



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-6626 loc. 2113; 1070 Fax (632) 926-2567
E-mail: officeofuseccuna@denr.gov.ph; website www.denr.gov.ph

MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTOR
DENR-Region IV-B MIMAROPA
1515 Roxas Blvd., Ermita, Manila

FROM : THE UNDERSECRETARY
Field Operations – Luzon, Visayas and Environment

SUBJECT : REQUEST OF MR. BENJAMIN M. DEQUITO FOR
ASSISTANCE RE: 20-YEAR DELAY IN THE RELEASE OF A
LAND TITLE APPLICATION IN ROXAS, PALAWAN

DATE : APR 19 2023

This pertains to the letter dated 06 February 2023 from Hon. Rodante D. Marcoleta, House of Representatives, Batasan Hills, Quezon City, addressed to the Honorable Secretary, referring the attached request of Mr. Benjamin Dequito, received by this Office dated 27 March 2023, regarding the above-mentioned subject.

You are hereby requested to provide necessary technical assistance in accordance with the pertinent laws, rules and regulations on the matter. Directly reply to the parties concerned and copy furnish this Office of the action taken citing document tracking number DENRCO-ASRMD-2023-004251 for record and monitoring purposes.

For compliance.


ATTY. JUAN MIGUEL T. CUNA, *CESO I*

cc: Mr. Benjamin Dequito
Brgy. 3, Roxas, Palawan
dequitobenjie277@gmail.com

Hon. Rodante D. Marcoleta
Ramon V. Mitra Bldg.
House of Representatives Complex
Constitution Hills, Diliman, Quezon City

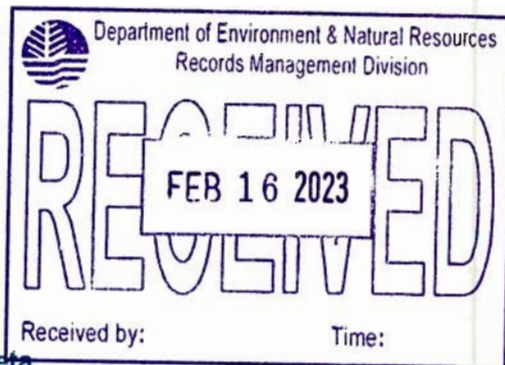
Office of the Secretary
DENR



Republic of the Philippines
House of Representatives
 Batasan Hills, Quezon City



Office of the Hon. Rodante D. Marcoleta
 Asst. Majority Leader, Commission on Appointments
 Sagip Party-List Representative



6 February 2023

HON. ANTONIA LOYZAGA

Secretary

Department of Environment and Natural Resources
 Visayas Avenue, Diliman, Quezon City

Dear Hon. Loyzaga:

Warmest Greetings from SAGIP Party-List!

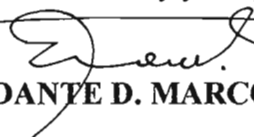
Referring to you Mr. Benjamin M. Dequito, a constituent from Roxas, Palawan, seeking assistance regarding a 20-year delay of land title release.

In April 16, 2004, former DENR Secretary Elizea Gozun issued a decision on the acquisition of an untitled land in Roxas, in favor of Honorio Mejia's heirs which includes Mr. Benjamin Dequito. The said decision was strengthened in April 12 2005 when former DENR Secretary Michael Defensor declared that all decisions made by former DENR Secretary Gozun be made final and executory. Unfortunately for the heirs of Mr. Mejia, despite all the decisions in their favor, they have yet to acquire their land title, making their ownership of their land unofficial. This prompted Mr. Dequito and his family to seek assistance from my Office.

In this regard, we are respectfully transmitting to your Office the letter of Mr. Dequito for possible legal help. Kindly inform us of any action taken in this regard.

Thank you very much and best regards.

Sincerely yours,


RODANTE D. MARCOLETA

Copy Furnished:

Mr. Benjamin Dequito
Complainant

Ika- 7 ng Enero 2023

Hon. DANTE D. MARCOLETA

Congressman

Dear Congressman Marcoleta,

Ako po si Ginoong BENJAMIN M. DEQUITO, residente ng Brgy. 3, Roxas, Palawan. Ako po ay sumulat sa inyo dahil nais kong humingi ng tulong hinggil sa lupaing minana namin sa aming namayapang lolo na si Honorio Mejia. Nais kong ilahad dito ang salaysay kasabay ng paghingi sa inyo ng tulong. Ako po ang tumatayong Atty.-in Fact o kumakatawan sa mga tagapagmana ng aming namayapang lolo na si Honorio Mejia. Ang amin pong lolo na si Honorio Mejia ay nag-apply ng lupain dito sa Roxas, Palawan noong 1920. Ito po ay naaprobahan noong taong 1939. Ayon sa aking matatandang kamag-anak, namatay umano ang aking lolo noong panahon ng giyera 1940-1941 bagamat wala akong makitang eksaktong record sa archived. Ito lang pong taong 2001, nang madiskubre kong, aprubado ang aplikasyon ng aking lolo, kung kaya naghain ako ng intervention sa DENR case 5598, kung saan noon pong Abril 16, 2004, ay naglabas ng desisyon ang kalihim ng DENR na si Secretary Elizea Gozun pabor sa amin na mga tagapagmana ni Honorio Mejia. Ang desisyong ito ni Secretary Elizea Gozun ay lalong pinatibay, dahil noong Abril 12, 2005, ay naglabas ng kautusan si dating DENR Secretary MICHAEL DEFENSOR na dinedeklarang Final and Executory na ang naunang desisyon ni Secretary Gozun. Nakakalungkot po dahil hanggang ngayon ay hindi pa rin naibibigay sa amin ang titulo o Patent base sa iniuutos ng desisyon. Ginagawa nila ang lahat ng baluktot na pamamaraan para i-delay o dili kaya ay ipawalang bisa ang pinal na mga desisyon ng mga naunang kalihim. Kaya pinipilit nila ma-kansela ang aplikasyon ng aking Lolo dahil sa sariling interes ng mga mismong opisyal at mga tauhan ng DENR CENRO dito sa bayan ng Roxas, Palawan. Ang talamak na corruption sa hanay ng mga opisyal at tauhan ng DENR hindi lang dito sa Palawan, bagkus hanggang sa Regional Office nito ang dahilan kung bakit hanggang ngayon ay hindi nila maibigay ang titulo para sa aming minanang lupain. Kumpleto po ang aking mga dokumento at mga ebidensiya at nakahanda po akong ipagkaloob sa inyong tanggapan para mayroon po kayong mapagbabatayan. Halos magdadalawampung taon ko nang nilalakad ang claim naming ito. Sana bago man lang pumantay ang aking mga paa, makakita na ako ng liwanag. Umaasa po kami sa inyong mahalagang tulong para maimbestigahan ang mga opisyal ng DENR na sangkot dito. Nais po naming humingi ng inyong mahalagang oras para makausap po namin kayo ng personal. Kami po ay nakatakdang lumuwas sa Enero 12, 2023. Inilagay ko po ang aking numero at email address sa ibaba.

Maraming Salamat po.

Lubos na gumagalang,



BENJAMIN M. DEQUITO

Atty.-in-Fact of the Heirs of Mejia.

Cell. Number 09192921936

Email add: dequitobenjie277@gmail.com

PROTEST FLOW DIAGRAM

Document No.	Date	
DENR Case 5681 (Regional Protest)		
1	September 18, 2001	Request of the Heirs of Honorio N. Mejia was initiated and received by the DENR CENRO Records
2	September 24, 2001	RED Samuel R. Penafiel directed to cause the subdivision survey of lots 307, Pls-232 claimed by the delos Reyes Family and other areas will disposed of to qualified applicants.
3	November 8, 2001	The Heirs filed our Protest -in -Intervention
4	November 27, 2001	The Heirs submitted and filed Supplement to: Protests-in-Intervention
5	January 17, 2002	ARED Aguilar ordered to investigate the land subject of our protest.
6	February 14, 2002	A letter of Mr. Judy Velasco was issued relative to the Order to investigate the Land.
7	March 13, 2002	Investigation report was requested but denied but ARED Aguilar acknowledged and received Supplement to: Protest in intervention filed by Mejia
8	April 15, 2002	RED Samuel R. Penafiel dismissed our petition without any notice and hearing
9	May 16, 2002	The heirs filed our Motion for consideration to the Office of the RED Penafiel.
10	May 30, 2002	The RED office denied our MR as our documents/ carpeta are withheld by DENR CENRO office. They don't allow us to see our documents as according to them our documents are classified documents.
11	July 2, 2002	A Radio message from RED Penafiel denying our request for our documents in the office as it appears that documents are marked as "classified documents"
12	July 8, 2002	Second time request of the investigation report was again denied by DENR.
13	April 1, 2003	Office of the Solgen requested deep investigation on Zambales case. (Lot 906, Pls-232) to DENR CENRO, Roxas, Palawan
14	June 17, 2003	A status quo order was issued by the office of the DENR secretary legal services
15	December 7, 2004	Subdivision Plan of DENR CENRO Csd-04-025417-D was approved by the R -IV- B survey division personnel RTD Lydia Lopez and Mr. Alan Valle.
16	July 9, 1998	RED Principe was issued an order to PENRO to take possession of the lot 405, Pls-232 formerly occupied by the NIN BAY MINING CO.

Document No.	Date	PROTEST CASE FLOW DENR CASE NO. 5598 (OSEC)
17	July 25, 2002	Notice of Appeal was filed to the Office of the DENR Secretary
18	September 3, 2002	1 st Indorsement of the Regional Executive Director TO THE OFFICE OF THE DENR Secretary
19	April 22, 2003	A verification survey Order was issued by ARED Evero C. Eusebio of lots 307 and 405, Pls-232
20	June 17, 2003	A status quo order was issued by OSEC
21	August 1, 2003	Certification from the records that the aggrieved parties did not filed their respective appeal memorandum
22	April 16, 2004	The DENR Secretary after thorough review of the documents on file reversed the Decision penned by RED Samuel Penafiel and awarded the same to the Heirs of Honorio N. Mejia represented by Benjamin M. Dequito
23	July 13, 2004	A Motion to rectify Decision as to Lot erroneously numbered was filed to OSEC
24	July 28, 2004	A certification from records that the MR was filed on July 13, 2004 and all parties have received their respective copies of the Decision of the DENR Secretary.
23	April 12, 2005	A Final and Executory order was issued by the Office of DENR Secretary Michael T. Defensor in favor of the Heirs of Mejia.
24	June 07, 2005	A certification from records showed that DECISION was sent to the respective parties on April 20, 2005 and received on or before May 10, 2005 and NO Motion for Consideration was filed by the aggrieved parties.
25	February 23, 2006	A writ of Execution was issued by RED Vicente S. Paragas specifying lots 307 and 405, Pls-232
26	March 1, 2006	An indorsement for issuance of Patent was issued by Atty Fidel Exconde, Jr. of lots 307 and 405, Pls-232 in favor of the Heirs of Mejia.
27	October 25, 2007	It was stated in the appeal of the aggrieved parties (Heirs of Mamerto delos Reyes that the Office of the President have denied their appeal as the case had long been declared Final and Executory.

Document No.	Date	P A R T I C U L A R S 2007
27	October 25, 2007	Aggrieved Parties were dismissed by the OP as the DENR Case 5598 has been declared Final and Executory in favor of the Heirs of Mejia
28	December 14, 2007	LMO florante C. Candido requested to prepare notarized document to be submitted by the Heirs to his office.
29	December 21, 2007	Prepared Supplemental Affidavit as requested by DENR CENRO on lot 405 Pls 232
	Date	P A R T I C U L A R S 2008
30	January 9, 2008	Letter request to the Municipal Assessor by the HEIRS of HONORIO MEJIA
31	January 21, 2008	Letter of Usec Lucille L. Sering on the status of the Approved Survey Plan
32	February 27, 2008	Letter to the Bgy Chairman Jordan Nunez on illegal structure projects of the bgy including the bgy day care center which were converted to a commercial restaurant found to be a relative of the former official.

33	February 29, 2008	1st indorsement letter of the Municipal DILG directing the bgy to submit their post activity.
34	March 7, 2008	Letter of CENRO Angeles attesting and informing the Heirs of Honorio N. Mejia that the office are "Fully Aware" of the DECISION of OSEC in favor of the Mejia's.
35	May 9, 2008	OMB issued a correction on the Fact Finding report previously issued.
36	May 20, 2008	Letter to OMB regarding the review and status of our case no. CPL-C-07-1545
37	May 21, 2008	Letter request to DENR Secretary Jose Atienza for issuance of Homestead Patent RE: Request for immediate issuance of patent in favor of Mejia's.
38	Sept. 4, 2008	Atty. Tomas Timbancaya wrote DENR Sec. Atienza, Jr. for Supervisory Assistance RE: Issuance of valid Patent
39	Sept. 19, 2008	Letter to Land Mgmt Bureau (LMB). Director Gerino Tolentino asking supervisory assistance on the case of Rtd Lydia S. Lopez
40	Sept. 24, 2008	Letter of LMB Director Tolentino to USEC Eleazar P. Quinto in relation to the pending issuance of patent requested by the heirs of Mejia.

41	Nov. 7, 2008	Recommendation issued by USEC Eleazar P. Quinto to conduct verification on the subject lots 307 and 405 all Pls-232 and directing the Regional Director to explain us the need to conduct verification before Patent will be processed. NOTE: We replied to the Honorable USEC Quinto that said verification had been done dated as of 2003 by Survey Division Chief Roman Legaspi.
42	December 9, 2008	Regional Technical Director Lydia S. Lopez (Accused in the OMB Case at that time with Roman Legaspi) Recommended the cancellation of Land Application to the newly appointed RED Marcial T. Amaro, Jr. RTD Lopez prepared the draft order cancelling the H.A. No. 75205 (DENR Case 5598) without valid reason and due process of law. Instead of pursuing the release of the verification report conducted by Roman Legaspi as ordered by the USEC Eleazar P. Quinto,
43	December 9, 2008	RED Marcial T. Amaro , Jr. without basic knowledge on the rules of court pertaining on the Final and Executory nature of the said case, signed the draft order of cancellation without due process and jurisdiction as it attained finality. As quoted on the memorandum issued by USEC Juan Miguel T. Cuna on the urgent motion filed by certain Edna Miraflores on the Final and Executory of nature of their case, "THE SAID DECISION HAVING ATTAINED FINALITY THIS OFFICE LOSES JURISDICTION OVER THE SAID CASE. HENCE THIS OFFICE WILL NOT ENTERTAIN ANY MOTIONS OR PLEADINGS ALREADY RESOLVED EXCEPT MOTION FOR EXECUTION AND PETITION FOR RELIEF FROM JUDGMENT"

P A R T I C U L A R S 2 0 0 9		
	Date	
44	February 9, 2009	Urgent Motion filed by the Heirs of Celso Miraflores was denied for lack of jurisdiction
45	June 29, 2009	Depth Evaluation of the DENR Case 5598 memorandum order was issued by USEC Juan Miguel T. Cuna with timeline of two weeks (15 days) under the Leadership of Atty Ricky Arzadon
46	October 1, 2009	Office of the OMB to the OSEC following up the status of the requested patent
47	October 8, 2009	We wrote and Legislative assistance thru Senator Chiz Escudero
48	October 22, 2009	Late CENRO Angeles letter requesting for its Final and Executory Order despite his admission that he is fully aware of the OSEC Decision/Order
49	October 28, 2009	USEC Juan Miguel T. Cuna categorically issued his stand that Honorio Mejia's land claim cannot be rejected or cancelled and ordered to effect the Execution of the Decision promulgated by the former DENR Secretaries Eloisa Guzon and Michael T. Defensor.
50	Nov. 23, 2009	The Office of speaker Nograles wrote the office of Merceditas Gutierrez relative to DENR Case 5598 delays.

Document No.	Date	P A R T I C U L A R S 2010
51	March 15, 2010	OMB Director Orlando Casimero sent an acknowledgment receipt on that CPL-C-07-1545 docket no.
52	April 8,2010	Letter of the Heirs of Honorio Mejia to the DENR Cenro W. Angeles on the Memo of USEC Cuna dated October 28,2009
53	April 12,2010	Letter of Ronnie Gandeza to the Heirs of Mejia
54	April 12,2010	Letter of information that DENR Cenro approached the help of the PNP which were ignored by the PNP to stop the rights to secure the area.
55	April 20,2010	The reply of the DENR Cenro on the legal status on their own understanding about the award.
56	May 27,2010	PNP investigation Report which favors Mejia Land claim
57	July 16,2010	Letter of Benjamin M. Dequito to DENR Cenro to respect the award given by OSEC
58	August 11,2010	OMB Director Candelaria inform the Heirs of the new case build up vs DENR (CPL-ROl-11-075 vs. CENRO et al.)
59	October 6,2010	A dialogue was facilitated between the COS Anna The with Ka Jun Mendoza, Atty Lagman,Atty Lanzo,etc.

Document No.	Date	P A R T I C U L A R S 2011
60	Feb 15, 2011	Registered Mail to DENR Sec Paje with registry no. 2225 on the agreement approved by him
61	Feb 23, 2011	Submitted proposed agreement to the DENR Sec Paje which he approves dated March 3, 2011
62	March 10, 2011	Letter following up the action made by the RIV-B office on the claim of Mejia
63	March 16, 2011	Requested / indorsed to the DENR Secretary as per our agreement the survey returns for re approval of the same document
64	March 17, 2011	Memo of OIC Cenro to the RED for documents during the clearing period.
65	March 22, 2011	DENR Cenro /PENRO forwarded various docs to the Region as instructed by Sec
66	March 25, 2011	Submitted the 3 survey plans namely the ff. Csd-04-026300-D Csd-04-026301-D Csd-04-026302-D for appropriate action.
67	May 24, 2011	Meet personally SEC Paje on the status of our Survey Returns to the Region.
68	June 2, 2011	Memo Order issued by RED Concordio D. Zuniga instructing RTD LOPEZ to act on the Decisions with Finality.

69	June 9, 2011	Letter reply on the Chief Survey Divisions on his comment regarding the expiration of the Survey Returns indorsement dates.
70	June 30, 2011	Letter of RTD Oscar Dominguez regarding the non compliance of the Chief Survey Division on the instruction by the OSEC Paje.
71	August 23, 2011	Letter of the Franklin G. Hernandez
72	Sept. 8, 2011	Mejia visited RTD Dominguez to clarify unresolved issues.
73	Sept. 12, 2011	Requested CENRO Angeles to resubmit the survey plans
74	Sept. 26, 2011	Letter of Pedro Velasco on their understanding that is not conclusive.
	Date	P A R T I C U L A R S 2012
75	Jan. 16, 2012	Letter to DENR Secretary Ramon J. Paje requesting for immediate Execution of the DENR Case 5598
76	January 20, 2012	Letter to ASEC Anselmo Abungan for immediate Execution of the DENR Case 5598.
77	February 9 2012	ORDER OF INVESTIGATION was issued by the PENRO Juan dela Cruz which eventually opposed by the Mejia clan
78	February 15, 2012	VIGOROUS OPPOSITION was filed to the Investigation ordered by the PENRO
79	February 27, 2012	PENRO Requested the Regional Office stand on the objection filed by the Mejia Clan
80	February 03, 2012	Memorandum of RED Corcordio D. Zuniga on investigation request
81	February 03, 2012	Memo of RED Concordio D. Zuniga on the alleged Tufio Report
82	May 7, 2012	Letter of Atty Dante P. Mercado recommending the transfer of the land to the informal settlers

83	May 17, 2012	Letter of USEC AnnaTeh position to the request of the squatters
84	May 17, 2012	Referral letter of USEC Ana Teh to the same request.
85	Sept. 12, 2012	Memorandum of ASEC Regidor M. de Leon on the alleged investigation initiated by the PENRO office.

EXECUTIVE SUMMARY

DENR CASE NO. 5598 OF THE RAIDS OF HEDRANO N. MEJIA

Rep. by Benjamin M. Dequito

Document No.	Date	P A R T I C U L A R S 2012
88	January 20, 2012	Letter to ASEC Anselmo Abungan (deceased) and request for immediate issuances of our Patent.
89	February 03, 2012	Memorandum of RED Concordio D. Zuniga without regard to the rules of Final and Executory Order.
90	February 15, 2012	Vigorous opposition to the new Order of Investigation by the PENRO (DENR Case 5598)
91	March 07, 2012	Letter of Atty Liza Fidelis F. Graft Investigation and Prosecution of the OMB to DENR Sec Paje regarding our request for patent.
92	March 15, 2012	OMB Fact Finding Report against DENR Regional Survey Division Officers (CPL-11-05451) in favor of the Mejia Case.
93	September 04, 2012	Letter of us requesting OMB over the Collusion/ Investigation of DENR people.
94	September 14, 2012	Memorandum of the ASEC for field Operations relative to the New order of investigations and request for issuance of our Patent.
95	September 24, 2012	Letter of the RED Edgardo de Leon with confusing directives relative to our case which ironically and illegally entertaining illegal applicants.
99	September 26, 2012	Letter Reply by RED Edgardo de Leon (Retired) again mishandling our DENR case No. 5598 obviously to delay execution of our case.
100	December 04, 2012	Letter of the Municipal Engineering Officer on the Illegal Construction made by the DENR-CENRO on lot 405, Pls-232 subject of DENR case 5598.
101	December 04, 2012	Letter of Atty. Julius M. Concepcion(our counsel) to ASEC Regidor M. de Leon requesting for immediate sanction for refusal by RED Edgardo O. Galeon to comply administrative Order of DENR Secretary.
102	December 04, 2012	Same letter to ASEC Abungan for General Legal Services which requires sanctions.
103	December 04, 2012	Letter request for compliance by RED Office with endorsement by Asec. Miguel T. Cuna written by Atty. Julius Concepcion.
104	July 18, 2012	Reply letter of Atty. Ricky A. Arzadon to the OMB making Alibi most of the time.

2013

Mejia.
M.
Aguiño
arding for
prepared by
ncepcion on
e and Initiated
Office
by DENR.
2014
of the Patent.
ame was
uo.
e accused
arding

Document No.	Date	P A R T I C U L A R S 2013
105	January 04, 2013	Feedback and Compliance for DENR Case No. 5598 in favor of the Mejia.
106	January 23, 2013	Letter to the Cessation of the DENR fence construction by Atty. Julius M. Concepcion to the DENR CENRO.
107	January 19, 2013	Letter Request for Investigation from office of the President Benigno C. Aquino
108	January 28, 2013	Memorandum from the Office RTD Oscar C. Dominguez for lands regarding for non-compliance of the
		DENR particularly issuance of Patents in our favor.
109	February 14, 2013	Creation of ADR by RED Edgardo O. Galeon and Notice of Meeting prepared by Atty. Gandhi G. Flores (DENR Legal- R-IV-B MIMAROPA)
110	April 10, 2013	Mediation Conference initiated by RED Office but opposed by Atty. Concepcion on record. At PENRO Office.
111	April 10, 2013	Letter to DENR Sec Ramon J. Paje complaining the illegal action made and initiated by the DENR Personnel lead by Cenro, Penro and RED office / legal Office.
112	April 29, 2013	Letter to the office of the Municipal Mayor against illegal ADR / actions by DENR.
Document No.	Date	P A R T I C U L A R S 2014
113	February 04, 2014	Atty. Julius Concepcion letter to DENR Cenro requesting for issuance of the Patent.
114	May 29, 2014	Notarized document of Engr. Maglines attesting that signature of the same was forged in the DENR CENRO approved plan covered by a valid status quo.
115	June 18, 2014	Ex-parte Motion For Alias Writ of Execution filed to the RED office.
116	January 22, 2014	Roman Legaspi / Alan Valle Notarized counter affidavit submitted by the accused
		At the office of the Ombudsman.
117	February 3, 2014	Reply to the counter Affidavit prepared by Atty Julius Concepcion
118	December 09, 2014	Referral Memo to ASEC Abungan from ASEC for Field Operations regarding issuance of Patent.

	Date	P A R T I C U L A R S 2015
119	April 29, 2015	Letter to the Graft Investigation and Prosecution Office/OMB against Atty. Ricky Arzadon.
120	June 17, 2015	
121	August 18, 2015	Letter Reply of ASEC Marcia C. Amaro, Jr. to us pertaining Patent issuance
122	May 28, 2015	Suspension of the issuance of Survey Authority, conduct and approval of survey of untitled lands, acceptance and processing of public land applications in the Province of Palawan issued by RED Oscar Dominguez.
123	May 28, 2015	Similar above memo issued by USEC Ignacio RE: Suspension of Processing Public Lands.
		P A R T I C U L A R S 2016
124	April 27, 2016	An ORDER issued by ASEC Anselmo Abungan (deceased) vs. Mejia Denr Case 5598 Signature of the late ASEC is suspected to be forged by insiders.
125	June 27, 2016	Letter Reply of the Deputy Executive Secretary Umali-Hermogenes regarding investigation of the DENR and the request for issuance of the Patent. (DENR 5598)
126	July 07, 2016	
127	July 28, 2016	Asst. Regional Director for technical Services Vicente B. Tuddao, Jr. letter endorsement to the Asst. Regional Director for Management Services.
128	August 05, 2016	Letter to the Office of the President Rodrigo R. Duterte of the Heirs of Mejia.
129	September 30, 2016	Letter follow-up of the Office of the Director Jaime L. Mabilin to the Office of the USEC Analiza Teh regarding the request for execution the issuance of the Patent.
130	September 15, 2016	

P A R T I C U L A R S 2017

Document No.	Date	
131	January 9, 2017	Letter of Deceased CENRO Wilfredo Angeles to my sister Perla D. Aguito (Also Heirs of Mejia to attend hearing filed by informal Settlers (Mr. Jovelo et al.) To be presided by Mr. George R. dela Pena (LMO and Atty-in-Fact Heirs of Zambales)
132	January 23, 2017	Letter of the DENR CENRO for claiming the property despite their failure to appeal said property while said case was pending before the office of the DENR Secretary. Obviously there is real proof that all delays pertaining to the DENR Case 5598 execution in favor of the Mejia's was attributed by their vested interest over the land similarly designed by the DENR legal cancellation issues fabricated by Atty. Ricky Arzadon with Mr. Anthony Sumibkay, (convicted for allegedly forgery case) Former LMO Florante Candido, (transferred to DENR Brookes Point) who applied tax declaration for his protection etc. and the CENRO Village engineered by LMO Ronnie Liliang all from DENR CENRO , Roxas, Palawan.
133	January 27, 2017	Letter to the Municipal Engineering Officer regarding the cancellation of the bldg./fence permits issued to the DENR CENRO.
134	February 20, 2017	Letter of Atty. Randy P. Lambino counsel of my sister to the complaint filed by squatters to the Municipal Mayor of this town.
135	February 27, 2017	Municipal Mayor wrote the Bgy. Chairman Miraflores regarding compliance to court is necessary
136	April 6, 2017	Document Tracking system and document routing information c/o Camille-OP

P A R T I C U L A R S 2020		
137	January 25, 2020	Letter follow-up to the office of the President Rodrigo R. Duterte regarding pending action of our DENR case no. 5598.
138	February 4, 2020	Follow up letter for the 3 rd time to the Office of the President. (Republic of the Philippines) relative to DENR Case 5598.
139	February 6, 2020	Transmittal to the office of DENR Secretary Roy A. Cimatu seeking Presidential and DENR intercession.

Republic of the Philippines
 Department of Environment and Natural Resources
OFFICE OF THE SECRETARY
 Visayas Avenue, Diliman, Quezon City

HEIRS OF MAMERTO DELOS REYES
 Rep. by Amelia Delos Reyes-Zumaraga,
 Appellants,

HEIRS OF HONORIO N. MEJIA.
 Rep. by Benjamin Mejia Dequito,
 Intervenors-Appellants,

- versus -

DENR CASE No. 5598

VICTORIANO LUCERO, Chairman
 Brgy. Retac, Roxas, Palawan,
 Appellee.

X ----- X

NOTICE OF ISSUANCE OF A DECISION

Benjamin Mejia Dequito
 Brgy. Retac, Roxas, Palawan

- Reg. Mail

Amelia Delos Reyes-Zumaraga
 Brgy. Retac, Roxas, Palawan

- Reg. Mail

Atty. Conrado C. Rosario
 Counsel for Appellants
 Public Attorney's Office
 Manila District Office
 4F William Godino Bldg.
 350 Arroceros St., Ermita Manila

- Reg. Mail

Victoriano Lucero
 Brgy. Retac, Roxas, Palawan

- Reg. Mail

The Regional Executive Director
 DENR-Region IV-B MIMAROPA
 L & S Bldg., Roxas Blvd.
 Manila

- Reg. Mail

ENTERED CASE


The Director
Lands Management Bureau
Escolta, Manila

Reg. Mail

The Director
Legal Service

GREETINGS:

Please be notified that a **DECISION** was rendered on April 16, 2004 in the above-entitled case, copy of which is hereto attached.


MYLENE G. ALBANO
Assistant Secretary for General
Legal Services

CERTIFIED COPY

Republic of the Philippines
Department of Environment and Natural Resources
OFFICE OF THE SECRETARY
Diliman, Quezon City

HEIRS OF MAMERTO DELOS REYES
Rep. by Amelia Delos Reyes-Zumaraga,
Appellants,

HEIRS OF HONORIO N. MEJIA
Rep. by Benjamin Mejia Dequito,
Intervenors-Appellants

- versus -

DENR CASE NO. 5598

VICTORIANO LUCERO, Chairman
Brgy Retac, Roxas, Palawan
Appellee.

x-----x

DECISION

For resolution is the appeal filed by Heirs of Mamerto Delos Reyes represented by Amelia Delos Reyes-Zumaraga and the Heirs of Honorio Mejia represented by Benjamin Mejia Dequito from the Order, dated September 24, 2001 issued by the Regional Executive Director, DENR, Region IV, Roxas Boulevard, Manila, dispositive portion of which reads:

"WHEREFORE, foregoing considered, the CENR Officer in Roxas, Palawan, is directed to cause the subdivision survey of Lot 307, Pls-232, indicating the portion claimed by the Delos Reyes family as mentioned in next preceding paragraph at their expense, the area where the Barangay Hall and school building are located and the actual occupation of other individuals and after the approval of the said plan, the Delos Reyes family are advised to file the appropriate public land application covering the same. The other resultant lots shall be disposed to qualified applicant under the provision of Commonwealth Act No. 141 as amended, particularly of the sales provision thereof. The CENR Officer is further directed to coordinate with the proper/authorized officials in the titling of Barangay Hall and the school."

This case stemmed from the protest filed by Heirs of Mamerto Delos Reyes represented by Amelia Reyes-Zumaraga against the claim of Barangay Chairman Victoriano Lucero of Barangay Retac, Roxas, Palawan covering Lot No. 307, Pls-232, located at Retac, Roxas, Palawan; and protest in intervention filed by Heirs of Honorio N. Mejia, represented by Benjamin Mejia Dequito

CERTIFIED COPY

against the Heirs of Mamerto Delos Reyes and Victoriano Lucero over the land in dispute.

Protestants-Appellants Delos Reyes alleged that they, by themselves and through their predecessor-in-interest have been the actual occupant, possessor and developers of a parcel of land identified as Lot No. 307, Pls-232 with an area of twenty two (22) hectares more or less, located at Brgy. Retac, Roxas, Palawan. Their grandparent was the first to settle, develop and cultivate the said area, a formerly forest land, as early as 1901 and continuously cleared and developed the same for fifty (50) years until 1949 when the Ninh Bay Mining Corporation undertook mining operation in the area. They further alleged that the protestee Victoriano Lucero had shown undue interest over the land in question, disturbing their peaceful occupation and in unjustifiably threatening to eject them from said land through his whim and caprice.

On the other hand, protestants Heirs of Honorio Mejia represented by Benjamin Mejia-Dequito alleged among others, that their predecessor-in-interest Honorio P. Mejia was a grantee of a parcel of land identified as lot 307 and a portion of lot 306 with an aggregate area of 24 hectares more or less located at Retac, Roxas, Palawan. The late Honorio Mejia filed a Homestead Application No. 75205 on September 16, 1920 with the then Bureau of Lands and the same was approved on October 21, 1939 and recorded as Entry No. 132581.

As to the appellee Victoriano Lucero, he alleged that on May 19, 1985 the Barangay Council of Retac, Roxas Palawan passed an unnumbered resolution requesting the then District Land Officer in Palawan to delineate eight hectares within Lot No. 307 for purpose of relocation of the Barangay site. On January 23, 1993, Kagawad Reynaldo Aborot of the said barangay sent a letter to former President Fidel V. Ramos requesting the allocation of said portion for barangay site. The said letter was indorsed to Land Management Bureau and the latter


ATTORNEY AT LAW

forwarded the same to the Regional Office, DENR Region IV, Manila and subsequently the same was referred to CENRO, DENR Roxas Palawan.

Acting on the said protest of Delos Reyes, an ocular inspection was conducted by the Regional Office, DENR, Region IV on February 19, 1996 and March 1, 1997. Thereafter, investigation report was submitted and recommended that the lot should be awarded to Delos Reyes family and the other areas to the barangay site.

On September 24, 2001, the Regional Executive Director, DENR, Region IV, issued the assailed order.

Not contented with the said Order, appellants filed their respective Motions for Reconsideration. On April 15, 2002 the Regional Executive Director denied the said motions and ruled for the dismissal of Protest in Intervention filed by Heirs of Honorio Mejia represented by Benjamin Mejia Dequito.

Hence, his appeal, appellants seek the reversal of the assailed order.

A careful evaluation of the facts of the case and evidence adduced, convinced this Office that the appeal of the Heirs of Honorio Mejia, represented by Benjamin Mejia Dequito is meritorious.

Culled from the record of the case, this office finds that a homestead application was filed by the appellants' predecessor Honorio Mejia docketed as H.A. No. 75205 on September 16, 1920 with the then Bureau of Lands (now Land Management Bureau) the entry to the said subject area was approved on October 21, 1939.

In view thereof, appellants Heirs of Honorio Mejia represented by Benjamin Mejia-Dequito acquired a vested right over the land covered by the H.A. No. 75205 and they are regarded as an equitable owner thereof. Actually, even without a patent, a perfected homestead is a property right in the fullest sense. Subsequent law can not deprive vested right already acquired. (Balboa versus Farales 51 Phil. 498)

[Signature]

As to the right of the other parties, the appellants Delos Reyes and Appellee Victoriano Lucero, their right over the land in dispute were not properly established as clearly shown in the assailed order despite the dispositive portion thereof. Moreover, both of them did not file their appeal memorandum and answer to the appellant's memorandum respectively showing that they lost interest in the instant appeal.

The Supreme Court in the case of Gordula versus Court of Appeals (284 SCRA 617) categorically stated:

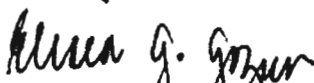
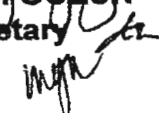
"One claiming private rights must prove that he has complied with CA 141, otherwise known as the Public Land Act as amended which prescribed substantive as well as the procedural requirement for acquisition of public lands."

Appellants Delos Reyes and Appellee Lucero terribly failed to comply with the above-mentioned provision. As a matter of fact the Regional Executive Director acknowledged that they have not filed any public land application. The Supreme Court likewise declared that possession of public land no matter how long without complying with the requirement of CA 141, confers no right to the possessor (Gordula vs., CA, *ibid*)

WHEREFORE, premises considered, the instant appeal filed by Honorio Mejia represented by Benjamin Mejia Dequito is GRANTED. The Order, dated September 24, 2001 is hereby SET ASIDE. Consequently, the Homestead Application by Honorio Mejia be given due course to be substituted by the heirs.

SO ORDERED.

Quezon City, Philippines, APR 16 2004


ELISEA G. GOZUN
Secretary


CERTIFIED COPY

Republic of the Philippines
 Department of Environment and Natural Resources
OFFICE OF THE SECRETARY
 Visayas Avenue, Diliman, Quezon Cityx

HEIRS OF MAMERTO DELOS REYES
 Rep. by Amelia delos Reyes-Zumaraga,
 Appellants,

HEIRS OF HONORIO MEJIA,
 Rep. by Benjamin Mejia Dequito
 Intervenors-Appellants,

- versus -

DENR CASE No. 5598

VICTORIANO LUCERO, Chairman,
 Brgy. Retac Roxas, Palawan,
 Appellee.

X - - - - - X

NOTICE OF ISSUANCE OF AN ORDER

Amelia delos Reyes-Zumaraga
 Brgy. Retac Roxas, Palawan

- Reg. Mail

Benjamin Mejia Dequito
 Brgy. 3 Roxas, Palawan

- Reg. Mail

Victoriano Lucero
 Brgy. Retac Roxas, Palawan

- Reg. Mail

Onofre T. Palatino, et. al.
 Brgy. 1 Roxas, Palawan

- Reg. Mail

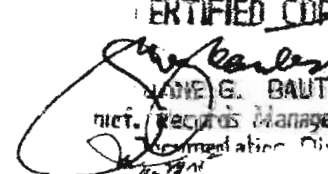
The Regional Executive Director
 DENR-Region IV-B MIMAROPA
 L & s Bldg., Roxas Blvd.
 Manila

- Reg. Mail

The Director
 Lands Management Bureau
 Binondo, Manila

- Reg. Mail

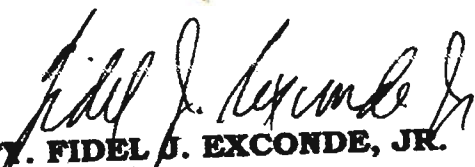
Atty. Christopher S. Soguilon
 DENR Resident Ombudsman
 Annex Bldg. DENR Compound
 Diliman, Quezon City

CERTIFIED COPY

JANE G. BAUTISTA
 Chief, Records Management and
 Documentation Division
 DENR

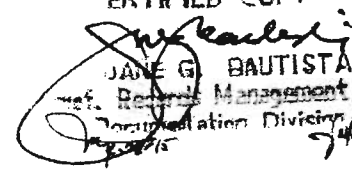
The Director
Legal Service, DENR
Quezon City

GREETINGS:

Please be notified that an **Order** was issued on **April 12, 2005** in the above-entitled case, copy of which is hereto attached.


ATTY. FIDEL J. EXCONDE, JR.
Assistant Secretary
General Legal Services

CERTIFIED COPY


JANE G. BAUTISTA

Asst. Records Management and
Documentation Division

Republic of the Philippines
Department of Environment and Natural Resources
OFFICE OF THE SECRETARY
Diliman, Quezon City

HEIRS OF MAMERTO DELOS REYES
Rep. by Amelia Delos Reyes-Zumaraga,
Appellants,

HEIRS OF HONORIO MEJIA
Rep. by Benjamin Mejia Dequito,
Intervenors-Appellants,

- versus -

DENR CASE NO. 5528

VICTORIANO LUCERO, Chairman
Brgy. Retac Roxas, Palawan,
Appellee.

x ----- x

ORDER

For resolution is the Motion to Rectify Decision as to lot erroneously numbered dated 12 July 2004, filed by Intervenors-Appellants Heirs of Honorio Mejia, represented by Benjamin Mejia Dequito, and the Motion for Reconsideration dated 15 December, 2004, filed by Appellants Heirs of Mamerto delos Reyes represented by Amelia Delos Reyes-Zumaraga on 25 January 2005, of the Decision of this Office dated 16 April 2004, the dispositive portion of which reads:

"WHEREFORE, premises considered, the instant appeal filed by Honorio Mejia represented by Benjamin Mejia Dequito is GRANTED. The Order, dated September 24, 2001 is hereby SET ASIDE. Consequently, the Homestead Application by Honorio Mejia be given due course to be substituted by the heirs."

Record shows that the Appellants through their counsel and representative received the assailed decision on 5 May 2004 and 27 April 2004, respectively. DENR Administrative Order No. 87 issued on 28

CERTIFIED COPY

Jane G. Bautista
JANE G. BAUTISTA
Ref. Records Management and
Documentation Division



December 1990 governs the finality of decision of the Office of the Secretary. Section 5 thereof provides :

"The decision/order of the Office of the Secretary shall become final and executory fifteen (15) days after the receipt by the parties of a copy thereof."

The assailed decision having been received by the Appellants on the aforementioned dates, filed the Motion for Reconsideration only on 25 January 2005, when the assailed decision has long become final and executory. Such being the case, a Motion for Reconsideration directed against a final decision can no longer be entertained. This Office no longer has jurisdiction to entertain the instant Motion for Reconsideration. Section 3, Rule 17 of the Rules of Court which is suppletory in application in administrative proceeding provides, among others :

"If the plaintiff failed x x x to prosecute its action for unreasonable length of time x x x the action may be dismissed upon motion of the defendant or upon court's own motion. The dismissal shall have the effect of an adjudication upon the merit, unless otherwise declared by the Court."

This Office has nevertheless, carefully reviewed the records of this case but has found no cogent reason to modify or reverse the assailed decision. Possession and rights over the land in question were thoroughly discussed and fully ventilated in the decision sought to be reconsidered. No new issues were raised to warrant reconsideration or modification of our previous judgment. It is a well-settled rule that a motion for reconsideration that does not make out a new matter sufficiently persuasive to induce modification of judgment will be denied (Philippine Commercial and Industrial Bank v. Escolin, 67 SCRA 202).

With regard to the aforesaid Motion to Rectify Decision as to lot erroneously numbered, the attention of this Office is called in making

~~RTIFIED COPY~~

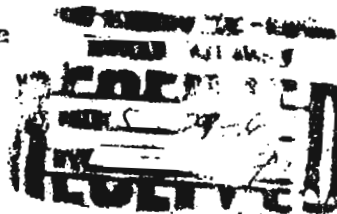


Republic of the Philippines
Department of Environment and Natural Resources
Regional Office IV-B - MIMAROPA
1515 L&S Building
Roxas Boulevard, Ermita, Manila

ANNEX - K

25

HEIRS OF MAMERTO DELOS REYES -
Rep. by Amella Delos Reyes-Zumaaraga,
Appellants,



- versus -

DENR CASE NO. 5598

HEIRS OF HONORIO N. MEJIA
Rep. by Benjámín Mejía-Dequillo,
Intervenor-Appellants,

- versus -

VICTORIANO LUCERO, Chairman,
Brgy. Retac, Roxas, Palawan
Appellee.

X-----X

WRIT OF EXECUTION

Notice is hereby given that the above entitled case had already been decided by the Department of Environment and Natural Resources (DENR) Central Office per Order dated April 16, 2004 signed by then DENR Secretary ELISEA G. GOZUN, and the said Order attained Finality per Certification issued by the Chief, Records Management and Documentation Division Jans G. Bautista dated 7 June 2005, certifying that there was No Notice of Appeal or Motion for Reconsideration filed by the aggrieved party.

WHEREFORE, premises considered, the PEHRO/CENRO concerned is hereby directed to execute the Order dated April 16, 2004.

Issued this FEB 23 2006

For strict compliance

CERTIFIED PHOTO COPY
5/1/06
NILAGE LUMBRID
RECORDS OFFICER I

VICENTE S. PARAGAS, CESO III
OIC-SEC for Field Operations and
Concurrent Regional Executive Director
MIMAROPA Region

Reg. mail 5/29/06
filed - processed

ANNEX - JA



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 920-4301 * (632) 928-0691 to 93
924-2540 * 020-8582
920-8628 loc. 2012-2014

26


1st Indorsement

MAR 01 2006

Respectfully referred to the Regional Executive Director (RED), DENR-Region IV-B, MIMAROPA, Manila, for execution, of the Decision dated 16 April 2004, rendered by the Office of the Secretary in DENR Case No. 5598, entitled "HEIRS OF MAMERTO DELOS REYES, Rep. by Amelia Delos Reyes-Zumaraga, Appellants, HEIRS OF HONORIO MEJIA, Rep. by Benjamin Mejia Dequito, Intervenor-Appellants, versus, VICTORIANO LUCERO, Appellee," which has become final and executory as per Order issued by the same Office, dated 12 April 2005.

Please be advised that the request for legal opinion/advice by the CENRO, Roxas, Palawan, dated 31 May 2005 and 28 July 2005, as forwarded by the RED, DENR Region IV-B, MIMAROPA on 29 July 2005 and 22 August 2005, pertaining to the survey authority to be conducted on the disputed lots has become moot and academic as it appears that a survey authority had already been granted by said CENRO in favor of Benjamin M. Dequito on 28 September 2005.

Considering the final and executory nature of the decisions of the Office of the Secretary, please undertake the issuance of a homestead patent in favor of the prevailing party.


ATTY. FIDEL J. EXCONDE, JR.
Assistant Secretary
General Legal Services

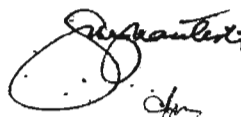
Copy furnished:

CENRO
Roxas, Palawan

Benjamin M. Dequito
Brgy 3, Roxas, Palawan

ANNEX-D 

767-06
W DENR /R-IV/300.6/2005



Office of the President
of the Philippines
Malacañang

27

October 25, 2007

MS. EXALTACION P. DELOS REYES

for the Heirs of Mamerto Delos Reyes
Brgy. Barbacan (Retac), Roxas
Palawan

Dear Ms. Delos Reyes:


This refers to your letter, with enclosures, dated September 14, 2007, stating that the Order issued on April 12, 2005 by the Department of Environment and Natural Resources (DENR) Secretary in DENR Case No. 5598, entitled "Heirs of Mamerto Delos Reyes, rep. by Amelia Delos Reyes-Zumaraga, Appellants, Heirs of Honoria Mejia, rep. by Benjamin Mejia Dequito, Intervenors-Appellants versus Victoriano Lucero, Chairman, Brgy. Retac, Roxas, Palawan, Appellee", is very unfair, considering that notwithstanding Honorio Mejia's application, his heirs failed to meet the requirements to own the land.

On the basis of the documents attached to your letter, it appears that the aforementioned case had long been declared final and executory by the DENR.

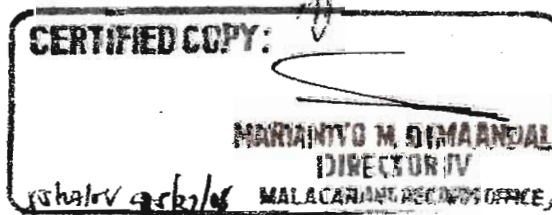
In this regard, please be informed that we can no longer intervene in the said case.

Thank you.

Very truly yours,


MANUEL B. GAITE
Deputy Executive Secretary
for Legal Affairs

12





Republic of the Philippines
Department of Environment and Natural Resources
LANDS MANAGEMENT BUREAU
LMB Building, Plaza Cervantes, Binondo, Manila

MEMORANDUM

FOR : The Undersecretary for Field Operations

FROM : The OIC-Director

SUBJECT : REQUEST OF MR. BENJAMIN M. DEQUITO FOR
SUPERVISORY ASSISTANCE FOR ISSUANCE OF A
VALID PATENT COVERING LOT 307

DATE : September 24, 2008

We are respectfully referring the herein letter dated September 19, 2008 of Mr. Benjamin M. Dequito relative to his request for supervisory assistance for issuance of valid patents over Lot 307 and 405, Pls-232, situated in Roxas, Palawan.

It is respectfully informed that a decision involving the said lots were rendered on April 12, 2004 and became Final and Executory on April 12, 2005 through an Order signed by then DENR Secretary Michael T. Defensor. Accordingly, a Writ of Execution was issued by then Regional Executive Director of DENR Region IV-B (MIMAROPA) on February 23, 2006.

However, according to the writer, there were requirements imposed by the incumbent RTD for Lands as stated in their letter dated February 8, 2007 despite the existence of land records (technical description & maps) showing the metes & bounds of Lot 307 and 405, Pls-232.

Considering that DENR Region IV-B is not under the direct control and supervision of this office, we deemed it proper to refer the matter to your end for consideration.

FOR THE HONORABLE UNDERSECRETARY'S FURTHER INSTRUCTION.


GERINO A. TOLENTINO, JR.

cc:  
Benjamin M. Dequito
Brgy. 3, Roxas, Palawan

ANNEX - "A"



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
926-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

L-1281
11-11-04

MEMORANDUM

TO : **THE REGIONAL EXECUTIVE DIRECTOR**
DENR-Region IV-B (MIMAROPA)
Manila

FROM : **THE UNDERSECRETARY**
Field Operations and Line Bureaus

SUBJECT : **REQUEST OF MR. BENJAMIN M. DEQUITO FOR ASSISTANCE IN THE ISSUANCE OF PATENT IN FAVOR OF THE HEIRS OF HONORIO MEJIA COVERING A PARCEL OF LAND LOCATED IN RETAC, ROXAS, PALAWAN**

DATE : **NOV 07 2008**

This refers to the letter of Mr. Benjamin Dequito for assistance in the issuance of patent in favor of the Heirs of Honorio Mejia over parcels of land located in Retac, Roxas, Palawan covered by Homestead Application No. 75205, Entry No. 132581 filed on September 16, 1920 and approved on October 21, 1939. The parcels of land are identified as Lot 307 and a portion of Lot 405, all of Pls-232.

The parcels of land was the subject of DENR Case No. 5598 entitled Heirs of Mamerto delos Reyes, Rep. by Amelia delos Reyes-Zumaraga, Appellants, Heirs of Honorio N. Mejia, Rep. by Benjamin Mejia Dequito, Intervenors-Appellants vs. Victoriano Lucero, Chairman, Brgy. Retac, Roxas, Palawan, Appellee. The Decisions issued by Secretary Elisea G. Gozun dated April 16, 2004 and Secretary Michael T. Defensor and April 12, 2005 became final and executory and the corresponding Writ of Execution was issued by the Regional Executive Director of DENR-Region IV-B on February 23, 2006.

Mr. Dequito alleged that to date no patent has been issued in the name of the Heirs of Honorio Mejia in view of the requirement for relocation/verification survey delineating the exact metes and bounds of the area covered by the HA No. 75025 despite the existence of technical descriptions of Lot No. 307 and 405, Pls-232. The requirement is contained in the Memorandum dated February 8, 2007 of RTD Lydia Lopez addressed to the PENR Officer of Palawan.

W

EX-B

Based on the Memorandum of RTD Lydia Lopez, the survey returns submitted by the Geodetic Engineer of the Heirs of Honorio Dequito are subdivision surveys identified as Csd-04-026300-D, Csd-04-26301-D and Csd-04-026302-D and not a relocation survey of the area covered by HA No. 75205.

As stated in the Decisions issued by this Office, the area covered by HA No. 75205 are identified as Lot 307 and a portion of Lot 405, all of Pls-232.

In this regard, you are hereby instructed to:

1. Verify the actual identification of the lands covered by HA No. 75205 and the actual area covered by the same based on the Homestead Application filed by Honorio Mejia; and
2. Based on the result of the verification, explain to Mr. Dequito the need to undertake the relocation/verification survey which will be the basic data needed in the processing of and issuance of the Homestead Patent.

Submit a report to this Office citing the reference Document No. RMDD-120530.

FOR COMPLIANCE.



ELEAZAR F. QUINTO

Copy Furnished:

The Director
Lands Management Bureau
Manila

Mr. Benjamin M. Dquito
Brgy. 3, Roxas, Palawan



REGION IV - MIMAROPA
DENR By the Bay, 1515 Roxas Boulevard, Ermita, Manila

MEMORANDUM

FOR : THE REGIONAL EXECUTIVE DIRECTOR
DENR, Region IV-B, MIMAROPA

FROM : The Regional Technical Director for Lands
DENR, Region IV-B, MIMAROPA

SUBJECT : REQUEST OF MR. BENJAMIN M. DEQUITO FOR
ASSISTANCE IN THE ISSUANCE OF PATENT IN
FAVOR OF THE HEIRS OF HONORIO MEJIA
COVERING A PARCEL OF LAND LOCATED IN
RETAC, ROXAS, PALAWAN IN RELATION TO
IMPLEMENTATION OF DECISION RENDERED
ON DENR CASE NO. 5598
ROXAS, PALAWAN

DATE : DEC 09 2008

CERTIFIED COPY
OF REPRODUCED RECORDS
AVAILABLE ON FILE

2/11/10 GALO C. MARTINEZ, JR.
Chief, Records Management and Documentation Division

42

Respectfully submitted is the herein report with the comments and observation relative to the above noted subject in compliance with the office Memorandum dated November 7, 2008 of USEC Eleazar P. Quinto.

Likewise, attached is a fact sheet relative to the background of the H.A. No. 75205 of Honorio Mejia and the lots involved identified as Lot 307, 405 and 907 Pls-232.

Provided hereunder is the Completed Staff Work on the matter to wit.

FACTUAL BACKGROUND

DENR CASE No. 5598- This is a case entitled "Heirs of Mamerto delos Reyes rep. by Amelia delos Reyes Zumarraga-Appellants; Hrs. of Honorio N. Mejia rep. by Benjamin M. Dequito-Intervenors-Appellants vs. Victoriano Lucero, Chairman; Brgy. retac Roxas, Palawan".

Prior to the aforementioned case, the land dispute originally started between the Heirs of Mamerto delos Reyes vs. The Barangay Retac of Roxas, Palawan under DENR Case No. IV-5681 involving Lot 307 only.

On September 24, 2001, an ORDER was issued by the Regional Office relative to DENR Case No. IV-5681 directing the CENRO Roxas Palawan to cause the subdivision survey of Lot 307 indicating the portion claimed by the Hrs. of the Delos Reyes family, the area of the Brgy. Hall and School Bldg. of Retac located and the actual occupation of individuals within the land.

On November 9, 2001 the Hrs. of Honorio Mejia rep. by Benjamin M. Dequito filed the Protest-in-Intervention alleging that the late Honorio Mejia who died sometime in 1940 was a grantee of a parcel of land identified as Lot 907 and portion of Lot 906 with an aggregate area of 24 hectares.

April 15, 2002, an ORDER was issued by RED Samuel R. Penafiel denying the motion for reconsideration filed by the protestants for lack of merit and likewise dismissing the Protest-in-Intervention filed by the Hrs. Honorio Mejia rep. by Mr. Benjamin Dequito.

ANNEX - D

On July 19, 2002, an appeal was filed by Mr. Dequito from the Order issued dated September 24, 2001 by the RED of DENR IV, Manila.

DENR CASE NO. 5598

On June 17, 2003 DENR Case No. 5598 started thru an Order issued by Julianio P. Nacino Director of Legal Services, DENR directing the appellants-Hrs. of Mamerto delos Reyes to submit an appeal memorandum and appellee Victoriano Lucero, Chairman of Brgy. Retac to answer to the appellants memorandum. Further ordering to maintain status quo on the land in dispute.

I. April 16, 2004, a DECISION was issued by Sec. Elisea Gozua pertinent portion are as follows:

"...protestants Hrs. of Honorio Mejia rep. by Benjamin M. Dequito alleged among others that their predecessors in interest Honorio Mejia was a grantee of a parcel of land identified as Lot 307 and a portion of Lot 306 with an aggregate area of 24 hectares more or less located at Retac, Roxas, Palawan."...

"Wherefore, premises considered, the instant appeal filed by Honorio Mejia rep. by Benjamin Dequito is granted. The Order dated September 24, 2001 is hereby set aside. Consequently, the Homestead Application of Honorio Mejia be given due course to be substituted by the heirs."

II. On April 12, 2005, an Order was issued by Sec. Michael T. Defensor the pertinent portion are as follows:

"...For resolution is the Motion dated July 12, 004 to Rectify Decision as to lot erroneously numbered filed by Intervenor-Appellants Hrs. of Honorio Mejia rep. by Benjamin Mejia Dequito..."

"Wherefore, premises considered, the motion to rectify Decision as to lot erroneously numbered filed by the intervenors-appellants is hereby granted. Accordingly, Lot 306 as stated in the subject decision is hereby changed and corrected as Lot 405. The motion for reconsideration filed by the appellants is hereby denied for lack of merit and the decision dated April 16, 2004 of this office is hereby affirmed and declared final and executory."

III. On February 23, 2006, a Writ of Execution was issued by Vicente S. Paragas directing the PENRO/CENRO concerned to execute the Order dated April 16, 2004 relative to DENR Case NO. 5598.

In the investigation report dated January 23, 2008 rendered by LMO III Florante A. Candido, Chief, Land Management Services, CENRO, Roxas, Palawan, it was disclosed that no portion of the subject lots to be recognized as covered by H.A. No. 75205 E-132581 of Honorio Mejia and to be patented in their favor were ever entered upon, occupied or cultivated by Honorio Mejia or his heirs to this day which is in violation of the provisions of the Homestead law under Chapter IV of C.A. 141, as amended.

COMMENT AND RECOMMENDATION

We would like to submit comment and observation that if only the concerned legal officer who prepared the Decision on the intervention filed by the heirs of Honorio Mejia and ventured to open or researched on the folder of the subject H.A. No. 75205 of Honorio Mejia, the records will show the basic information on the actual status of the land applied for.

CERTIFIED COPY
OF REPRODUCED RECORDS
AVAILABLE ON FILE

2/18/10 GABO C. MARTINEZ, JR.
Chief, Records Management and Documentation Division

It is indeed very glaring that the allegation submitted by the intervenor (Heirs of Honorio Mejia) were accepted without even validating if the applicant Honorio Mejia was really a homestead grantee, and further, if an ocular inspection was ever conducted, the actual situation obtaining in the area of the subject land would undeniably reveal that the subject land had long been developed into a peaceful community of three (3) urbanized barangays located in the heart of the Municipality of Roxas, Palawan.

The residents of the three Barangays that were living peacefully for so many years in the area and they were the ones that were affected, dismayed and disappointed on the said Decision considering that they were not even parties to the case. The fact that when Mr. Dequito intervened on the case between the Hrs. of Mamerto delos Reyes and the Brgy. Retac under DENR CASE No.IV-5681, the land being disputed or involved is only a portion of Lot 307.

That there is a clear indication of speculation on the Decision with regard to the actual location of the land under consideration in view of the fact that the heirs of Honorio Mejia were very much unsure of the real identity of the land subject of the Homestead Application of their predecessor in interest Honorio Mejia.

Moreover, the contents of the folder of the cited H.A. will show that the H.A. of Honorio Mejia had long been recommended for cancellation on February 4, 1958 for reason that the applicant had never touched the land during his lifetime to his death. Apparently, the supposed heirs had miserably failed to enter the land in question. Hence, the allegations of the Hrs. of Honorio Mejia that their ancestor (Honorio Mejia) was a grantee of the subject land is NOT tenable and the same is without factual and legal basis.

WHEREFORE, following the spirit of the Decision "BE GIVEN DUE COURSE" on the cited homestead application, the most appropriate and logical DUE COURSE is that we strongly recommend that the cited Homestead Application No. 75205 of Honorio Mejia be cancelled and the lands subject hereof be declared open for disposition to qualified actual occupants thru sale and/or lease pursuant to the provisions of Sections 59,60 and 61 under Title III Chapter IX of C.A. 141 as amended.

The foregoing recommendation is being submitted in view of the observation and facts presented herein. Attached is a copy of draft of Order for the cancellation of the said Homestead Application for his approval pursuant to the standard operating procedure as defined by the DENR- Manual of Approval (DAO No. 98-24 Sec. XI page 105). It appearing that the subject Homestead Application was allowed entry on October 21, 1939 by the then Director of Lands which is higher level of authority than the PENRO, in this case, the Regional Executive Director is the signing authority.

For information, record and consideration.

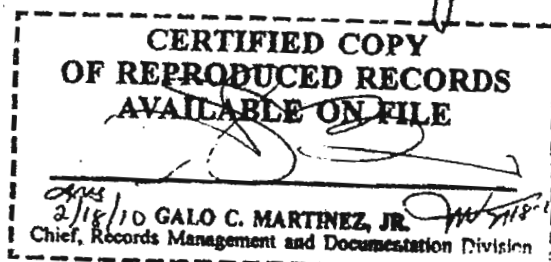
Lydia S. Lopez
LYDIA S. LOPEZ

Copy Furnished

The Assistant Secretary
Local Government Concerns and Lands

The Under Secretary
Field Operations and Line Bureaus

LMD, Director
Escolta, Manila





Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
REGION IV-MIMAROPA

DENR (By the Bay, 1515 Roxas Boulevard, Ermita, Manila)

yes
for info of
determination to
all concerned

12/17/08

SUBJECT:
H.A. No. 75205 E-138521
HONORIO MEJIA (Deceased)
(Now) Hrs. of Honorio Mejia rep. by
Benjamin M. Dequito
-Applicant-

X
: Location: (Formerly) New Barbacan,
: Puerto Princesa
: (now) Poblacion, Retac,
: Roxas, Palawan
: Area : 12 hectares (more or less)
X

ORDER

Records show that on April 16, 2004, a DECISION was rendered by Secretary Elisea Gozun, the dispositive provisions of which are herein quoted:

"Wherefore, premises considered, the instant appeal filed by Honorio Mejia rep. by Benjamin Dequito is granted. The Order dated September 24, 2001 is hereby set aside. Consequently, the Homestead Application of Honorio Mejia be given due course to be substituted by the heirs."

Records further show that on April 12, 2005, an Order was issued by Secretary Michael T. Defensor affirming the Decision dated April 16, 2004 and declaring the same as final and executory. Conformably, a Writ of Execution dated February 23, 2006 was issued by RED Vicente S. Paragas directing the PENRO/CENRO concerned to execute the Order dated April 16, 2004.

In the implementation of the cited Order and in consonance with standard operating procedure on land disposition, an investigation was conducted and a report dated January 23, 2008 was rendered by LMO III Florante A. Candela, Chief Land Management Services, CENRO, Roxas, Palawan. It was indicated in the report "that no portion of the subject lots to be recognized as covered by H.A. No. 75205 E-132581 of Honorio Mejia and to be patented in their favor were ever entered upon, occupied or cultivated by Honorio Mejia or his heirs to this day which is in violation of the provisions of the Homestead law Section 14, Chapter IV of C.A. 144, as amended."

Corollary thereto, the allegation of the heirs of Honorio Mejia rep. by Benjamin Dequito that their predecessor in interest Honorio Mejia was a grantee of a parcel of land identified as Lot 307 and a portion of Lot 306 with an area of 24 hectares more or less located at Retac, Roxas, Palawan is not tenable.

ANNEX - "E"

max

Furthermore, perusal of the records of the cited Homestead Application, it was disclosed from the report dated February 4, 1958 of Land Investigator Melchor P. Pacaldo, the applicant (Honorio Mejia) had never touched the land since the approval of his application during his lifetime to death and further recommended the cancellation of the Homestead. Clearly, applicant Honorio Mejia failed to comply with the residence and cultivation requirements of the homestead law. Hence, the allegation that applicant Honorio Mejia was a grantee of the subject land had no factual and legal basis.

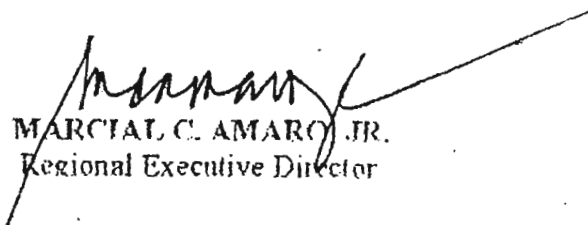
LMO III Candido, in his report has recommended the cancellation of TLA No. 75205 of Honorio Mejia it being the logical and appropriate DUE COURSE.

IN VIEW OF THE FOREGOING, TLA No. 75205 of Honorio Mejia, as it is hereby ordered **CANCELLED**, and whatever amount has been paid on account thereof are forfeited in favor of the government. Furthermore, the subject land is likewise declared **OPEN** for disposition to qualified actual occupants thru sale and/or lease pursuant to the provisions of Chapter IX of C.A. 141 as amended.

SO ORDERED.

Manila, Philippines.

DEC 09 2008


MARCIAL C. AMARO JR.
Regional Executive Director

Copy furnished:

Hrs. of Honorio Mejia rep. by Benjamin Dequito
Retac, Roxas, Palawan

The PENRO
Sta. Monica, Puerto Princessa City, Palawan

The CENRO
Roxas, Palawan

The Assistant Secretary
for Local Government Concern and Lands
Visayas Ave. Q.C.

The Director, Land Management Bureau
Escolta, Manila



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6833 to 35
926-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> / E-mail: web@denrgov.ph

D.C. # 9-1
ANNEX-E

44

FEB 09 2009

Ms. Edna M. Gabo
Representative, Heirs of Celso Miraflores
Brgy. 3, Poblacion
Roxas, Palawan

Madam:

This refers to your letter with attached "Very Urgent Motion for Intervention" and "Urgent Motion for Early Resolution of Motion for Intervention" relative to DENR Case No. 5598 entitled "HEIRS OF MAMERTO DELOS REYES, Rep. by Amelia Delos Reyes-Zumaraga, Appellants, HEIRS OF HONORIO MEJIA, Rep. by Benjamin Mejia Dequito, Intervenors- Appellants, versus VICTORIANO LUCERO, Chairman Brgy. Retac Roxas, Palawan, Appellee.", dated July 20, 2007.

Please be informed that a Decision in the above-mentioned case was rendered by then DENR Secretary Elisea G. Gozun on 16 April 2004. The same had already been declared final and executory pursuant to the Order of this Department dated 12 April 2005. Moreover, the aforesaid decision was indorsed for execution on 1 March 2006 by the then Assistant Secretary for General Legal Services to the Regional Executive Director (RED), DENR-Region IV-B, MIMAROPA, Roxas Boulevard, Manila.

The said decision having attained its finality, this Office loses jurisdiction over the said case. Hence, this Office will not entertain any Motions or pleadings relative to the issues already resolved in the above-mentioned case except motion for execution and petition for relief from judgment (Nuñal vs. Court of Appeals, 221 SCRA 33; Sec. 1, Rules 38 and 39 of the Revised Rules of Court). Otherwise, the same will result to endless litigation.

Accordingly, your motions cannot be given due course.

Very truly yours,

ATTY. JUAN MIGUEL T. CUNA
OIC, Office of the Assistant
Secretary for Legal

Copy Furnished:

The Undersecretary for Administration
Finance and Legal

The Regional Executive Director

CERTIFIED COPY
OF REPRODUCED RECORDS
AVAILABLE ON FILE



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
926-7041 to 43; 929-6252; 929-16691
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

ANNEX-D

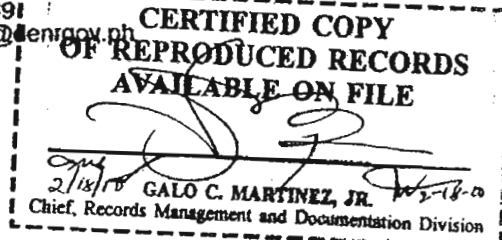
45

MEMORANDUM

TO : ATTY. RICKY A. ARZADON
MANUEL AURELIO C. TRAMPE

FROM : THE OIC ASSISTANT SECRETARY FOR LEGAL

SUBJECT : IN DEPTH EVALUATION OF DENR CASE NO. 5598,
ENTITLED "HEIRS OF MAMERTO DELOS REYES
VS. HEIRS OF HONORIO N. MEJIA VS.
VICTORIANO LUCERO".



JUN 29 2009

In the interest of the service and in view of the letter reconsideration, dated September 5, 2006, filed by the Heirs of Celso Miraflores, from the letter of this Office relative to DENR Case No. 5598. You are hereby directed to conduct investigation and ocular investigation on this case entitled "Heirs of Mamerto Delos Reyes, Appellants, Heirs of Honorio N. Mejia, Intervenor, Victoriano Lucero, Appellee.

After a careful evaluation of the letter Reconsideration and other attached documents submitted aside from the directive of the Secretary during the People's Hour conducted in Puerto Princesa City, Palawan, this Office finds that there is a need to conduct indepth evaluation of the DENR Case No. 5598, entitled "Heirs of Celso Miraflores, Sr. Rep. by Edna M. Gabo versus Ruben Ventilacion, et. al., pending before the DENR Regional Office MIMAROPA.

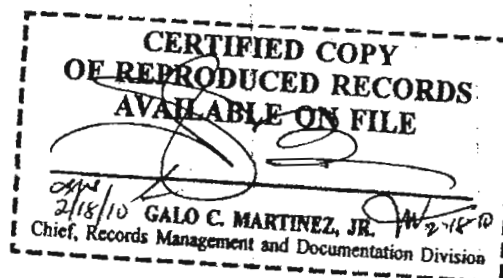
Heirs of Celso Miraflores represented by Edna Miraflores-Gabo alleged that the Order of the Secretary, dated April 12, 2005 granting the Motion to Rectify Decision (dated April 16, 2004) of the Office as to Lot erroneously numbered and accordingly, Lot 306 as stated in the subject decision is hereby changed to and corrected as Lot 405 is null and void has no legal standing and was not supported by any substantial evidence. A certification dated October 2, 2007 issued by the Chief, Legal Division, MIMAROPA Region IV-B certify that Lot No. 405, Pls-232 located in Retac, Roxas, Palawan as per records of that office has a pending case entitled "Heirs of Celso Miraflores Sr., Rep. by Edna M. Gabo versus Ruben Ventilacion et. al." The case is pending in the Office Region IV-B and cannot be acted upon because the subject lot (Lot 405, Pls 232) was included in the DENR Case No. 5598 entitled Heirs of Mamerto Reyes (Appellant) and Heirs of Honorio Mejia (intervenor-appellants) versus Victoriano Lucero, Chairman Brgy. Retac, Roxas, Palawan per order of the Office of the Secretary.

You may issue subpoena ad testificandum and duces tecum and may seek the assistance of DENR personnel to accomplish your assigned task. You may claim per diem and other allowances subject to the usual auditing and accounting rules and regulations.

You shall submit your report within fifteen (15) days from completion of your task.

For immediate compliance.


ATTY. JUAN MIGUEL T. CUNA





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region 82
DENR-By-The-Bay, 1515 Roxas Boulevard, Ermita, Manila

MEMORANDUM

TO : The Regional Technical Director for Lands
FROM : The Regional Executive Director
SUBJECT : DENR CASE NO. 5598 ENTITLED "HEIRS OF HONORIO N. MEJIA, ET AL VS VICTORIANO LUCERO" OF BRGY. RETAC, ROXAS, PALAWAN
DATE : June 2, 2011

Attached is a copy of the letter of Mr. Benjamin M. Dequito, Attorney-In-Fact of the Heirs of Honorio N. Mejia, inquiring the status of the survey plans of the land subject to DENR Case No. 5598.

Kindly notice that in his letter, Mr. Dequito made references of the DENR Secretary's decisions dated April 16, 2004 and April 12, 2005, as well as the Memorandum of the OIC, Assistant Secretary for Legal dated October 28, 2009, all of which appear to have favorable implications to the Heirs of Honorio Mejia.

In view hereof, and the fact this case had been in our Office for quite sometime now, you are hereby instructed to act on this case with finality. Submit your decisive report and/or approved survey plan on or before June 10, 2011.

FOR STRICT COMPLIANCE.

Concordio D. Zuniga
CONCORDIO D. ZUNIGA, CESO III

5708
Copy furnished:

- Mr. Benjamin M. Dequito
Brgy. 3, Roxas, Palawan
- File

File Received
8/16/2011

Annex - "A2"



DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: PS
DATE: 2-1-10 CN

MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTOR
RED-REGION IV-B
MANILA

FROM : THE OIC, ASSISTANT SECRETARY FOR LEGAL

SUBJECT : DENR CASE NO. 5598 entitled "HEIRS OF MAMERTO DELOS REYES, REP. BY AMELIA DELOS REYES-ZUMARAGA, Appellants; HEIRS OF HONORIO N. MEJIA REP. BY BENJAMIN MEJIA DEQUITO, Intervenor-Appellants, versus VICTORIANO LUCERO, Chairman, Brgy. Retac, Roxas, Palawan, Appellee".

DATE : OCT 28 2009

This refers to several letters of the Heirs of Honorio N. Mejia seeking for assistance to execute the final and executory decision rendered by this Office dated April 16, 2004 rendered by then Secretary Elisea G. Gozun, and April 12, 2005 rendered by then Secretary Michael T. Defensor. Both decisions were in favor of the Heirs of Honorio Mejia. However, up to the writing of this Memorandum, said final and executory decisions have never been executed.

Worthy to quote is a paragraph in the decision of then Secretary Gozun which states that:

"In view thereof, appellants Heirs of Honorio Mejia, represented by Benjamin Mejia-Dequito acquired a vested right over the land covered by the H.A. No. 75205 and they are regarded as an equitable owner thereof. Actually, even without a patent, a perfected homestead is a property right in the fullest sense. Subsequent law cannot deprive vested right already acquired. (Balboa versus Farales 51 Phil. 498)." (*emphasis supplied*)

Your recent order rejecting the homestead application of the Heirs of Honorio Mejia runs counter to this quoted provision, hence, your reliance to the dispositive portion of the same decision which states that:

"Wherefore, premises considered, the instant appeal filed by Honorio Mejia, represented by Benjamin Dequito is GRANTED. The Order, dated September 24, 2001 is hereby SET ASIDE. Consequently, the Homestead Application by Honorio Mejia be given due course to be substituted by the Heirs." (*emphasis supplied*)

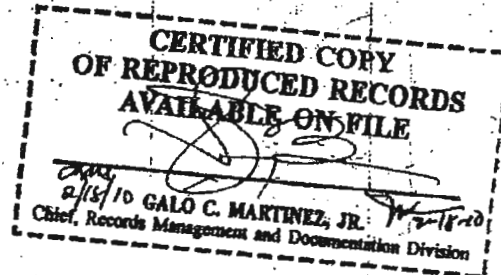
CERTIFIED COPY
OF REPRODUCED RECORDS
AVAILABLE ON FILE

2/15/10 GALO C. MARTINEZ, JR.
Chief, Records Management and Documentation Division

is misplaced considering that in the event of inconsistencies or doubt in the dispositive portion of a decision vis a vis the body thereof, the context of the body of that decision will prevail over the dispositive portion.

In view of the foregoing, you are hereby ordered to effect the execution of the subject final and executory decisions. You shall submit your report immediately after compliance hereof.


ATTY. JUAN MIGUEL T. CUNA





REPUBLIC OF THE PHILIPPINES
OFFICE OF THE DEPUTY OMBUDSMAN FOR LUZON
3RD FLOOR, OMBUDSMAN BLDG., AGHAM ROAD, DILIMAN, QUEZON CITY
2nd Floor, New City Hall, Bacnotan Road, Calamba City, Laguna
Telefax No.: (049) 545-02-20

RECEIVED
MAR 29 2012
RECORDS MGT. & DOCUMENTS

CPL-ROL-11-075
(CPL-L-10-0385)

March 07, 2012

DENR-SEC - LEGAL AFFAIRS
Date of Receipt: 5/3/12
Checked by: [Signature]

HON. RAMON PAJE
Secretary
Department of Environment and Natural Resources
Visayas Ave., Diliman, Quezon City

Dear Sir:

This is a tracer to our letter dated March 10, 2011 (copy attached), relative the request of Mr. Benjamin M. Dequito, Atty-in-Fact of the Heirs of Honorio M. Mejia, for the issuance of patent on parcels of land in Roxas, Palawan with Reference No. RMDD-120530.

In this connection, may we know of the action taken by your office on his request considering that DENR Case No. 5598 had already been decided as per Order dated April 16, 2004 signed by the then DENR Secretary Elisea T. Gozum.

Attached are pertinent documents for your ready reference.

Please cite the reference number mentioned above in your reply.

Thank you.

Very truly yours,

Atty. LIZA FIDELIS F. CAÑADA, MNSA
Graft Investigation and Prosecution Officer II



Visayas Avenue, Diliman, Quezon City
Tel. Nos. 929-6626 to 29; 929-633 to 35
926-7041 to 43; 929-6252; 929-1669
Website: <http://www.denr.gov.ph> / E-mail: web@denr.gov.ph

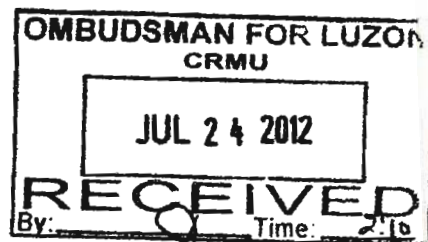
CPL-RDL-11-6

CPL-6-10-6

JUL 18 2012

ATTY. LIZA FIDELIS F. CAÑADA

Graft Investigation and Prosecutor Officer II
Office of the Deputy Ombudsman for Luzon
3rd Floor, Ombudsman Bldg., Agham Road
Diliman, Quezon City



MADAM:

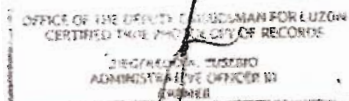
This pertains to your letter dated March 07, 2012, relative to the request of Mr. Benjamin M. Dequito, Attorney-in-Fact of the Heirs of Honorio M. Mejia, for issuance of patent on parcels of land in Roxas, Palawan, with Reference No. RMDD-120530.

Please be informed that the Order, dated April 16, 2004, in DENR Case No. 5598 was implemented on February 23, 2006 by giving due course to the homestead application of Honorio Mejia. However, after the submission of the required documents and the conduct of the requisite investigation it was determined by the Regional Executive Director (RED), DENR-Region IV-B (MIMAROPA), that the applicant failed to comply with the basic requirements of occupancy and introduction of improvements/cultivation of the lot applied. Thus, an Order was issued on December 09, 2008, cancelling Homestead Application No. 75205 of Honorio Mejia.

Benjamin Dequito filed before the RED, DENR-Region IV-B a Vigorous Opposition with Manifestation on February 05, 2009 which was subsequently denied in the Order dated April 14, 2009.

Numerous letters were sent by Mr. Dequito to this Office, the last of which was dated January 12, 2012 praying for the issuance of patent.

The records of the case was assigned to the undersigned. An investigation and an ocular inspection was conducted and a draft investigation report was prepared sometime in 2010 but was not finalized due to numerous court cases, commitments and equally important cases assigned for disposition.



Let's Go Green

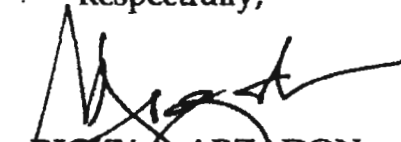
On May 02, 2011, the case folder was pulled out by the office of the Assistant Secretary for Legal.

On January 30, 2012, the same was returned to the undersigned with a draft order. The instruction was to evaluate the draft order. Unfortunately, the draft report which was included in the records was nowhere to be found. The same has to be reconstructed before any evaluation and action could be taken.

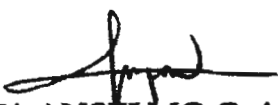
To date, a draft Order was already submitted to the OIC-Assistant Secretary for Legal for his consideration and approval.

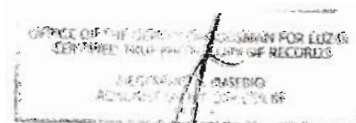
For your information.

Respectfully,


RICKY A. ARZADON
Chief, Investigation And Litigation
Division, Legal Service

NOTED:


ATTY. ANSELMO C. ABUNGAN
OIC-Assistant Secretary for Legal Affairs



Republic of the Philippines
Department of Environment and Natural Resources
OFFICE OF THE SECRETARY
Visayas Ave., Diliman, Quezon City

HEIRS OF MAMERTO N. DELOS REYES,
Rep. By **AMELIA P. DELOS REYES-ZUMARAGA,**
Appellants,

HEIRS OF HONORIO N. MEJIA,
Rep. By Benjamin Mejia Dequito,
Intervenors-Appellants,

- versus -

DENR Case No. 5598

VICTORIANO M. LUCERO, Ex-Chairman,
Brgy. Retac, Roxas, Palawan,
Appellee.

x-----x

ORDER

This pertains to the Second Motion for Reconsideration dated 3 October 2010, filed by the Heirs of Mamerto Delos Reyes, through their Attorney-in-Fact Amelia Delos Reyes-Zumaraga; and the Letter-Request of the Heirs of Honorio Mejia for the Issuance of Patent dated 10 January 2010, and their 10 July 2012 Request for an Order for Immediate Execution of DENR No. 5598, through attorney-in-fact, Benjamin M. Dequito. These incidents were the offshoot of the Order of then DENR Secretary Michael T. Defensor, dated 12 April 2005, the dispositive portion of which reads:

"WHEREFORE, PREMISES CONSIDERED, the Motion to Rectify Decision as to lot erroneously numbered filed by the Intervenors-Appellants is hereby GRANTED. Accordingly, lot 306 as stated in the subject decision is hereby changed to and corrected as lot 405. The Motion for Reconsideration filed by the Appellants is hereby DENIED for lack of merit, and the Decision dated 16 April 2004, of this



C is hereby **AFFIRMED** and **declared FINAL and EXECUTORY.**"

The instant controversy was originally docketed as DENR Case No. IV-5681 entitled "Hrs. of Mamerto Delos Reyes, Rep. by Amelia Delos Reyes - Zumaraga, Protestants versus Victoriano Lucero, Chairman, Brgy. Retac, Roxas, Palawan, Protestee" and the subject matter was Lot No. 307, Pls-232 with an approximate area of 22 hectares, located in Barangay Retac (formerly New Barbacan), Roxas, Palawan.

Records show that a formal investigation was conducted and an Order was issued on 24 September 2001 by Samuel R. Peñañiel, then Regional Executive Director (RED), DENR-Region IV-B (MIMAROPA), Roxas Blvd., Manila, the decretal portion of which reads as follows:

"WHEREFORE, foregoing premises considered, the CENR Officer in Roxas, Palawan, is directed to cause the subdivision survey of the Lot 307, Pls-232, indicating the portion claimed by the delos Reyes family, as mentioned in the next preceding paragraph at their expense, the area where the Barangay Hall and School Building are located and the actual occupation of other individuals, and after the approval of the said plan, the delos Reyes family are advised to file the appropriate public land application covering the same. The other resultant lots shall be disposed of to qualified applicants under the provisions of Commonwealth Act No. 141, as amended, particularly on the Sales provisions thereof. The CENRO Officer is further directed to coordinate with the proper/authorized official/s in the preparation of the necessary documents/papers for the eventual issuance of muniments of title to the portions of land occupied by the Barangay Hall and the School.

On 9 November 2001, the Heirs of Honorio Mejia, represented by Benjamin Mejia Dequito, filed a Protest-in-Intervention alleging that the late Honorio Mejia, who died sometime in 1940, was a grantee of a parcel of land identified as Lot No. 907 and portion of Lot No. 906 with an aggregate area of 24 hectares, located in Retac, Roxas, Palawan; that long before his death, Honorio

DENR Case No. 5598

Mejia filed on 16 September 1920 Homestead Application (HA) No. 75205 which was allegedly approved on 21 October 1939 with Entry No. 132581; and that they are desirous to pursue their claim.

On 18 December 2001, the Heirs of Honorio Mejia filed a Supplement to the Protest-in-Intervention, alleging in substance that there were subsequent changes made as to the denominations of the lots appearing in the Roxas Cadastre, Cad-862-D, approved on 9 December 1988. Lot No. 907 in the name of Honorio Mejia was allegedly changed to Lot No. 307, now Lot No. 1132; and that a portion of Lot No. 906 was changed to Lot No. 405, now Lot No. 1128, but did not submit any proof or evidence that such was the case.

On 15 April 2002, then RED Samuel R. Peñañiel issued an Order, the dispositive portion of which reads:

"WHEREFORE, viewed from the foregoing, the Motion for Reconsideration filed by the herein Protestants is hereby DENIED for lack of merit.

Likewise, the Protest-in-Intervention filed by the Heirs of Honorio N. Mejia, represented by Benjamin Mejia Dequito, is hereby as it is ordered DISMISSED for lack of merit."

On 16 May 2002, the Heirs of Honorio Mejia filed a Motion for Reconsideration from the Order dated 15 April 2002 which was subsequently denied in another Order dated 30 May 2002 of then RED Peñañiel.

The Heirs of Honorio Mejia, represented by Benjamin Mejia Dequito, filed a Motion for them to intervene with the appeal in DENR Case No. 5598, entitled Heirs of Mamerto Delos Reyes, Rep. by Amelia Delos Reyes Zumaraga, Appellant versus Victoriano Lucero, Appellee, the subject matter of which case

Samuel R. Peñañiel

were Lot No. 307 and portion of Lot No. 306, Pls-233, located in Retac, Roxas, Palawan.

Dissatisfied with the Orders, dated 15 April 2002 and 30 May 2002, of then RED Peñafiel, the Heirs of Honorio Mejia, represented by Benjamin Dequito, filed their appeal before this Office alleging that the late Honorio Mejia was a grantee of a parcel of land identified as Lot No. 307 and a portion of Lot No. 306, both situated in Roxas, Palawan, with an aggregate area of twenty four (24) hectares, and the appeal filed by the Heirs of Mamerto Delos Reyes, represented by Amelia Delos Reyes Zumaraga, from the Order dated 24 September 2001 of then RED Peñafiel directing the subdivision survey of Lot No. 307, Pls- 233 to indicate the portions claimed by the Delos Reyes family.

On 16 April 2004, a Decision was rendered by then DENR Secretary Elisea Gozun, the dispositive portion of which reads as follows:

"WHEREFORE, premises considered, the instant appeal filed by Honorio Mejia represented by Benjamin Mejia Dequito is GRANTED. The Order dated September 24, 2001 is hereby SET ASIDE. Consequently, the Homestead Application by Honorio Mejia be given due course to be substituted by the heirs."

On 12 July 2004, the Heirs of Honorio Mejia filed a Motion to Rectify Decision praying that correction be made to the alleged typographical error such that Lot No. 306 should be made to read as Lot No. 405. The Heirs of Mamerto Delos Reyes, on the other hand, filed a Motion for Reconsideration. Acting on the said motions, then DENR Secretary Michael T. Defensor issued the assailed Order 12 dated April 2005 granting the Motion to Rectify Decision filed by Intervenor-Appellants Heirs of Honorio N. Mejia, represented by Benjamin

April 2004.

On 23 February 2006, a Writ of Execution was issued by then RED Vicente S. Paragas, directing the Provincial Environment and Natural Resources Office (PENRO)/Community Environment and Natural Resources Office (CENRO) concerned to execute the Order dated 16 April 2004, of then DENR Secretary Gozun giving due course to HA No. 75205 of Honorio Mejia.

On 9 December 2008, after the requisite investigation and evaluation of the pertinent documents relative to the HA of Honorio Mejia, an Order was issued by Marcial C. Amaro, Jr., then RED, DENR-Region IVB (MIMAROPA), the dispositive portion of which reads as follows:

*"IN VIEW OF THE FOREGOING, H.A. No. 75205 of Honorio Mejia, as it is hereby ordered **CANCELLED** and whatever amount has been paid on account thereof are forfeited in favor of the government. Furthermore, the subject land is likewise declared **OPEN** for disposition to qualified occupants thru sale and/o. lease pursuant to the provisions of Chapter IX of C.A. 141 as amended."*

On 5 February 2009, Benjamin Dequito filed a Vigorous Opposition with Manifestation from the said 9 December 2008 Order which then RED Amaro, Jr. subsequently dismissed through the Order dated 14 April 2009, disposed of as follows:

*"WHEREFORE, premises considered, the 'Vigorous Opposition and Manifestation' filed by Benjamin M. Dequito, Atty-in-Fact of Heirs of Honorio Mejia is hereby, as it is, **ORDERED DISMISSED** for lack of merit."*

No Notice of Appeal or Motion for Reconsideration was filed by any of the parties from said Order of 14 April 2009

we, thus, resolve the following issues: 1. The Second Motion for Reconsideration; and 2. Whether or not the Order dated 9 December 2008, of then RED Amaro, Jr. invalidates the Decision dated 16 April 2004, of then DENR Secretary Gozun.

The Second Motion for Reconsideration (MR) filed by Appellants Heirs of Mamerto Delos Reyes cannot be given due course. Well-settled is the rule that a Second Motion for Reconsideration is a prohibited pleading and therefore cannot be given due course by this Office (See *Tagaytay City vs. De Los Reyes*, GR No. 166679, 27 January 2010).

Significantly enough, it is the considered view of this Office that the Order dated 9 December 2008 of then RED Amaro, Jr. is not in contravention and does not invalidate the Decision of this Office dated 16 April 2004.

A careful perusal of the 16 April 2004 Decision of then DENR Secretary Gozun will readily show that no vested right was bestowed to the Heirs of Honorio Mejia. What was recognized in the said Decision was the existence of the HA of Honorio Mejia which was GIVEN DUE COURSE. It follows, therefore, that the HA must undergo the whole gamut of the administrative processes to determine whether or not the applicant is qualified and has complied with all the legal requirements that will lead to a grant.

In the case at bar, applicant Honorio Mejia and his predecessor-in-interest were found wanting of the basic qualifications and failed to show that they complied with the impositions of the law on the requisite occupancy, cultivation and introduction of improvements on the applied lot that will lead to a grant

DENR Case No. 5598

from the State. rtinent portions of the Order d^t 19 December 2008 of then.

RED Amaro, Jr. are hereto quoted:

"In the implementation of the cited Order and in consonance with standard operating procedure on land disposition, an investigation was conducted and a report dated January 23, 2008 was rendered by LMO III Florante A. Candido, Chief, Land Management Services, CENRO, Roxas, Palawan. It was indicated in the report 'that no portion of the subject

lots to be recognized as covered by H.A. No. 75205 E-132581 of Honorio Mejia and to be patented in their favor were ever entered upon, occupied or cultivated by Honorio Mejia or his heirs to this day which is in violation of the provisions of the Homestead Law Section 14, Chapter IV of C.A. 141, as amended.'

Corollary thereto, the allegation of the Heirs Of Honorio Mejia rep. by Benjamin Dequito that their predecessor in interest Honorio Mejia was a grantee of a parcel of land identified as Lot 307 and a portion of Lot 306 with an area of 24 hectares more or less located at Retac, Roxas, Palawan is not tenable.

Furthermore, perusal of the records of the cited Homestead Application, it was disclosed from the report dated February 4, 1958 of Land Investigator Melchor P. Pacalao, the applicant (Honorio Mejia) had never touched the land since the approval of his application during his lifetime to death and further recommended the cancellation of the Homestead. Clearly, applicant Honorio Mejia failed to comply with the residence and cultivation requirements of the homestead law. Hence, the allegation that applicant Honorio Mejia was a grantee of the subject land had no factual and legal basis."

Moreover, '[a] judgment becomes "final and executory" by operation of law. Finality becomes a fact when the reglementary period to appeal lapses and no appeal is perfected within such period. As a consequence, no court (not even this Court) can exercise appellate jurisdiction to review a case or modify a decision that has become final.

When a final judgment is executory, it becomes immutable and unalterable. It may no longer be modified in any respect either by the court which rendered it or even by this Court. The doctrine is founded on considerations of public policy and sound practice that, at the risk of occasional errors, judgments must become final at some definite point in time.' (See Social Security System v. Isip, G.R. No. 165417, April 7, 2007, 520 SCRA 310)

WHEREFORE, from the foregoing, the Second Motion for Reconsideration filed by the Heirs of Mamerto Delos Reyes and the Request for Issuance of Patent

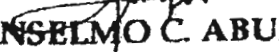
Filed by the Heirs of Honorio Mejia are hereby **DENIED**.

The Order, dated 9 December 2008, issued by the Regional Executive Director, DENR-Region IVB (MIMAROPA), is **AFFIRMED en toto**.

SO ORDERED.

Quezon City, Philippines, APR 27 2016

BY AUTHORITY OF THE SECRETARY:


ATTY. ANSELMO C. ABUNGAN
Acting Assistant Secretary for Legal Services





Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
929-7041 to 43; 9296252; 929-1669
Website: <http://www.denr.gov.ph> E-mail: web@denrgov.ph

D.C. # 5578

105

MEMORANDUM

TO : The Regional Executive Director
DENR Region IV-B
Roxas Blvd., Manila

FROM : The OIC, Assistant Secretary for Field Operations

SUBJECT : **FEEDBACK AND COMPLIANCE REGARDING DENR
CASE NO. 5598**

DATE : **JAN 04 2013**

This pertains to the attached letter dated December 4, 2012 of Atty. Julius M. Concepcion regarding the alleged non-compliance of your office to the Indorsement dated March 1, 2006 of the Asst. Secretary, General Legal Services, Atty. Fidel J. Exconde and to the Memorandum dated October 28, 2009 of the Asst. Secretary for Legal, Atty. Juan Miguel T. Cuna directing your Office to undertake the issuance of a homestead patent in favor of the Heirs of Honorio Mejia; and to the Memorandum dated September 14, 2012 from this Office instructing your Office to investigate on the New Order of Investigation on the said DENR Case.

In this regard, please advise this office of the compliance to the above-mentioned Memoranda and Indorsement and/or reasons for inaction and why no administrative sanction should be taken against your office. Submit a report on the resolution of this matter within two (2) weeks upon receipt of this Memorandum citing Document No. RMDD-0231928 for monitoring purposes.

FOR COMPLIANCE, PLEASE.


MARCIAL C. AMARO, JR.

cc:


Chief Complaint, South National Highway
Tinguliban, Puerto Princesa City

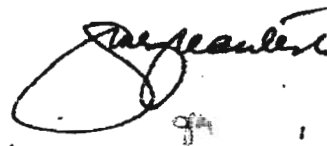
Undersecretary/Chief of Staff

Head Executive Assistant

Asst. Secretary for Internal Audit and Anti-Corruption

ANNEX - J

739-8





Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURE
REGIONAL OFFICE, MIWAKOFA
1515 L & S Bldg., Roxas Boulevard, Ermita, Manila

MEMORANDUM

TO : The Chief, Legal Division

FROM : The Regional Technical Directors for Lands

SUBJECT : **MEMORANDUM FROM THE ASSISTANT SECRETARY FOR
FIELD OPERATIONS REGARDING THE NON-COMPLIANCE
OF THE OFFICE RELATIVE TO DENR CASE No. 5598**

DATE : January 28, 2013

Referred herewith is the Memorandum dated January 4, 2013, with its enclosures, from the OIC, Assistant Secretary for Field Operations relative to the letter dated December 4, 2012 of Atty. Julius M. Concepcion concerning the non-compliance of this office to undertake the issuance of the Homestead Patents in favor of the Heirs of Honorio Mejia, represented by Benjamin Dequito.

Attention is invited to the instruction thereof requiring the submission of a report or resolution on the subject within two (2) weeks upon receipt of the said memorandum citing Document No. RMDD-0231928 for monitoring purposes

For appropriate and immediate action.


OSCAR C. DOMINGUEZ

Copy furnished:
USEC for Field Operations
DENR, Visayas Ave.
Diliman, Quezon City

✓ Atty. Julius M. Concepcion
Caltex Compound, South National Highway
Tinguiban, Puerto Princesa City

ADR Case

ANNEX - 1

October 11, 2013

OCT 21 2013

MEMORANDUM

FOR : The OIC-Assistant Secretary for Field Operations

FROM : The Regional Executive Director

SUBJECT : DENR REGION IV-B CASE ENTITLED "HEIRS OF CELSO MIRAFLORES, REP. BY EDNA MIRAFLORES-GABO VS. RUBEN VENTILACION, ET. AL.," AND DENR CASE NO. 5598 ENTITLED "HEIRS OF MAMERTO DELOS REYES, REPRESENTED BY AMELIA DELOS REYES ZUMARRAGA, APPELLANT VS. VICTORIANO LUCERO, ET. AL. APPELLEE VERSUS HEIRS OF HONORIO MEJIA, REPRESENTED BY BENJAMIN DEQUITO, INTERVENOR"

Csd-04-025417-D
CERTIFIED XEROX COPY
1-7-14

ALAN L. AZUL
REGIONAL OFFICER II
ADMINISTRATIVE III
DENR REGION IV-B

This has reference to your Memorandum dated May 28, 2013 relative to the Letter dated April 08, 2013 of Edna Miraflores-Gabo. This also answers your previous Memorandum dated January 4, 2013 on the feedback and compliance regarding DENR Case No. 5598.

Please be informed that the subject land involved in the *Miraflores vs. Ventilacion* case (Lot 405, portion) was inadvertently included in the Decision dated April 16, 2004 by then Secretary Gozun and the April 12, 2005 Order issued by then Secretary Defensor in the case entitled *"Heirs of Mamerto delos Reyes, Represented by Amelia delos Reyes Zumarraga, Appellant vs. Victoriano Lucero, et. al. Appellee versus Heirs of Honorio Mejia, Represented by Benjamin Dequito, Intervenor"* docketed as DENR Case No. 5598 in favor of the Heirs of Honorio Mejia.

Based on the foregoing facts, this Office is constrained to act on the pending Claims and Conflict case between the Heirs of Celso Miraflores vs. Ruben Ventilacion over Lot 405 (portion) as Benjamin Dequito, who is the representative of the Heirs of Honorio Mejia, is actively following-up the implementation of the afore-cited Decisions rendered in DENR Case No. 5598. Early this year, during his visit to the Legal Division he expressly manifested his desire to have an amicable settlement with all parties who had claims over the lots included in DENR Case No. 5598.

That based on his express manifestation of an amicable settlement, an Alternative Dispute Resolution (ADR) Team was created by the Regional Office, but there was no settlement reached by the parties involved, primarily because of the reluctance of Benjamin Dequito himself.

Please be informed that the ADR was not for the Gabo case, but for the

dated April 10, 2004 ~~was~~ already implemented by the Regional Office by virtue of the Order dated December 9, 2008 signed by then Regional Executive Director now Assistant Secretary for Field Operations Marcial C. Amaro, Jr. However, the implementation was unsuccessful because of the circumstances of the involved lots, which have been for many years now occupied by numerous households and the whole place is already an established community.

On February 5, 2009, the Heirs of Honorio Mejia filed a Vigorous Opposition and Manifestation against the Order dated December 9, 2008 which was dismissed in the Order dated April 14, 2009 signed by then RED Amaro. The same Order was appealed by the Heirs of Honorio Mejia before the Office of the Secretary. The appeal was apparently resolved through a Memorandum dated October 28, 2009 issued by then Assistant Secretary for Legal Atty. Juan Miguel Cuna reiterating that the homestead application of the Heirs of Mejia be given due course.

Presently, per information from the Legal Service of the DENR Central Office, there is a letter dated March 29, 2009 filed by the Heirs of Celso Miraflores, represented by Edna Miraflores-Gabo, which was the subject of an investigation of that Office, but has yet to be resolved from their end.

Relative thereto, may we seek clarification on the following:

- a.) In the Memorandum dated October 28, 2009 of then Assistant Secretary Cuna reiterating that the homestead application of the Heirs of Honorio Mejia be given due course, can we again implement the same considering that it has already been the subject of implementation which led to the Order dated December 9, 2008 signed by then RED Marcial C. Amaro, Jr.?
- b.) On DENR Region IV-B Case entitled "Heirs of Celso Miraflores, rep. by Edna Miraflores-Gabo vs. Ruben Ventilacion, et. al.," are we barred from conducting investigation on their protest just because the lot subject of their case was inadvertently included in DENR Case No. 5598?

For your information and record.


EDGARDO O. GALEON

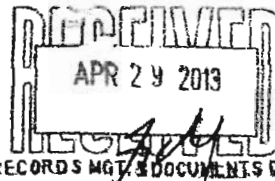
cc:

Assistant Secretary for Legal Service

File name: Memo ASLC for Field Ops Edna Gabo
Desktop

CSD 04-025417-D
~~CERTIFIED XEROX COPY~~

1-7-11
ALAN L. AZUL
RECORDS OFFICER II
ADMINISTRATIVE III
DENR R-4 MARIKINA



J M C L A W

Sola Sulpton, Sola Gauda, Sola Fido, Sola Crista

38 Lombay St., San Jose, Puerto Princesa City 6900 Mada No. 0902399770 Email Address: jmc@jmc.com

19 April 2013

HON. RAMON J. PAJE

Secretary

Department of Environment and Natural Resources

Visayas Ave., Quezon City

Subject: Blatant disregard by your assistant secretaries, undersecretaries, regional directors, legal officers, and provincial and community environment and natural resources officers of the Decisions/Order by two of your predecessors to issue a patent to my clients (which Orders have attained absolute finality).

Dear Secretary Paje:

I write in behalf of my clients, Heirs of Honorio Mejia, to inform you as the Secretary of your Department of the above-named subject. This is to give your office the last opportunity to comply with your own rules and the laws of the land before we elevate the matter to the Office of the President instead of bringing the matter to court.

I would like to inform you in the strongest terms possible of the established practice in your office to give bona fide claimants the run around by issuing memoranda, orders and letters (giving the false impression that there is something being done) until the claimant gets exhausted by all the administrative "activity" and drops off the hopeless merry-go-round.

I am listing the last three communications we sent to three of your most senior personnel (with copies attached), which will summarize my clients' claim and entitlement to a Homestead/Free Patent, and the Orders and the issuances your underlings issued in response thereto in order to thwart the issuance of the said patent.

1. A letter to RED EDGARDO O. GALEON (Annex "A"), Department of Environment and Natural Resources, Region IV-B MIMAROPA, DENR By the Bay, 1515 Roxas Blvd. Ermita, Manila, requesting the following:

Compliance with the Indorsement by the Asst. Secretary, General Legal Services, Atty. Fidel J. Exconde, Jr dated 1 March 2006; Memorandum by the OIC, Asst. Secretary for Legal, Atty Juan Miguel T. Cuna dated 28 October 2009; Memorandum by the then RED Concordio D. Zuniga, OIC dated 2 June 2011, and the Assistant Secretary

for Field Operations Regidor M. de Leon dated 14 September 2012 (all attached) directing you and your predecessors to "undertake issuance of a homestead patent in favor of" the Heirs of Honorio Mejia, "effect the execution of the final and executory decisions of then Secretary Elisea Gozun on 16 April 2004 and then Secretary Michael T. Defensor dated 12 April 2005, "to act on this case with finality", and "to investigate the matter (of the anomalous New Order of Investigation on DENR Case No. 5598 and not another land investigation) subject to existing laws, rules and regulations" and to "submit a report of your investigation of the said anomalous new order of investigation (not another land investigation on the pretext that some entities were not party to DENR Case No. 5598) to the Asst. Secretary for Field Operations.

2. A letter to ASEC Regidor M. de Leon (Annex "B"), Assistant Secretary for Field Operations, Department of Environment and Natural Resources, Visayas Ave., Quezon City requesting the following:

Application of the proper sanction for the refusal by RED EDGARDO O. GALEON of DENR Region IV-B MIMAROPA, DENR By the Bay, 1515 Roxas Blvd., Ermita Manila to comply with your Memorandum dated 14 September 2012 directing RED Galeon to investigate the matter of the anomalous New Order of Investigation on DENR Case No. 5598 (and not another land investigation) and to "submit a report" of his investigation of the said anomalous new order of investigation (not another land investigation on the pretext that some entities were not party to DENR Case No. 5598)

In response to the said letter, ASEC Marcial Amaro, Jr. in a Memorandum directed/ordered the RED on 4 January 2013 to advise him of "the compliance to the Memoranda dated 28 October 2009 by ASEC for Legal and dated 14 September 2012 instructing the RED to investigate new order of investigation within 2 weeks from receipt thereof. A copy of the said memorandum is attached herewith as Annex "B-1".

3. Letter to ASST. SEC. ANSELMO C. ABUNGAN (Annex "C"), Asst. Secretary for Legal Services, Department of Environment and Natural Resources, Visayas Ave., Quezon City requesting the following:

Application of the proper sanction for the refusal by RED EDGARDO O. GALEON of DENR Region IV-B MIMAROPA, DENR By the Bay, 1515 Roxas Blvd., Ermita Manila to comply with the Indorsement by your office dated 1 March 2006 directing him and his predecessors to "undertake issuance of a homestead patent in favor of" the Heirs of Honorio Mejia

For our efforts, the Regional Technical Directors for Lands issued a Memorandum to the Chief of the Legal Division lamely inviting his attention to the instruction requiring the submission of a report or resolution on non-issuance of the patent within two weeks upon his receipt of the said memorandum.

4. Instead of issuing the said patent, and before we received our copy of the said memoranda for the said purpose, RED Galeon created an alternative dispute resolution team, referring to the subject land as "disputed Lot 405, PLS 232" despite its having been decided with finality, going back to stage one of the process and even involving again spurious claimants who have already been declared as with baseless claims on the land. A copy of the special order creating the said team is attached herewith as Annex "D".

5. My clients filed a proposal with the team headed by one Atty. Gandhi Gagni-Flores, but which was ignored by the other claimants having found an ally in the team which intends to give them hope of acquiring a portion of the land. A copy of my clients' proposal is attached herewith as Annex "E". The CENRO Roxas, Palawan was given opportunity to participate in the said proceedings despite being the supposed mediator between the parties.

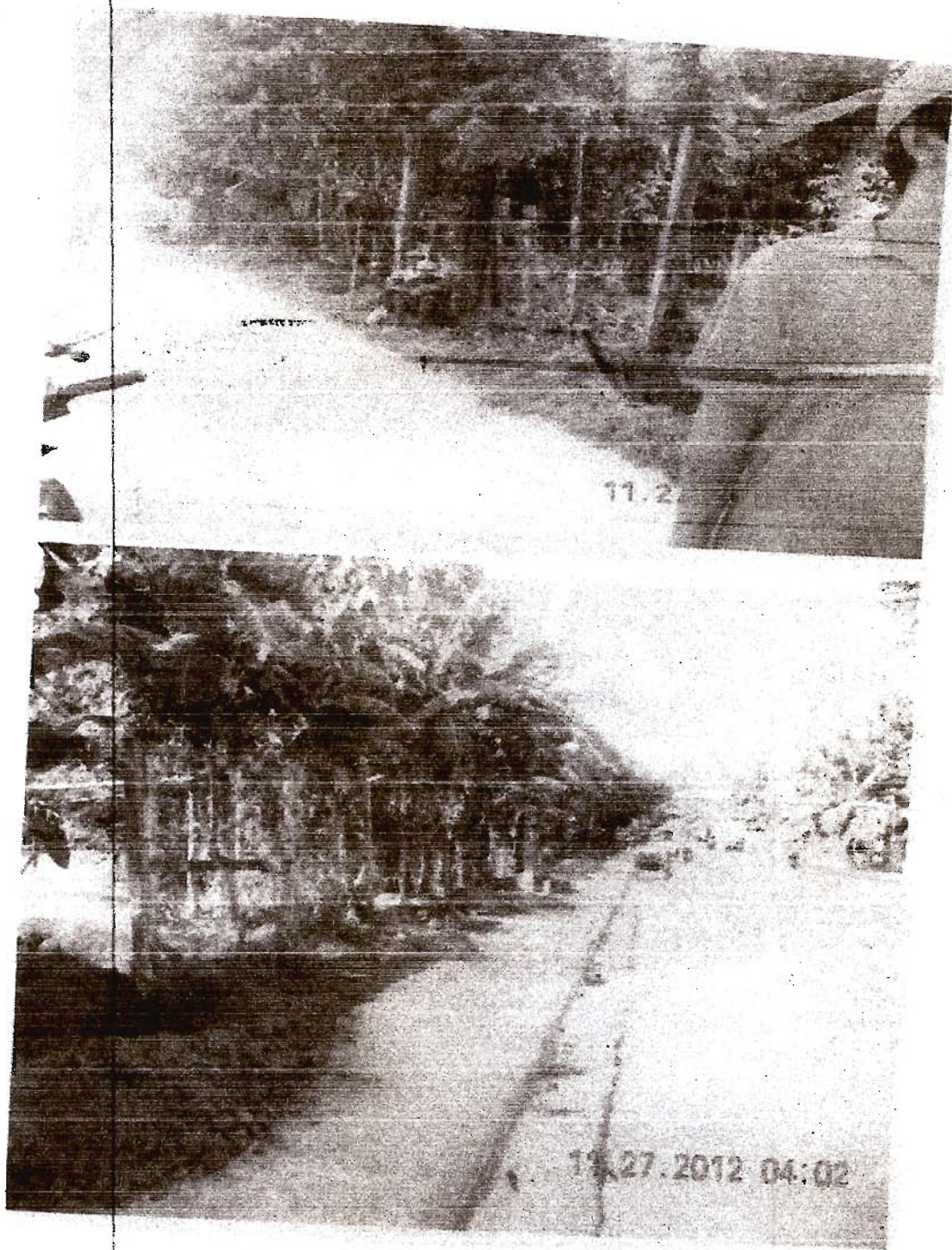
6. During the supposed alternative dispute resolution proceeding, however, on the date that the proposals were discussed on April 10, 2013 the PENRO/CENRO Roxas, Palawan, resumed the construction of their concrete fencing of Lot 405, PLS 232 despite the agreement among the parties to maintain the status quo (copies of photographs of the construction are attached herewith as Annexes "F" to "F-8"). The CENRO continued its construction up to April 15, 2013 and even up to this day as shown by dated photos of their activities.

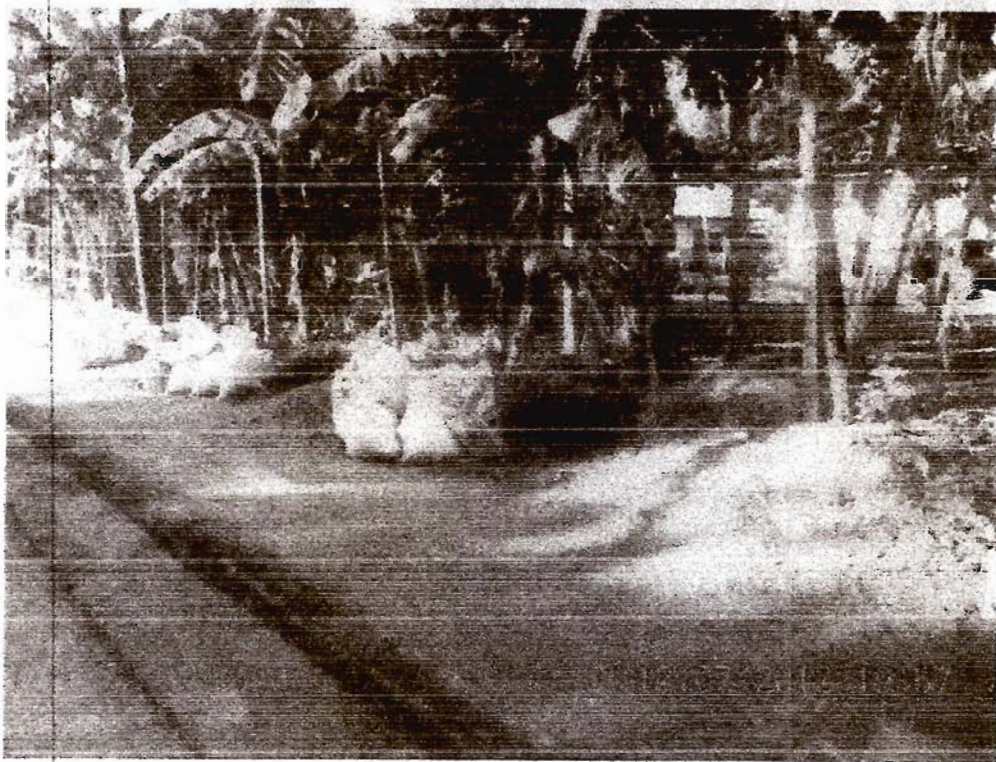
6. Seeing that the process will just further extend the process for another decade, we now come to your level as Secretary of your department as a last resort before we proceed to the Office of the President and to the media to expose the wicked system embedded in your office to frustrate the valid claims of members of the public using a devious pattern of unending and ceaseless issuance of memoranda, orders, directives and other useless written instructions that accomplishes nothing but false hopes and desperation in the public.

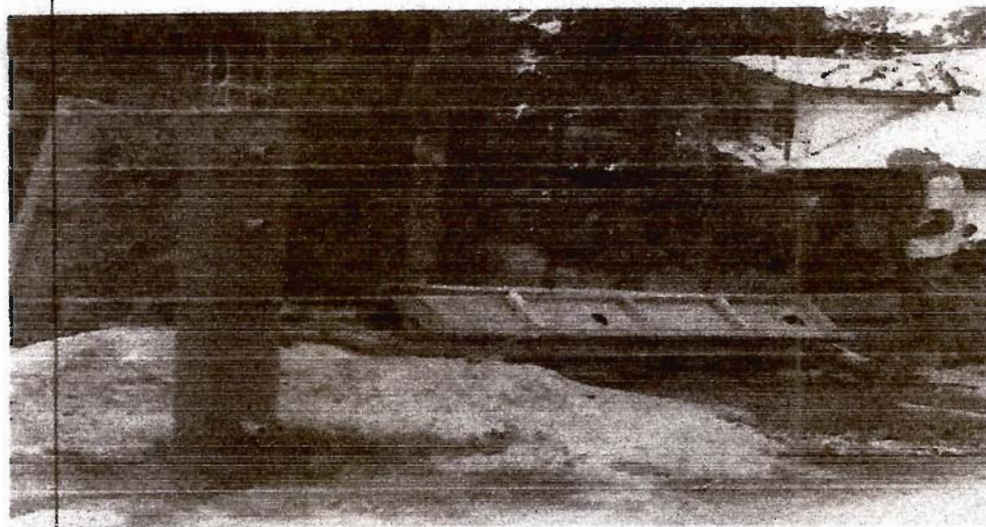
We will expect action on your part having the final authority in your department to be consistent with your esteemed predecessors in upholding the rights of my clients, specifically the issuance of the patent in favor of my clients considering the area covered by their claim.

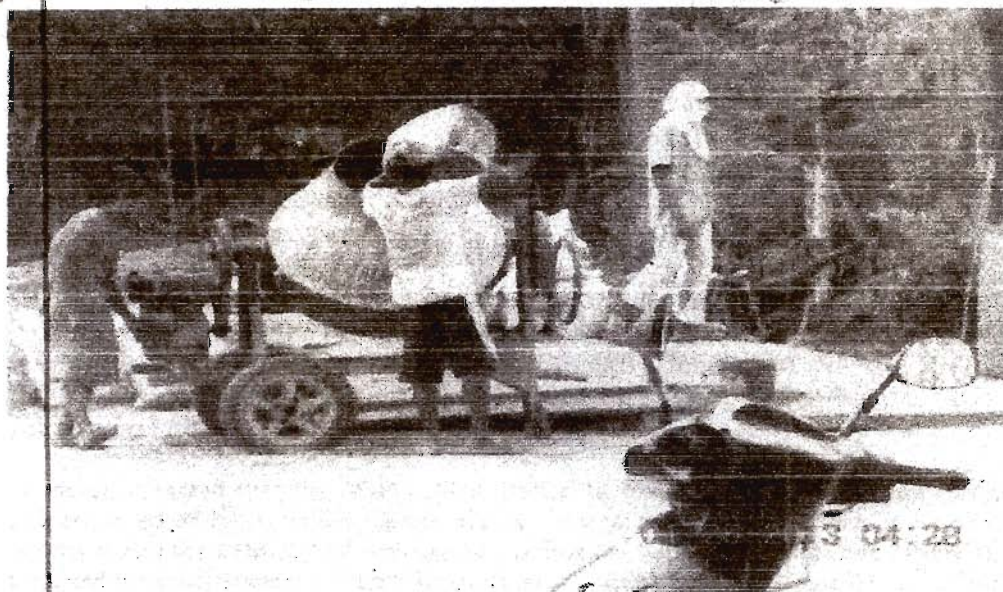
Very truly yours,


ATTY. JULIUS M. CONCEPCION



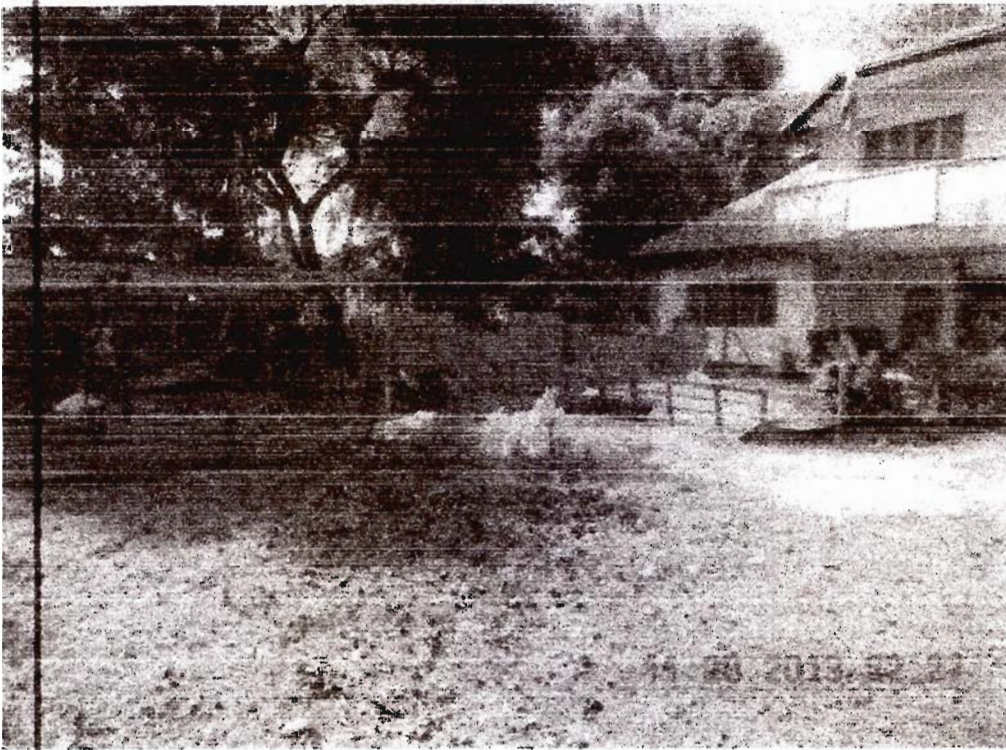
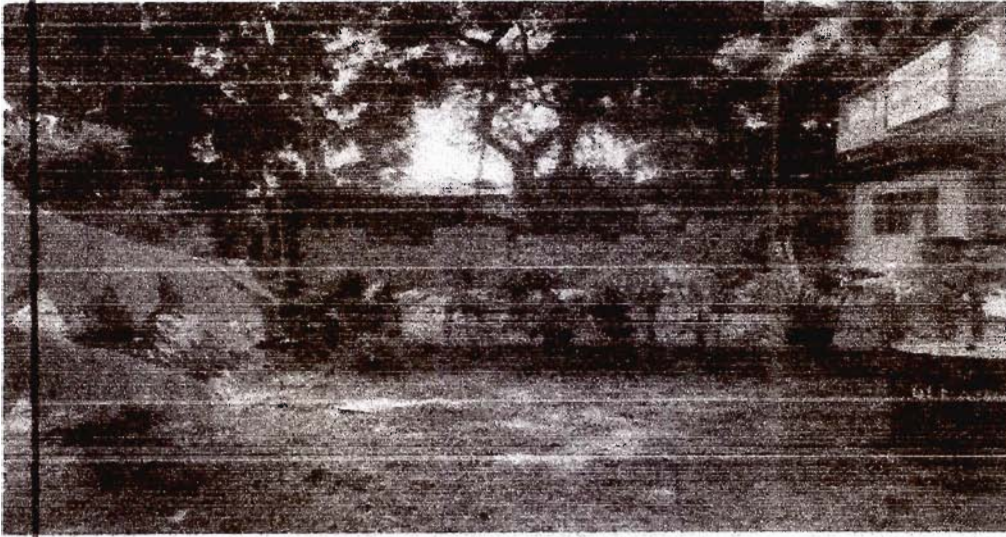




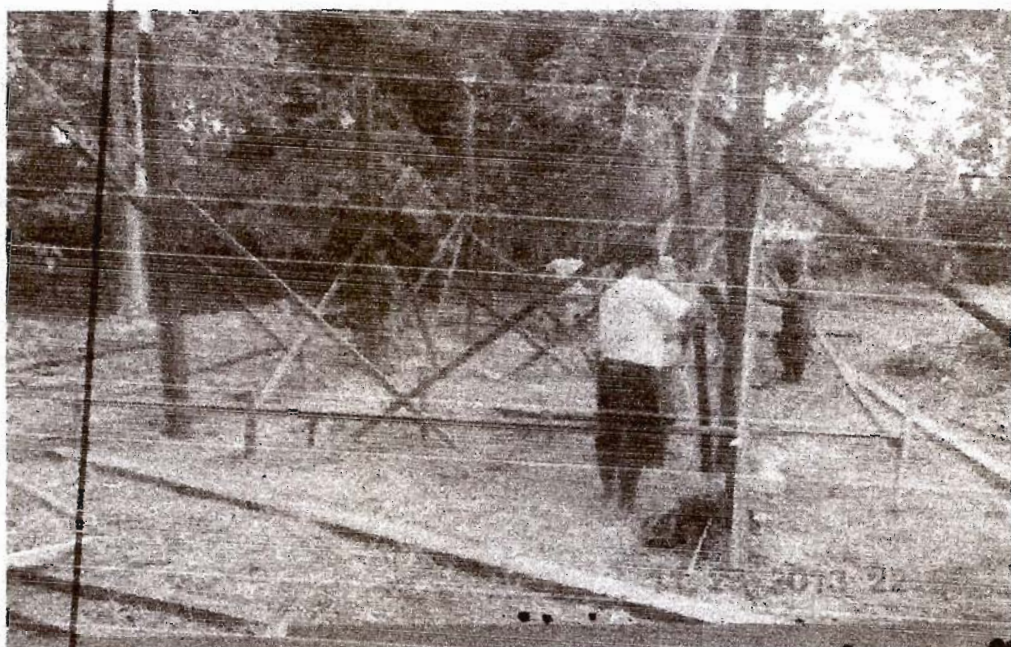
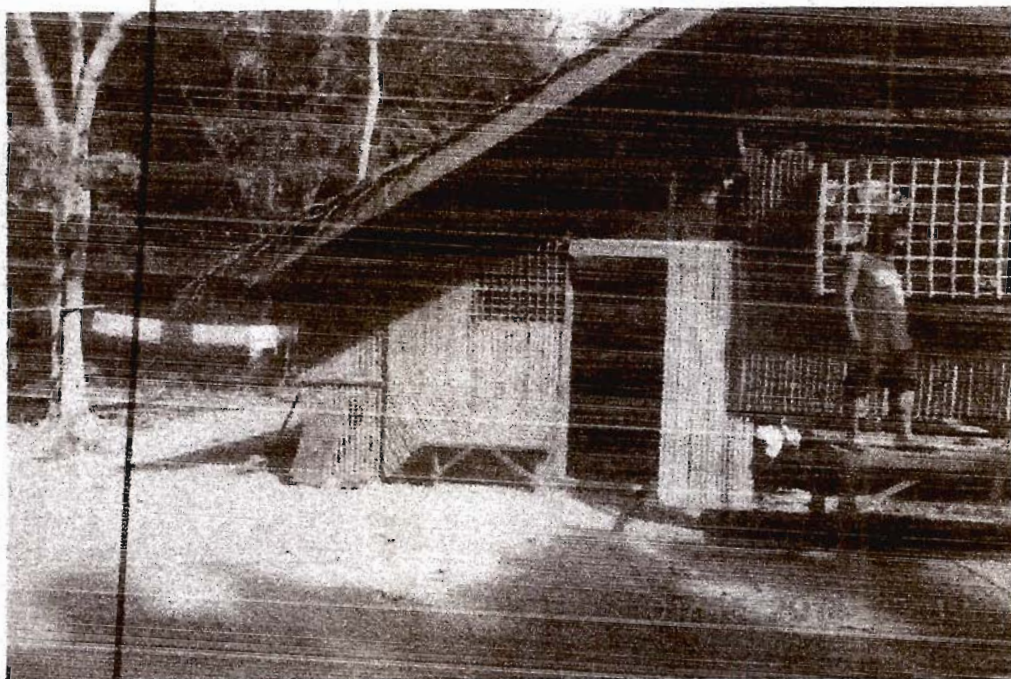


ANNEX - F2

Republic of the Philippines
Department of Environment and Natural Resources
OFFICE OF THE SECRETARY
Diliman, Quezon City



ANNEX-"F4"



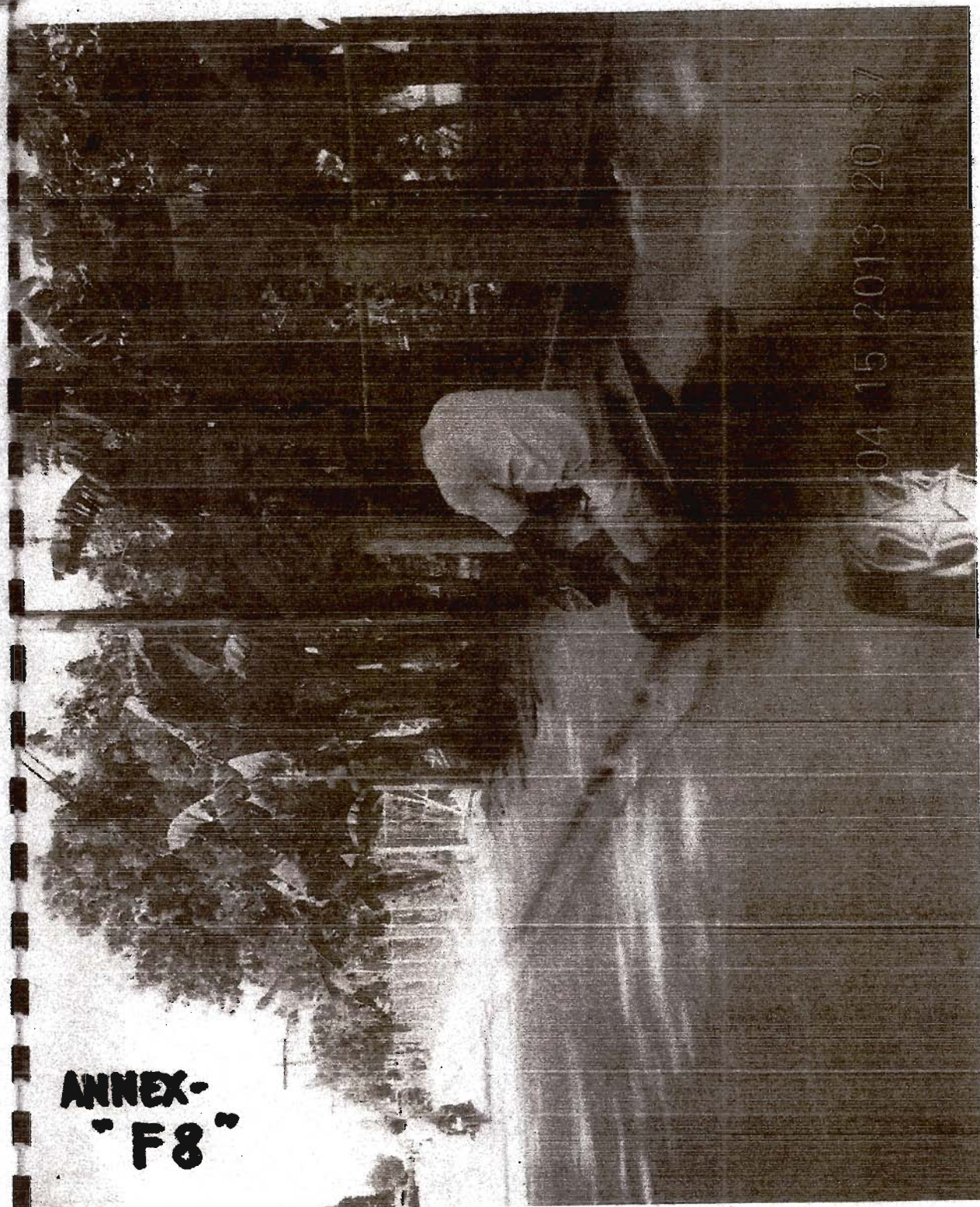
ANNEX - "F5"

0. 16



04.13.2013 23:38

ANNEX - F6



04 15 2013 20 37

Office of the President
PRESIDENTIAL COMPLAINT CENTER
Malacañang, Manila

07 February 2020

Secretary ROY A. CIMATU
Department of Environment and Natural Resources
DENR Bldg., Visayas Avenue
Diliman, Quezon City

ATTN: HEA MARIO F. CHAN

Sir:

Respectfully forwarding the attached letter dated 07 February 2020, with enclosures, addressed to **President RODRIGO ROA DUTERTE**, for appropriate action, consistent with existing laws, rules and regulations on the matter, from **Mr. BENJAMIN M. DEQUITO** of Brgy. 3, Roxas, Palawan, seeking Presidential intercession relative to his concern stated therein.

A reply direct to the party/ies concerned, copy furnished the Center, citing **PCC Code No. WG-CYR-02-06-2020-139** will be highly appreciated. 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.

Our cordial regards.

Very truly yours,


JAIME LLAGUNO MABILIN
Director IV

End.: a/s
CC: PARTY/IES CONCERNED
/cyr

IMPORTANT

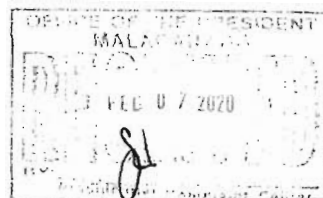
Information contained in this communication is privileged, confidential and intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. If you are not the intended recipient, you must not disclose or use the information contained in it. If you have received this communication in error, please notify the Presidential Complaint Center immediately and dispose this communication in accordance with the provisions of Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012.

BAHAY UGNAYAN, JOSE P. LAUREL STREET, MALACAÑANG, MANILA
Telephone Numbers: 736-8645 (Governance and Local Affairs Division);
736-8603 (Social Services Division); Fax Number: 736-8621
Email Address: pcc@malacanang.gov.ph

February 04, 2020

His Excellency **RODRIGO ROA DUTERTE**
President
Republic of the Philippines
Malacanang, Manila

THRU: **PRESIDENTIAL COMPLAINT CENTER**
Malacanang, Manila



Dear Sir:

We wish to inform you again that the subject of our complaint has been the subject of **DENR Case 5598**. Relevantly on April 16 2004, DENR Secretary Elisea G. Gozun reversed the Decision of the Regional Office (DENR Case 5681) in our favor. A copy of said Decision is herein appended as "**Annex- A**".

Thereafter, on 12 April 2005, the DENR Case 5598 was declared Final and Executory again in our favor. A copy of the said Order is hereto attached as "**Annex - B**".

Consequently, on 23 February 2006, The Regional Executive Director Vicente S. Paragas issued a Writ of Execution Order directing the CENRO/PENRO Juan Dela Cruz to execute the order the DENR Secretary.

As part of the process we conducted a Relocation/ Verification / Subdivision surveys. Our survey authority/s were granted by the Land Management Office in the person of Florante C. Candido and CENRO Wilfredo R. Angeles.(deceased) In addition, the CENRO and LMO ask legal advice to the Office of the DENR Secretary.

In Short, there is an existing Cadastral Survey which shows our name approved by the Bureau of Lands in 1956 and with an approved Technical Descriptions particularly of the lots 307, Pls-232 and lots 405, Pls-232 , **an endorsement Order was then issued to grant us the our Homestead Patent** being the prevailing party, Endorsement is hereto marked as "**Annex- C**".

Not contented to the DECISION/ORDER given to us, **aggrieved parties filed their protest to the office of the President**. The reply of the Legal Department under the Office of the President denying their petitions is hereto attached as "**Annex-D**".

On September 19, 2008 , we requested an assistance for the issuance of our Patent to the Director of the Land Management Bureau, Binondo , Manila as the Cadastral Surveys emanates from them and they supervise all regional offices. Accordingly the request was endorsed to the USEC Eleazar P. Quinto, Undersecretary for Field Operations and Staff Bureaus for comment and immediate assistance. A copy of his Memorandum is hereto appended as "**Annex- E**".

The Regional Executive Director on the other hand instructed the Regional Technical Director Lydia S. Lopez pertaining to the said request. **Regional Technical Director Lydia S. Lopez, who is accused by the undersigned to the Ombudsman** replied with her recommendations and Draft Order of Cancellation against Heirs of Honorio N. Mejia. Attached is the Memorandum of RTD Lopez and Draft Order signed on the same very dates December 09, 2008 by the RED Marcial C. Amaro, Jr. (**Annex-F and Annex-G**).

In absence of due process as well as of Notice and Hearing the Heirs of Honorio N. Mejia filed our opposition to that illegal action of said Regional Office. Believing and without losing hope to the rule of justice, we filed our sentiments to the higher office under the office of the DENR Secretary.

On February 9, 2009 ,Heirs of Celso Miraflores filed their protest to the office of the DENR Secretary, A copy of the reply letter of Atty Juan Miguel T. Cuna OIC,ASEC for Legal is hereto attached as (**Annex- H1**).

On June 29,2009 the Memorandum order was issued by Atty Miguel T. Cuna, ASEC for Legal , Office of the DENR Secretary ordering "**Depth Evaluation of DENR Case 5598**" directing Atty. Ricky A. Arzadon and Mr. Manuel Aurelio C. Trampe to conduct evaluation of the case and submit reports within 15 days period. (**Annex- H2**)

About four (4) months had passed an order from ASEC for Legal, Atty. Miguel T. Cuna under the office of the DENR Secretary issued an order through a Memorandum Order dated October 28, 2009 , directing Regional Executive Director Marcial T. Amaro, Jr. to rectify and effect the subject Final and Executory decisions made by the DENR Secretary and submit compliance hereof. (**Annex - H3**)

On January 04, 2013 after our relentless request to the office of the DENR Secretary , ASEC for Field Operations and Staff Bureaus , **The Regional Executive Director Marcial T. Amaro, Jr. rectified and**

issued a Memorandum Order entitled " FEEDBACK AND COMPLIANCE REGARDING DENR CASE 5598 ". The Memorandum Order requires compliance within two weeks. See attached MEMO as "**Annex-J**".

On January 19, 2013 we seek the help of the Office of then President Benigno C. Aquino for continued inaction but to our surprise the DENR case 5598 was indorsed (Almost 3 years in Malacanang) to the Office of the DENR Secretary only on June 27, 2016 requesting for speedy issuance of our valid Patent. As usual the Chief of Staff , USEC Analiza Rebueta-Teh of the DENR Secretary replied through the office of the Hon. Mildred Yovela S. Umali-Hermogenes referred as "**Annex - K**" for appropriate action without any comment that said case has been set aside illegally.

As noticed, All letters and memo made by the office of USEC Analiza Rebueta-Teh are just a moro moro and without clear positive result.

In fact on February 14, 2013 an Alternative Dispute Resolution (ADR) was created by the Regional Office under the office of Regional Executive Director Edgardo O. Galeon. The ADR was created merely to protect and make justification on their illegal occupation particularly the lot 405, Pls-232 as cited in the Decision. We reported said actions direct to the office DENR Secretary Ramon J. Paje. "**Annex- L**"

On May 28,2015, A suspension of survey authority and conduct of untitled lands, and acceptance and processing of public land applications in the entire province of Palawan was issued by USEC Demetrio L. Ignacio , Jr. and newly appointed Regional Director Oscar . Dominguez. All of these are part their strategy to extend the long wait and agony of our family. The purpose of said suspension was clearly stated to investigate DENR Personnel and not against DENR case 5598. Marked as "**Annex-M**"

On August 05, 2016 we wrote the Office of the President under the President Duterte's Administration it was immediately indorsed to the Office of the DENR Secretary for action on September 30, 2016 by Director Jaime Llaguno Mabilin referred as "**Annex- N**"

As to our surprise , the Office the DENR , ASEC for Legal , Atty. Anselmo C. Abungan (deceased) issued another order dated April 27,2016 cancelling the Decisions and Orders granted by the Office of the DENR Secretary **citing the order of Regional Executive Director Marcial T. Amaro, Jr. dated December 08, 2009**. This order is obviously

illegal as cited in the rules of Court (Rule 39 of Final and Executory Decisions). The invalid Order is Marked as "**Annex- O** "

This is ridiculous maneuver made by no other than of certain **Atty Ricky A. Arzadon , Chief Investigation and Litigation Division, Legal Services**. Attached herewith is the exact letter explanation of Atty Ricky A. Arzadon to the Office of the Ombudsman noted by then still alive Atty. Anselmo C. Abungan **dated July 18, 2012**.

We doubt the credibility of their report as the Depth evaluation has been done that the alleged investigations which become moot and academic upon the issuance of the October 28, 2009 , much to say the request for issuance of Patent is mandatory upon the finality order of DENR Secretary dated 2005. If the signature of the Former ASEC Anselmo C. Abungan has been forged its another thing to be considered. **(Annex-P)**

Consonantly, in 2007, the principal reason cited by the Regional office before for non-issuance of the corresponding homestead patent is the need to have another survey done to delineate the metes and bounds of the area covered by the homestead patent application but as per records that verification and relocation has been done. **Now, on the New Order, the issue raised is that, no portion of the land was ever entered upon occupied or cultivated by the Heirs of Honorio N. Mejia. The Heirs resides to the area since birth and the acts of the CENRO Roxas, Palawan in illegal constructing a building and perimeter fence on our land was carried during the ADR period which we demanded a status quo, shown by the absence of any building permits and the said Land Management Officer Florante Candido act of declaring the property for tax purposes, reveals the institutional and personal interest the said CENRO office has on our land when he submitted a fabricated report against us.***Such blatant disregard of our rights and the prevailing laws of the land has no place in a Democratic society, especially for a Department duly tasked to recognize citizen's right to our land.*

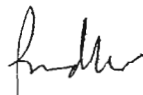
We all due respect, the Decision (as clarified by the 12 April 2005 Order) clearly identified subject lots which shows metes and bounds of the areas covered by the homestead application approved on October 21,1939 with an approved Cadastral maps under Pls-232 dated October 16,1956. All verification and investigations had been done prior to the promulgation of the case obtainable under the custody of the DENR. The absence of

occupation and cultivation being the basis of the cancelation is untrue and made intentionally by the personnel being investigated .

We are still hopeful that this government will truly fight and eliminate graft and corruption little by little with our help , as citizens as this administration promotes Good Governance. The DENR personnel have committed several abuses already , Office Status Quo's have been violated , falsification of reports and forgery are very common practice by them in violation of Anti-Red Tape law. All evidences are hereby appended and marked as **"Annex -Q; Annex - R, Annex - S , Annex - T and "Annex - U."**

We would like to request your office to urge the Office of the DENR Secretary , DENR Regional Office , PENRO and CENRO offices to PLEASE issue THE HOMESTEAD PATENT in the name of HEIRS OF HONORIO N. MEJIA, with the application of proper sanctions to the people who committed the wrongdoings if necessary.

Respectfully Yours,



BENJAMIN M. DEQUITO

Atty -in- Fact Heirs of Honorio N. Mejia
Bgy 3, Roxas, Palawan (09192921936)
E mail add: benjiuedequito@yahoo.com

Copy Furnished:
Atty Jeremiah Belgica
ANTI-RED TAPE AUTHORITY
Makati

CENRO of Roxas, Palawan/
PENRO of Palawan
Sta Monica, Puerto Princesa City
Palawan

Office of the Regional Director, DENR-MIMAROPA
1515 L & SBldg., Roxas Blvd. Ermita, Manila

Office of the DENR Secretary
Visayas Avenue, Diliman
Quezon City



Office of the President

REPUBLIC OF THE PHILIPPINES

8888 Citizens' Complaint Hotline

Ticket Reference Number : P20210218-150-23
Status: Ticket indorsed
Head of Agency : N/A
Agency : Department of Environment and Natural Resources
Agency Address : N/A
Attention (Focal Person) : Maria Matilda A. Gaddi

Pursuant to Executive Order No. 6¹, s. 2016, may we respectfully transmit the following concern received through the 8888 Citizens' Complaint Hotline:

Date: 18 February 2021
Name of Caller: Benjamin Mejia Dequito
Address: , Barangay III (Pob.), Roxas, Palawan
Contact Details: 0919 292 1936
Nature of call: Patent/Stewardship/Registration
Subject: Concern Regarding Case Number 5598 At The Office Of The Secretary Of DENR Roxas, Palawan

Details:

"Ang aking concern ay tungkol Department of Environment and Natural Resources (DENR), Community Environment and Natural Resources Office (CENRO), at Provincial Environment and Natural Resources Office (PENRO) Regional Roxas, Palawan. Mayroon na kaming kaso na naipanalala na namin sa Office of the Secretary of DENR at ang hatol ay final and executory. Ang case number ay 5598. Ang pinakanais ko lang na sana ay maisyuhang na ako ng hinihingi kong patent."

Please be reminded of Section 5 of EO No. 6, which states that "a citizen's concern lodged through any of the communication channels shall have a concrete and specific action within 72 hours from the receipt of the concern by the proper government agency or instrumentality".

Kindly send your reply directly to the concerned person/entity, copy furnished complaints@8888.gov.ph, on any action/s taken, citing the above ticket reference number. Thank you very much.

¹ "Institutionalizing the 8888 Citizens' Complaint Hotline and Establishing the 8888 Citizens' Complaint Center", under the direction and supervision of the Office of the Executive Secretary.

***** This is an automatically generated email, please do not reply *****

HA 2020 Maria Mejia



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 8929-66-26 to 29; 8929-6633 to 35/
8929-7041 to 43/8929-6252/8929-1669
Website: <http://www.denr.gov.ph> Email: web@denr.gov.ph

MEMORANDUM

FOR : **The Undersecretary**
Legal, Administration, Human Resources, and Legislative Affairs

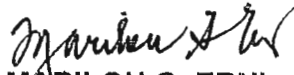
FROM : **The Undersecretary and Chief of Staff**

SUBJECT : **REQUEST OF ATTY. JOEMAR P. CALUNA AND ATTY. ROLAND E. PAY, ON BEHALF OF THE HEIRS OF MR. HONORIO MEJIA, FOR THE IMPLEMENTATION OF THE 2004 DENR ORDER GRANTING DUE COURSE ON THE HOMESTEAD APPLICATION OF MR. MEJIA OVER LOT NO. 307 LOCATED AT BRGY. RETAC, ROXAS, PALAWAN**

DATE : **NOV 08 2022**

Respectfully referred, for information and appropriate action, are the letters of Atty. Joemar P. Caluna and Atty. Roland E. Pay, on behalf of the late Mr. Honorio Mejia and his heirs, addressed to the Secretary, requesting for the implementation of the Decision/Order of then DENR Secretary Elisea Gozun dated 16 April 2004 granting due course of the Homestead Application of Mr. Mejia as subject of DENR Case No. 5598, and the issuance of patent in favor of the latter over Lot No. 307, PLS-232 located at Brgy. Retac, Roxas, Palawan.

Please inform the party/ies concerned and the undersigned of any action taken on the subject matter.


MARILOU G. ERNI

cc: **Atty. Joemar P. Caluna**
No. 12-A Talakitok Street,
New Buncag Road, Brgy. Mandaragat,
Puerto Princesa City, Palawan

Atty. Roland E. Pay
Constantino Bldg., Lacao St.,
Puerto Princesa City, Palawan



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 8929-66-26 to 29; 8929-6633 to 35/
8929-7041 to 43/8929-6252/8929-1669
Website: <http://www.denr.gov.ph> Email: web@denr.gov.ph

NOV 08 2022

ATTY. JOEMAR P. CALUNA
No. 12-A Talakitok Street,
New Buncag Road, Brgy. Mandaragat,
Puerto Princesa City, Palawan

ATTY. ROLAND E. PAY
Constantino Bldg., Lacao St.,
Puerto Princesa City, Palawan

Dear **Attys. Caluna and Pay**:

This is to acknowledge receipt of your letters, on behalf of the late Mr. Honorio Mejia and his heirs, addressed to the Secretary, requesting for the implementation of the Decision/Order of then DENR Secretary Elisea Gozun dated 16 April 2004 granting due course of the Homestead Application of Mr. Mejia as subject of DENR Case No. 5598, and the issuance of patent in favor of the latter over Lot No. 307, PLS-232 located at Brgy. Retac, Roxas, Palawan.

In this regard, please be informed that we have referred the said letters to the Undersecretary for Legal, Administration, Human Resources, and Legislative Affairs for appropriate action and to provide you with their actions taken on the subject matter. You may also directly coordinate with the said office through telephone numbers (02) 8920-2213 and (02) 8929-6626 local 2232 for the latest updates.

Thank you very much for your kind consideration.

Very truly yours,

MARILOU G. ERNI

Undersecretary and Chief of Staff



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

MEMORANDUM

FOR : **ATTY. NORLITO A. ENERAN, LLM, CESO III**
Director, Legal Affairs Service

FROM : **THE REGIONAL EXECUTIVE DIRECTOR**

SUBJECT : **DENR CASE NO. 5598 ENTITLED "HEIRS OF MAMERTO N. DELOS REYES, REPRESENTED BY AMELIA P. DELOS REYES-ZUMARAGA, APPELLANTS; HEIRS OF HONORIO N. MEJIA, REPRESENTED BY BENJAMIN MEJIA DEQUITO, INTERVENORS-APPELLANTS VERSUS VICTORIANO M. LUCERO, EX-CHAIRMAN, BRGY. RETAC, ROXAS, PALAWAN, APPELLEE."**

DATE : **OCT 18 2022**

This refers to the attached *1st Indorsement* dated July 20, 2022 regarding the above-cited case.

Please be informed that we already transmitted the records of this case to the PENRO Palawan per Memorandum dated July 30, 2018 of then Regional Executive Director (RED) Henry A. Adornado, considering the following:

Records show that on April 12, 2005, an Order¹ was issued by then Secretary Michael T. Defensor affirming and declaring as **final and executory the Decision² dated April 16, 2004** issued by then Secretary Elizea Gozun.

On February 23, 2006, a Writ of Execution was issued by then RED Vicente S. Paragas, directing the PENRO/CENRO concerned to execute the Order dated April 16, 2004 by giving due course to HA No. 75205 of Honorio Mejia.

After the requisite investigation and evaluation of the pertinent documents relative to HA No. 75205 of Honorio Mejia, then RED Marcial C. Amaro, Jr. issued an Order³ dated December 09, 2008.

On February 05, 2009, a Vigorous Opposition and Manifestation was filed by Mr. Benjamin Mejia Dequito against the Order dated December 09, 2008. This was denied per Order dated April 14, 2009 of then RED Amaro, Jr.

¹ The dispositive portion of which reads as follows:

*"WHEREFORE, PREMISES CONSIDERED, the Motion to Rectify Decision as to lot erroneously numbered filed by the Intervenor-Appellants is hereby **GRANTED**. Accordingly, lot 306 as stated in the subject decision is hereby changed and corrected as lot 405. The Motion for Reconsideration filed by the Appellants is hereby **DENIED** for lack of merit and the Decision dated 16 April 2004, of this office is hereby **AFFIRMED** and declared **FINAL** and **EXECUTORY**."*

² The dispositive portion of which reads as follows:

*"WHEREFORE, premises considered, the instant appeal filed by Honorio Mejia represented by Benjamin Mejia Dequito is **GRANTED**. The Order, dated September 24, 2001 is hereby **SET ASIDE**. Consequently, the Homestead Application of Honorio Mejia be given due course to be substituted by the heirs."*

³ The dispositive portion of which reads as follows:

*"IN VIEW OF THE FOREGOING, H.A. NO. 75205 of Honorio Mejia, as it is hereby ordered **CANCELLED** and whatever amount has been paid on account thereof are forfeited in favor of the government. Furthermore, the subject land is likewise declared open for disposition to qualified actual occupants thru sale and/or lease pursuant to the provision of Chapter IX of C.A. 141 as amended."*

On April 27, 2016, an Order⁴ was issued by then Acting Assistant Secretary for Legal Services, denying the Second Motion for Reconsideration filed by the Heirs of Mamerto Delos Reyes and the Request for Issuance of Patent filed by the Heirs of Honorio Mejia, and affirming *in toto* the Order dated December 09, 2008 issued by then RED Amaro, Jr.

In view of the foregoing, we respectfully stand firm on our Office's previous actions regarding this case, particularly on its final and executory status in the year 2005, and its eventual implementation in 2006.

For information and record.


LORMELYN E. CLAUDIO, CESO IV

CC:

Amelia Delos Reyes-Zumaraga
Bgy. San Miguel, Puerto Princesa City

Benjamin M. Dequito
Bgy. Retac, Roxas, Palawan

Victoriano Lucero
Bgy. Retac, Roxas, Palawan

PENRO Palawan

CENRO Roxas, Palawan



Doc ID: 91604

⁴ The dispositive portion of which reads as follows:

"WHEREFORE, from the foregoing, the Second Motion for Reconsideration filed by the Heirs of Mamerto Delos Reyes and the Request for Issuance of Patent filed by the Heirs of Honorio Mejia are hereby **DENIED**.

The Order, dated 9 December 2008 issued by the Regional Executive Director, DENR-Region IVB (MIMAROPA) is **AFFIRMED en(sic) toto**"



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

MEMORANDUM

TO : The PENR Officer
Palawan

ATTENTION : The CENR Officer
Roxas, Palawan

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : **DENR CASE NO. 5598 ENTITLED "HEIRS OF MAMERTO N. DELOS REYES, REPRESENTED BY AMELIA P. DELOS REYES-ZUMARAGA, APPELLANTS; HEIRS OF HONORIO N. MEJIA, REPRESENTED BY BENJAMIN MEJIA DEQUITO, INTERVENORS-APPELLANTS VERSUS VICTORIANO M. LUCERO, EX-CHAIRMAN, BRGY. RETAC, ROXAS, PALAWAN, APPELLEE."**

DATE : OCT 18 2022

In addition to the records transmitted per Memorandum dated July 30, 2018 of then Regional Executive Director Henry A. Adornado, we are attaching a copy of the 1st Indorsement dated July 20, 2022 issued by the Director, Legal Affairs Service, including one folder, regarding the above-cited subject.

For information and record.


LORMELYN E. CLAUDIO, CESO IV

cc:

The Director, Legal Affairs Service

Amelia Delos Reyes-Zumaraga
Bgy. San Miguel, Puerto Princesa City

Benjamin M. Dequito
Bgy. Retac, Roxas, Palawan

Victoriano Lucero
Bgy. Retac, Roxas, Palawan



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 91804

ARD-MS/LD

DENR By the Bay Building, 1515 Roxas Boulevard, 1000 Ermita, Manila
Telephone Number: (632) 84050046
Website: <https://mimaropa.denr.gov.ph/>
Email: mimaroparegion@denr.gov.ph; denr4blegal@gmail.com



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-6626 loc. 2113; 1070 Fax (632) 926-2567
E-mail: officeofuseccuna@denr.gov.ph; website www.denr.gov.ph

MEMORANDUM

TO : THE REGIONAL EXECUTIVE DIRECTOR
DENR-Region IV-B MIMAROPA
Roxas Blvd., Ermita, Manila

FROM : THE UNDERSECRETARY
Field Operations - Luzon, Visayas and Environment

SUBJECT : REQUEST FOR THE ISSUANCE OF PATENT WITH DENR
CASE NO 5598, HEIRS OF MAMERTO DELOS REYES REP. BY
AMELIA DELOS REYES-ZUMARAGA, APPELLANTS, HEIRS
OF HONORIO N. MEJIA REP BY BEMJAMIN MEJIA
DEQUITO, INTERVENORS-APPELLANTS VERSUS
VICTORINO LUCERO, CHAIRMAN, APPELLEE FOR A
PARCEL OF LOT LOCATED IN BRGY. RETAC, ROXAS,
PALAWAN

DATE : SEP 27 2022

Referred herewith is the letter dated 08 September 2022 of Atty. Joemar P. Caluna writing in behalf of his clients, Heirs of Honorio Mejia, addressed to the Honorable Secretary, regarding the above-mentioned subject.

For appropriate action in accordance with the pertinent laws, rules and regulations on the matter. Kindly furnish this Office and the parties concerned of the action taken citing document tracking number DENRCO-ASRMD-2022-022634-C for record and monitoring purposes.

For compliance.


ATTY. JUAN MIGUEL T. CUNA, CESO I

Encls.: as stated

cc: Atty. Joemar P. Caluna
Mandaragit, New Buncag PCC
Palawan

Office of the OIC, Assistant Secretary
Field Operations-Luzon and Visayas



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

AUG 12 2022

MR. BENJAMIN M. DEQUITO

Attorney-In-Fact of the Heirs of Honorio N. Mejia
Bgy. 3, Roxas, Palawan
(benjiedequito@yahoo.com)

Mr. Dequito,

Isang makakalikasang araw!

This refers to your letter-request dated February 04, 2020 addressed to then President Rodrigo R. Duterte urging the DENR Offices to *"please issue the Homestead Patent in the name of Heirs of Honorio Mejia, with the application of proper sanctions to the people who committed the wrongdoings if necessary."*

Records show that a letter dated April 11, 2019 from then Regional Executive Director Henry A. Adornado was sent to Atty. Albert M. Pedrosa (Counsel for the Heirs of Mejia) in response to the latter's undated letter¹ regarding DENR Case No. 5598 entitled *"Heirs of Mamerto N. Delos Reyes, Represented by Amelia P. Delos Reyes-Zumaraga, Appellants; Heirs of Honorio N. Mejia, Represented by Benjamin Mejia Dequito, Intervenors-Appellants - versus- Victoriano M. Lucero, Ex-Chairman, Brgy. Retac, Roxas, Palawan, Appellee."*

The gist of said undated letter shows that it contains the same issues raised in the letter-request dated February 04, 2020.

On July 30, 2018, then Regional Executive Director Henry A. Adornado issued a memorandum transmitting the records of DENR Case No. 5598 to the OIC, PENR Officer, Palawan (attention OIC, CENR Officer, Roxas, Palawan).

We are reiterating the contents of which, viz:

"This refers to the records of the above-cited case relative to the issuance of an Order dated April 27, 2016 issued by then Acting Assistant Secretary for Legal Services Atty. Anselmo C. Abungan, the dispositive portion of which is hereunder quoted:

"WHEREFORE,** from the foregoing, the Second Motion for Reconsideration filed by the Heirs of Mamerto Delos Reyes and the Request for Issuance of Patent filed by the Heirs of Honorio Mejia are hereby **DENIED.

*The Order, dated 9 December 2008, issued by the Regional Executive Director, DENR-Region IVB (MIMAROPA) is **AFFIRMED en toto.***

¹ Also signed by Benjamin M. Dequito



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

APR 11 2019

ATTY. ALBERT M. PEDROSA

Counsel for the Heirs of Mejia
Rm. 22, Ground Flr., P.C. Arcade Bldg.,
Brgy. Banca-Banca, Puerto Princesa City

RE : **DENR Case No. 5598**

"Heirs of Mamerto N. Delos Reyes, Rep. by Amelia P. Delos Reyes-Zumaraga, Appellants, Heirs of Honorio Mejia, Rep. by Benjamin Mejia Dequito, Intervenors-Appellants, -versus- Victoriano M. Lucero, Ex-Chairman, Brgy. Retac, Roxas, Palawan"

Sir:

This refers to your letter dated January 9, 2019 addressed to the PENR Officer, Palawan regarding the above-cited subject.

In the said letter, you stated that:

"Surprisingly, RED Amaro who is a mere underling of the two secretaries of the DENR, attempted to vacate, reverse and set aside the decision of his superiors by issuing his 9 December 2008 Order. That should not be allowed and with this letter, I, as the lawyer representing the Heirs of Honorio Mejia, would like to make it clear here and now that the Order of RED Amaro is illegal and my clients are requesting your office to stop implementing the same and in its stead, implement and enforce the DENR Decision dated 16 April 2004.

Please be informed also that my clients, tacking their possession through their predecessor-in-interest/s, are still in actual physical possession of Lots 307 and 405, Pls-232 since 1920 and up to the present time. That was the factual finding in the 16 April 2004 Decision and in the 12 April 2005 Order of the DENR, and, thus, must be respected by the subordinate officers of the DENR"

Records show that the issues you raised are squarely addressed by then Acting Assistant Secretary Anselmo C. Abungan per Order dated April 27, 2016 in this wise:

"Significantly enough, it is the considered view of this Office that the Order dated 9 December 2008 of then RED Amaro, Jr. is not in contravention and does not invalidate the Decision of this Office dated 16 April 2004.

7

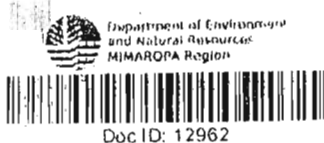
A careful perusal of the 16 April 2004 Decision of then DENR Secretary Gozun will readily show that no vested right was bestowed to the Heirs of Honorio Mejia. What was recognized in the said Decision was the existence of the HA of Honorio Mejia which was GIVEN DUE COURSE. It follows, therefore, that the HA must undergo the whole gamut of the administrative process to determine whether or not the applicant is qualified and has complied with all the legal requirements that will lead to a grant.

In the case at bar, applicant Honorio Mejia and his predecessor-in-interest were found wanting of the basic qualifications and failed to show that they complied with the impositions of the law on the requisite occupancy, cultivation and introduction of improvements on the applied lot that will lead to a grant from the State. xxx-xxx"

We hope we have enlightened you regarding the matter.

Very truly yours,


HENRY A. ADORNADO, Ph.D.
Regional Executive Director



cc

Benjamin Mejia Dequito

Bgy. Retac, Roxas, Palawan

Amelia P. Delos Reyes-Zumaraga

Bgy. San Miguel, Puerto Princesa City

Victoriano M. Lucero

Bgy. Retac, Roxas, Palawan

The Director, Legal Affairs Service

DENRO Palawan

DENRO Roxas, Palawan

The Chief, Licenses, Patents and Deeds Division

The OIC-Chief, Surveys and Mapping Division

ARD-MS/LD