Cost	Depreciation	Market Value
				P
Total				P

SWORN STATEMENT OF OWNER

Under the provisions of Republic Act No. 7160, I HEREBY CERTIFY that the current and fair market value (x) of the foregoing described property of which I am the owner/administrator, is to the best of my knowledge and belief, as follows:

Land _____ P _____
 Improvements _____ P _____
 TOTAL VALUE _____ P _____

(Signature)

TIN _____

Subscribed and sworn to before me this _____ day of _____ 20____ the _____ person taking oath presenting Community Tax Certificate No. _____ issued on _____ 20____ at _____

(x) State in the nearest multiple of 10 as P950 instead of P948; P1,000 instead of P1,004.

Signature of official administering oath

Official Title

TIN _____

ASSESSMENT BY

(CITY/PROVINCIAL ASSESSOR
 (BOARD OF ASSESSMENT APPEALS
 (CENTRAL BOARD OF ASSESSMENT APPEALS

Kind of Property	Actual Use	Market Value	Assessment Level	Assessed Value
Land	Agricultural	P 19,525.57	40 %	P 7,810.00
			%	
			%	
			%	
Total		P	Total	P 7,810.00

TOTAL ASSESSED VALUE ~~SEVEN THOUSAND EIGHT HUNDRED TEN PESOS ONLY.~~ (AMOUNT IN WORDS)

APPROVED:

MARIANO M. MONTALES JR.
 Provincial/City Assessor

By RODOLOFO B. TRIA
 Municipal Assessor

DATE

THIS DECLARATION CANCELS TAX NOS. 05-011-0226-A (2004) : IS CANCELLED BY TAX NOS. _____ TAX UNDER THIS DECLARATION BEGINS WITH THE YEAR 2007 CEASES WITH THE YEAR _____ ENTERED IN THE REAL PROPERTY ASSESSMENT ROLL FOR 20____ BY _____ PREVIOUS OWNER same
 PREVIOUS ASSESSED VALUE: LAND P 6,500.00 IMPROVEMENT P _____