



11 August 2023

**HON. ERWIN Y. DIMAYACYAC**

Presiding Judge  
Regional Trial Court – Pinamalayan, Branch 42  
Del Pilar Street, Poblacion  
Pinamalayan, Oriental Mindoro  
rtc1pin042@judiciary.gov.ph

Dear **Judge Dimayacyac**:

Good day! Greetings of peace.

This refers to the *Memorandum*<sup>1</sup> dated July 7, 2023 duly signed by the OIC-Assistant Regional Director for Technical Services (OIC-ARD for Technical Services) Maximo C. Landrito in reference to the *Order*<sup>2</sup> of this Honorable Court dated May 31, 2023 regarding Civil Case No. SCA-044-19 entitled *Edgardo Lopez Fontanilla vs. Prescila Lopez Mazo, Reynaldo Lopez Mazo, Sevilla Mazo Molina, Annaclea Mazo Atienza, Paula Mazo Liwanag, Office of the Municipal Assessor, Municipality of Bongabong, Oriental Mindoro and the Register of Deeds for the Province of Oriental Mindoro*. Our OIC-ARD for Technical Services, on the basis of the *Memorandum*<sup>3</sup> dated February 1, 2023 of the Undersecretary for Legal and Administration (Undersecretary) Atty. Ernesto D. Adobo, Jr., *CESO I* with subject “*Clarification and Guidance on the Survey of Land outside the Jurisdiction of DENR by virtue of Court Order*”, instructed this Office to “coordinate with the Regional Trial Court Branch 42 on the details of the property (i.e. survey lot number, patent no.) and inform them that they may acquire the services of private Geodetic Engineer to conduct the needed survey and submit to this Office the result for verification and approval based on our data on file.”

A careful reading of the *Memorandum* dated February 1, 2023 of our good Undersecretary shows pertinent provisions of laws and rules, particularly Executive Order No. 192, Commonwealth Act No. 141, and DENR Administrative Order (DAO) 2007-29, that substantiate that “DENR has no jurisdiction to conduct surveys over titled lands since its jurisdiction is limited to the approval of subdivision plans.”<sup>4</sup> Further, it was respectfully expressed therein that “the [DENR] is aware that in certain instances, there is need to conduct a verification survey over a titled land. This Office agrees that the parties to such a case may hire a court-designated private geodetic engineer to conduct the needed verification survey. The findings of the verification survey may be validated or verified by the DENR based on the data available in its custody.”<sup>5</sup>

Please be informed that by reason of the receipt of the *Memorandum*,<sup>6</sup> the lawyer detailed in this Office already sought a formal request for a legal opinion regarding surveys ordered by courts over

<sup>1</sup> A copy of the *Memorandum* dated July 7, 2023 is attached hereto as Annex “A”.

<sup>2</sup> A copy of the *Order* dated May 31, 2023 is attached to the *Memorandum* dated July 7, 2023, a copy of which is attached hereto as Annex “A”.

<sup>3</sup> A copy of *Memorandum* dated February 1, 2023 is attached to the *Memorandum* dated July 7, 2023, a copy of which is attached hereto as Annex “A”.

<sup>4</sup> p. 1, a copy of *Memorandum* dated February 1, 2023 is attached to the *Memorandum* dated July 7, 2023, a copy of which is attached hereto as Annex “A”.

<sup>5</sup> p. 2, a copy of *Memorandum* dated February 1, 2023 is attached to the *Memorandum* dated July 7, 2023, a copy of which is attached hereto as Annex “A”.

<sup>6</sup> *Ibid*.



Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**  
Provincial Environment and Natural Resources Office

private titled lands as to the best allowable course of action our geodetic engineers can take to participate in cases without going against the DENR's mandate while rendering public service. The said request for legal opinion was already endorsed<sup>7</sup> to the DENR-MIMAROPA Regional Office which will forward the same to the Undersecretary for Legal and Administration of the DENR-Central Office.

Thus, with due respect and high regard to this Honorable Court, the undersigned is humbly and respectfully informing this Honorable Court that for the time being, this Office cannot proceed to conduct the survey to give us sufficient time in anticipation of the response to our request for legal opinion. Pursuing the survey despite our knowledge of the existence of the attached *Memorandum* dated February 1, 2023 will put into question this Office's good faith. This humble request is without any intention to defy the *Order* of this Honorable Court, but for the sole purpose of ensuring that the action of our geodetic engineer is permissible within the bounds of laws and rules.

Please be assured that, at most, this Office is enthusiast and willing to render assistance by verifying the result of the survey conducted by a private geodetic engineer based on our data on file.

Looking forward to your kind understanding on this matter.

Very truly yours,

  
**ALAN L. VALLE**  
OIC-PENRO

*Cc: Regional Executive Director  
MIMAROPA-Region*

*OIC-ARD for Technical Services  
MIMAROPA-Region*

*The Chief, Legal Division  
MIMAROPA-Region*

*The Chief, Surveys and Mapping Division  
MIMAROPA-Region*

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<sup>7</sup> A copy of the *Endorsement of Request for Legal Opinion regarding Surveys ordered by Courts over Private Titled Lands with Illustrative Cases of Atty. Frances Margarette A. Mendoza* is attached hereto as Annex "B".





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

Annex "A"

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENRO TRACKING NO.	
RECEIVED BY:	<i>[Signature]</i>
DATE:	AUG 04 2023
TIME:	2:33 pm

MEMORANDUM

TO : THE PENR OFFICER  
Oriental Mindoro

FROM : THE OIC, ASSISTANT REGIONAL DIRECTOR  
FOR TECHNICAL SERVICES

SUBJECT : ORDER DATED MAY 31, 2023- (SET FOR HEARING FOR THE SECOND STAGE OF THE PARTITION OF THE PROPERTY) EDGARDO LOPEZ FONTANILLA, PLAINTIFF, -VERSUS- PRESCILA LOPEZ MAZO, REYNALDO LOPEZ MAZO, SEVILLA MAZO MOLINA, ANACLETA MAZO ATIENZA, PAULA MAZO LIWANAG, OFFICE OF THE MUNICIPAL ASSESSOR, MUNICIPALITY OF BONGABONG, ORIENTAL MINDORO AND THE REGISTER OF DEEDS FOR THE PROVINCE OF ORIENTAL MINDORO, CIVIL CASE NO. SCA-044-19 FOR: JUDICIAL PARTITION [2023-111576]

DATE : JUL 07 2023

Forwarding you the Order issued by Presiding Judge Erwin Y. Dimayacyac for the Civil Case No. SCA-044-19 Edgardo Lopez Fontanilla, Plaintiff, -versus- Prescila Lopez Mazo, Reynaldo Lopez Mazo, Sevilla Mazo Molina, Anacleta Mazo Atienza, Paula Mazo Liwanag, Office of the Municipal Assessor, Municipality of Bongabong, Oriental Mindoro and the Register of Deeds for the Province of Oriental Mindoro, Defendants, For: Judicial Partition, directing DENR MIMAROPA to conduct survey over the property and to submit new technical description within thirty (30) days upon receipt of the Order.

Per Memorandum dated February 1, 2023 of the Undersecretary for Legal and Administration, Atty. Ernesto D. Adobo, Jr, CESO I, to the Regional Executive Director of NCR, Jacqueline A. Caanan, CESO III, with subject: Clarification and Guidance on the Survey of Land Outside the Jurisdiction of the DENR by Virtue of Court Order (copy attached). In the said Memorandum, if the regular courts direct the DENR to conduct a survey over titled property, the DENR may file manifestations with the court informing them of the DENR's jurisdiction over lands of the public domain and its lack of jurisdiction over titled lands.

In this regard, please coordinate with the Regional Trial Court Branch 42 on the details of the property (i.e. survey lot number, patent no.) and inform them that they may acquire the services of a private Geodetic Engineer to conduct the needed survey and submit to this office the result for verification and approval based on our data on file.

For immediate action.

*[Signature]*  
MAXIMO C. LANDRITO



Doc ID: 111576

SMD/JOAS 06/22/2023

DENR By the Bay Building, 1515 Roxas Boulevard, Ermita, Manila  
DENR VOIP (02) 8248-3367/8249-3367 loc. 2701  
Website: <http://mimaropa.denr.gov.ph/>  
Email: [mimaroparegion@denr.gov.ph](mailto:mimaroparegion@denr.gov.ph)

Republic of the Philippines  
**Regional Trial Court**  
Fourth Judicial Region  
**Branch 42**  
Pinamalayan, Mindoro Oriental  
e-mail address: rtc1pin042@judiciary.gov.ph  
contact number: 0437382186

DENR MIMAROPA  
RECORDS SECTION  
**RECEIVED**  
JUN 07 2023  
2023-11576  
☐ INCOMING ☐ OUTGOING  
BY: \_\_\_\_\_ DATE NO. \_\_\_\_\_  
TIME: \_\_\_\_\_

DENR MIMAROPA REGION  
LEGAL DIVISION  
RECEIVED  
BY: \_\_\_\_\_ DATE/TIME: 06/07/23 2:20pm

**EDGARDO LOPEZ FONTANILLA,**  
Plaintiff,

*versus*

Civil Case No.SCA-044-19  
For: Judicial Partition

**PRESCILA LOPEZ MAZO,  
REYNALDO LOPEZ MAZO,  
SEVILLA MAZO MOLINA,  
ANNACLETA MAZO ATIENZA,  
PAULA MAZO LIWANAG,  
OFFICE OF THE MUNICIPAL  
ASSESSOR, MUNICIPALITY OF  
BONGABONG, ORIENTAL  
MINDORO and THE REGISTER  
OF DEEDS FOR THE PROVINCE  
OF ORIENTAL MINDORO,**  
Defendants.

X-----X

**ORDER**

This case was set for hearing for the second stage of the partition of the property. However, there is no report yet from the DENR MIMAROPA for the survey of the property in question. Record shows that the court cancelled the title TCT No. RT-79 (T-28032) by virtue of an order dated March 15, 2023 and the title was already surrendered to this Court. It is deemed prudent to wait for the survey to be conducted by the DENR MIMAROPA before the actual cancellation of the title by the Registry of Deeds.

Counsels of both parties appeared and discussed for the status *quo*. After series of discussion, this Court deemed proper to maintain the status *quo* of the property.

**WHEREFORE**, the Process Server of this Court is hereby directed to personally serve the order of this court dated March 15, 2023 to the Office of the DENR MIMAROPA within five (5) days from today. Said office is directed to conduct survey over the property and to submit the new technical description within thirty (30) days from receipt of this order. Parties are directed to maintain the status *quo* of the area. Both parties are not allowed to make alterations over the property in question including introduction of new construction or cutting of trees except for cleaning the area. Mr. Fontanilla is directed to immediately remove the whole fence dividing the property for the free access to the source of water by the other party. None among the parties are allowed to pick fruit-bearing trees without authority from this Court. This Court will appoint an administrator within 15 days from today. Parties are directed not to make any unnecessary comment or action against each other.

Tentatively set the hearing of this case on August 15, 2023 at 8:30 a.m.

**SO ORDERED.**

Pinamalayan, Oriental Mindoro, the Philippines.  
May 31, 2023.

**ERWIN Y. DIMAYACYAC**  
Presiding Judge

EYD/donna





*Republic of the Philippines*  
**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**  
Visayas Avenue, Diliman, Quezon City  
Tel. Nos. (632) 929-6626 to 2933 (632) 929-6252  
Website: <http://www.denr.gov.ph> - Email: [web@denr.gov.ph](mailto:web@denr.gov.ph)

FEB 01 2023

**MEMORANDUM**

**TO :** The Regional Executive Director  
DENR - National Capital Region

**FROM :** The Undersecretary  
Legal and Administration

**SUBJECT :** CLARIFICATION AND GUIDANCE ON THE SURVEY OF  
LAND OUTSIDE THE JURISDICTION OF DENR BY VIRTUE  
OF COURT ORDER

This pertains to your Memorandum dated 18 July 2022 seeking for guidance on the above-stated subject, as well as your suggestion, to wit:

1. To comply with the Court's order to conduct survey over titled land;
2. To conduct the survey outside the office hours; and
3. To require payment of the minimum industry rate for geodetic engineers.

In response thereto, this Office would like to maintain that DENR has no jurisdiction to conduct surveys over titled lands since its jurisdiction is limited to the approval of subdivision plans.

Section 4 of Executive Order (E.O.) 192,<sup>1</sup> otherwise known as the "Reorganization Act of the Department of Environment and Natural Resources", categorically specifies the DENR's mandate, to wit:

**SECTION 4. Mandate.** - The Department shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, **specifically forest and grazing land, mineral resources, including those in reservation and watershed areas, and lands of the public domain...** (Emphasis supplied)

Moreover, Sections 2 to 4 of Commonwealth Act 141,<sup>2</sup> as amended, otherwise known as "The Public Land Act", categorically provide the DENR Secretary's jurisdiction over the disposition and management of the lands of the public domain, to wit:

**SECTION 2. The provisions of this Act shall apply to the lands of the public domain; but timber and mineral lands shall be**

PROVIDING FOR THE REORGANIZATION OF THE DEPARTMENT OF ENVIRONMENT, ENERGY AND NATURAL RESOURCES, RENAMING IT AS THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND FOR OTHER PURPOSES.  
AN ACT TO AMEND AND COMPILE THE LAWS RELATIVE TO LANDS OF THE PUBLIC DOMAIN.

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

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

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

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

Also, Section 1 of DENR Administrative Order (DAO) 2007-29<sup>3</sup> as a categorically provides the DENR's policy on public land surveys, to wit:

SECTION 1. Policy and Objectives. — It is the policy of the state to accelerate the adjudication and disposition of lands of the public domain for the purpose of achieving tenurial security, land ownership equity, improvement of standard of living and stimulation of land market activities in consonance with the principles of sustainable development.

Toward these ends, the DENR shall pursue as a priority, the unification, synchronization and regulation of all surveys on, but not limited to, agricultural lands, mineral lands, forestlands, protected areas, civil and military reservations, road networks and lands for other purposes and expedite the conduct, verification and approval of surveys thereon.

Occasionally, the regular courts direct the DENR to conduct a survey over titled property. In this instance, the DENR may file manifestations with the court informing them of the DENR's jurisdiction over lands of the public domain and its lack of jurisdiction over titled lands.

Moreover, this Office is aware that in certain instances, there is a need to conduct a verification survey over a titled land. This Office agrees that the parties to such a case may hire a court-designated private geodetic engineer to conduct the needed verification survey. The findings of the verification survey may be validated or verified by the DENR based on the data available in its custody.

Finally, with regard to your suggestion that the DENR - NCR may comply with a court order directing it to conduct survey over titled land provided that certain conditions are met (e.g., as long as it will be done outside office hours), this Office opines that there is legal impediment in such action. It will be noted that DENR official transactions must be conducted within its official working hours and must be conducted in the prescribed manner pursuant to existing laws, rules and regulations.

In light of the foregoing discussion, this Office hopes that it has addressed the issues involved regarding the above-stated subject.

For your information and proper guidance.

ATTY. ERNESTO D. ADOBO, JR. C/LSO I



Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**  
Provincial Environment and Natural Resources Office

Annex "B"

August 7, 2023

**MEMORANDUM**

**FOR** : The Regional Executive Director  
DENR MIMAROPA Region

**THRU** : The Chief, Legal Division

**FROM** : The OIC-PENRO  
Oriental Mindoro

**SUBJECT** : **ENDORSEMENT OF REQUEST FOR LEGAL OPINION  
REGARDING SURVEYS ORDERED BY COURTS OVER PRIVATE  
TITLED LANDS WITH ILLUSTRATIVE CASES OF ATTY.  
FRANCES MARGARETTE A. MENDOZA**

This refers to the *Request for Legal Opinion regarding Surveys ordered by Courts over Private Titled Lands with Illustrative Cases of Atty. Frances Margarett A. Mendoza*.

Attached is the said request.

For your consideration.

  
ALAN VALLE

Cc: The Chief  
Surveys and Mapping Division, MIMAROPA