

Republic of the Philippines  
4th Judicial Region  
**MUNICIPAL CIRCUIT TRIAL COURT OF BANSUD-GLORIA**  
Province of Oriental Mindoro

GERARDO L. ILAGAN,  
Plaintiff,

Civil Case No. G-516

- versus -

For:

SHIRLY DE VICENTE, RUPERTO  
SELDA AGONCILLO, JR.,  
ILLUMINADA MASCARIÑAS-  
NAZARENO and all persons  
claiming rights under them,  
Defendants.

RECOVERY OF  
POSSESSION AND  
DAMAGES

X ----- X

**MANIFESTATION**

The Department of Environment and Natural Resources – MIMAROPA Regional Office (DENR-MIMAROPA Regional Office) of the Department of Environment and Natural Resources (DENR), through the undersigned counsel, and unto this Honorable Court, most respectfully submits this *Manifestation* and states the following:

1. The undersigned is a lawyer from the DENR-MIMAROPA Regional Office detailed in DENR-PENRO Oriental Mindoro. She was consulted by Engineer III Elizabeth D. Moreno-Mesina (Engineer Moreno-Mesina), a geodetic engineer from the DENR-MIMAROPA Regional Office also detailed in DENR-PENRO Oriental Mindoro regarding the *Order* of this Honorable Court dated June 20, 2023.
2. In the said *Order* of this Honorable Court dated June 20, 2023, the pertinent portion of which states:

“In the interest of justice, Engr. Elizabeth D. Moreno-Mesina, the lone Geodetic Engineer of the Provincial Environment and Natural Resources Office (PENRO) who will conduct the verification survey is DIRECTED to submit her report

within fifteen (15) days from the termination of the survey.

Set the presentation of Engr. Elizabeth D. Moreno-Mesina to appear on August 22, 2023 at 2:00 o'clock in the afternoon.

Notify the parties.

SO ORDERED.” (Emphasis omitted)

3. The consultation of Engineer Moreno-Mesina to the undersigned was prompted by her receipt of the *Memorandum*<sup>1</sup> dated February 1, 2023 signed by 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” after she inquired from the DENR-MIMAROPA Regional Office as to the procedure in conducting survey pursuant to a court’s order.
4. A careful reading of the said *Memorandum* 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>2</sup> Further, as stated in the attached *Memorandum*,<sup>3</sup> it was respectfully expressed by our good Undersecretary 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.”

5. The undersigned is aware that prior to the receipt of the *Memorandum* of Engineer Moreno-Mesina, the Provincial

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<sup>1</sup> A copy of the Memorandum dated February 1, 2023 signed by Undersecretary Atty. Ernesto D. Adobo, Jr., *CESO I* is attached hereto as Annex “A”.

<sup>2</sup> Ibid, p. 1.

<sup>3</sup> Ibid. p. 2.

Environment and Natural Resources Office – Oriental Mindoro (PENRO-Oriental Mindoro) already expressed its acquiescence to the survey. However, by reason of the receipt of the *Memorandum*,<sup>4</sup> the undersigned deems it best to formally request for a legal opinion regarding surveys ordered by courts over 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>5</sup> to the DENR-MIMAROPA Regional Office which will forward the same to the Undersecretary for Legal and Administration of the DENR-Central Office.

6. Thus, with due respect and high regard to this Honorable Court, on behalf of the DENR-MIMAROPA Region, the undersigned is humbly and respectfully requesting to temporarily suspend the conduct of 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* 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.

### **PRAYER**

**WHEREFORE**, premises considered, it is respectfully prayed of this Honorable Court that this Manifestation be considered and made part of the record of the instant case.

Other reliefs just and equitable are likewise prayed for.


**RESPECTFULLY SUBMITTED.**

City of Calapan for Bansud, Oriental Mindoro. August 11, 2023.

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<sup>4</sup> Ibid.

<sup>5</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 Margarete A. Mendoza* is attached hereto as Annex "B".

  
**FRANCES MARGARETTE A. MENDOZA**  
Attorney III/DENR MIMAROPA - Legal Division  
Address of Detail: DENR-PENRO, Ilang-Ilang Street,  
Sitio II, Brgy. Suqui, Calapan City, Oriental Mindoro  
Roll of Attorneys No. 65579  
IBP Lifetime No. 014841  
MCLE Compliance No. VII-0002773  
Email: atty.margomendoza@gmail.com

### EXPLANATION

Pursuant to the Revised Rules of Civil Procedure, the foregoing Manifestation is being served on all parties by substituted service *via* accredited courier LBC under Rule 13 of the 2019 Amendments to the Rules of Civil Procedure instead of personal service due to lack of material time and manpower. The Manifestation is likewise being filed to the Honorable Court *via* accredited courier LBC for the same stated reason.

  
**FRANCES MARGARETTE A. MENDOZA**

*Copy furnished:*

**ATTY. MEINRADO ENRIQUE A. BELLO**  
ARTUZ BELLO & BORJA LAW OFFICES  
Room 210 Golden Sun Realty Building  
No. 29 Mindanao Avenue, Brgy. Pag-asa  
Quezon City

LBC Tracking No. 1498 4343 6329  
Date: 8/11/23

**ATTY. MICHAEL G. CENIZA**  
LAYGO CENIZA ROJAS & MACALINTAL LAW OFFICES  
Unit D, Bank of Makati Building, Lumangbayan  
Calapan City, Oriental Mindoro

LBC Tracking No. 1498 4343 6329  
Date: 8/11/23

**THE REGIONAL EXECUTIVE DIRECTOR**  
DENR MIMAROPA REGION  
3<sup>rd</sup> Floor, 1515 DENR By the Bay Building  
Roxas Boulevard, Brgy. 668  
Ermita, Manila

LBC Tracking No. 1498 4343 6349  
Date: 8/11/23

**CHIEF, SURVEYS AND MAPPING DIVISION**  
DENR MIMAROPA REGION  
4<sup>th</sup> Floor, 1515 DENR By the Bay Building  
Roxas Boulevard, Brgy. 668  
Ermita, Manila

LBC Tracking No. 1498 4343 6359  
Date: 8/11/23



Republic of the Philippines  
 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
 Visayas Avenue, Diliman, Quezon City  
 Tel. Nos. (632) 929-6676 to 79; (632) 929-6782  
 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 COMPLETE 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 filled 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. CESO I



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

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 Margarette A. Mendoza.*

Attached is the said request.

For your consideration.

  
ALAN L. VALLE

Cc: The Chief  
Surveys and Mapping Division, MIMAROPA

**AFFIDAVIT OF SERVICE**

I, **ATTY. FRANCES MARGARETTE A. MENDOZA**, of legal age, with office address at Department of Environment and Natural Resources – Provincial Environment and Natural Resources Office (DENR- PENRO), Ilang-Ilang Street, Sitio II, Suqui, Calapan City, Oriental Mindoro, do hereby depose and state:

That on August 11, 2023, I served a copy of the foregoing Manifestation via **accredited courier LBC** with return card in LBC Branch in XentroMall, Roxas Drive, Lumangbayan, Calapan City, Oriental Mindoro, by depositing the mail in the said branch. In a sealed envelope address to the parties below, with postage fully prepaid with instructions to the messenger to return the mail to the sender after t

ATTY  
ARTU  
Room  
No. 29  
Quezo

ATTY  
LAYGO  
Unit 1  
Calap

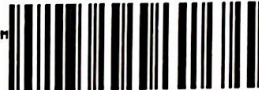
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**LBC EXPRESS, INC.**  
G/F SPACE WLS 48 NEO CALAPAN MALL, ROXAS  
DRIVE STO. NINO, CALAPAN CITY, ORIENTAL M  
Tel. No : (63) - (043) 4413855  
VAT TIN : 000-782-140-01015

Customer's Copy



1498 4343 6329

EDITED TRANSACTION:  
THIS SERVES AS AN OFFICIAL RECEIPT  
MIN : 15111215571733553  
Serial No : BR01015-6CR7126YK9  
Official Receipt No : CLP0421072

SHIPPER: **MENDOZA, FRANCES MARGARETTE AXALAN**  
Address: DENR - PENRO ILANG ILANG ST SITIO II  
SUQUI CITY OF CALAPAN ORIENTAL MINDORO  
No. : 9175124568  
TIN: Bus.Style: Email:

CONSIGNEE: **BELLO, MEINRADO ENRIQUE**  
And or/ care of:  
Address: ARTUZ BELLO AND BORJA LAW OFFICE ROOM 21  
GOLDEN REALTY BLDG NO 29 MINDANAO AVE BAGONG  
PAG-ASA QUEZON CITY NATIONAL CAPITAL REGION (NCR)  
Contact No.: 9088179725

**Courier N-Pouch SS**

Origin : SLA-CLP04-XENTRO MALL CALAPAN  
Tran. Date : 08/11/2023 03:19:36 PM  
Delivery Date : 08/14/2023 - 08/16/2023  
Area Dest. : METRO MANILA  
Tran. Type : Delivery  
Cut-Off : 03:45 PM  
Actual Wt (Kg.) : 0.00

VATable(Freight) : 183.04  
Supplies Fee : (0.00)  
VAT-Exempt : 0.00  
VAT Zero-Rated : 0.00  
10AM Pickup Fee : 0.00  
Total Sales : 183.04  
12% VAT : 21.96  
Amount Due : 205.00  
Discount : 0.00  
Mode : CASH

Said to Contain : DOCS ONLY

Due to pandemic, delivery date may change without prior notice  
LBC Express values your privacy, for more info on our privacy policy  
visit [www.lbcexpress.com/privacy-policy](http://www.lbcexpress.com/privacy-policy)  
SHIPPER WARRANTS THAT THE SHIPMENT HAS NO CASH INSIDE. CLAIMS OF CARGO ARE  
LIMITED UP TO ACTUAL DECLARED VALUE ONLY  
I hereby agree to be bound with the terms and conditions written at the  
back set forth by LBC EXPRESS

JOHN EDEL LACANILAO  
Signature of Associate

MENDOZA, FRANCES MARGARETTE AXALAN  
Signature of Shipper

OR Series No : CLP0410000000001 to CLP0409999999999 BIR Final PTUN:FP112015-122-0063043-00000  
BIR Accreditation No: 1220007821402015060318 Date Issued: 06/26/2015

Signature of Associate

OR Series No : CLP0410000000001 to CLP0409999999999 BIR Final PTUN:FP112015-122-0063043-00000  
BIR Accreditation No: 1220007821402015060318 Date Issued: 06/26/2015

JOHN EDEL LACANILAO  
Signature of Associate

MENDOZA, FRANCES MARGARETTE AXALAN  
Signature of Shipper

OR Series No : CLP0410000000001 to CLP0409999999999 BIR Final PTUN:FP112015-122-0063043-00000  
BIR Accreditation No: 1220007821402015060318 Date Issued: 06/26/2015

Signature of Associate

Signature of Shipper

OR Series No : CLP0410000000001 to CLP0409999999999 BIR Final PTUN:FP112015-122-0063043-00000  
BIR Accreditation No: 1220007821402015060318 Date Issued: 06/26/2015

Atty. Frances Margarette A. Mendoza  
Affiant

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of August 2023 in Calapan City, Oriental Mindoro, the affiant exhibiting her Driver's License No. D03-16-004553 issued at Land Transportation Office – Calapan City, Oriental Mindoro, Philippines on July 8, 2021.

Doc No. 08 ;  
Page No. 03 ;  
Book No. XI ;  
Series of 2023.

**NOTARY PUBLIC**  
**ATTY. DONALD JUDE H. JOYA**  
**NOTARY PUBLIC**  
Until December 31, 2023  
Roll of Attorneys No. 78591  
Initial Compliance will end on April 14, 2025  
Admitted to the Bar on May 13, 2022  
IBP No. 261614 / 01-03-23 / Oriental Mindoro  
PTR No. 1030729 / 01-03-23 / Calapan City