

25 July 2023

NORLITO A. ENERAN, LL.M., CESO III

Director, Legal Affairs Service

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



Re: **REQUEST FOR A COPY OF CASE DISPOSITION AND
CERTIFICATE OF FINALITY**

Dear Sir:

Greetings!

I would like to obtain a copy of the Case Disposition and Certificate of Finality for the following DENR case:

"DENR CASE NO. 9350 ENTITLED "DANNY L. LUA, PETITIONER -VS- HIERS OF RICARDO
NANGIT REP. BY REYNALDO Z. NANGIT, RESPONDENTS"
(Resolution dated 10 February 2023 herein attached as Annex A)

Please take note that copies of the Decision were duly served and received by both parties as confirmed by PENRO through its issued memorandum dated 10 March 2023 signed by Mr. Felizaldo B. Cayatoc (See Annex B) and by the Regional Executive Director through a memorandum dated June 2, 2023 signed by RED Lormelyn E. Claudio (See Annex C)

Earlier in June 2023, we also requested for the Certificate of Finality (See Annex D) from your good office yet you failed to give us any response despite our constant follow-ups.

These Certifications are being requested for reference purpose. If there is a need for payment of whatever fee for the said request and for any other concerns, you may contact me through my details indicated below.

We trust that your office will act on this request promptly.

Thank you for your assistance on this matter.

Sincerely,


RODRIGO RONALDO N. MARANAN

Email Address: maranan.rodron@oakdrivecapitalinc.com

Mailing Address: Unit 6-D ICON Plaza, 26th Street, Bonifacio Global City, Taguig Mobile

Number: 0917 839 8843

Copy Furnished:

Atty. Michelle Angelica D. Go, LL.M., CESO II
Assistant Secretary for Legal Affairs

Felix S. Mirasol, Jr., CESO III
Regional Executive Director- DENR MIMAROPA

Mr. Danny L. Lua
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Atty. Gregorio G. Austria b
74 Rizal Ave., Puerto Princesa City

Atty. Ma. Gisela C. Josol-Trampe
PSU Manalo Campus Compound
Manalo St., Puerto Princesa City

Heirs of Ricardo Nangit rep. by Reynaldo Z. Nangit
New Agutaya, San Vicente, Palawan

Atty. Arnel V. Venturillo
64 Fernandez Extension, Puerto Princesa City

PENRO Palawan
Brgy. Sta. Monica, Pto. Princesa City

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

DANNY L. LUA,
 Petitioner,

-versus-

DENR CASE NO. 9350

HEIRS OF RICARDO NANGIT,
REP. BY REYNALDO Z. NANGIT,
 Movants-Respondents.

X-----X

RESOLUTION

For resolution is the Motion for Reconsideration dated 15 August 2013 filed by the Heirs of Ricardo Nangit (Heirs of Nangit, for brevity), from this Office's Decision dated 17 May 2013, the decretal portion of which reads:

WHEREFORE, in the light of all the foregoing, the Petition is **GRANTED**. Let the Regional Executive Director of DENR - Region IV B (MIMAROPA) file the necessary complaint in the appropriate court for the cancellation of Original Certificate of Title No. E-34528 in the name of Respondents Heirs of Ricardo Nangit for grave misrepresentation and fraud committed by the latter in securing said title over a salvage zone and let the land covered thereby be reverted to the mass of the salvage zone subject later to the rights of Petitioner Danny Lua as littoral owner of the adjacent titled lots.

Further, Special Investigator Ronnie P. Lilang, and Supervising Land Examiner Jimmy C. Villareal, are hereby ordered to **SHOW CAUSE** why they should not be formally charged for dishonesty and conduct inimical to the best interest of the service due to their complicity on Respondents-patentees' violation of Section 91 of

DENR Case No. 9350

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[Signature]
JANE G. BAUTISTA
 Chief, Records Management Division

Commonwealth Act No. 141, as amended. They are ordered to submit their written explanation to the Office of the Assistant Secretary for Internal Audit and Anti-Corruption, DENR Central Office within fifteen (15) days from receipt of this Decision.

SO ORDERED.

The subject matter in this case is Lot 6346-D (Csd-04-032957) with an area of 3,110 square meters (sq.m.) and covered by Original Certificate of Title (OCT) E-34528 in the name of the Heirs of Nangit.

In their Motion for Reconsideration, the Heirs of Nangit contend that:

1. this Office has no jurisdiction over the subject lot on the ground that it is part of an ancestral domain;
2. the subject lot is not a salvage zone; and
3. there is no concealment and blatant misrepresentation in the free patent application.

After evaluation, this Office finds the motion unmeritorious.

As cited in the case of *Oliva v. Republic, et al.*,¹ Article 51 of Presidential Decree 1067 or the Water Code of the Philippines provides:

The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

This imposition is in effect, an outright prohibition against the grant of private titles over salvage zones. Private ownership is inconsistent with the easement of public use imposed by the Water

¹ G.R. No. 163118, 27 April 2007

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JANE G. BAUTISTA
Chief, Records Management Division

Code.

In the assailed Decision, this Office held that the subject lot is a salvage zone as evidenced by Subdivision Plan Csd-04-032957-D. Below are the pertinent findings in the said Decision:

However, upon examination of Lot No. 7365, Cad 860-D of the San Vicente Cadastre said lot is equivalent to Lot No. 6346-D appearing in the Subdivision Plan of Lot No. 6346 described under CSD-04-032957-D appearing in the Subdivision Plan of Lot No. 6346 described under CSD-04-032957-D approved on October 07, 2009 by the OIC-Regional Technical Director of Land Management Sector (LMS) DENR-Region IV B in the name of Cynthia C. Francis.

Further, Csd-04-032957 shows that Lot No. 6346 is subdivided into four (4) lots including Respondent's titled Lot No. 6346-D, and is a beach front immediately Adjacent to the following lots:

1. Lot No. 6343 (Lot No. 2712-F)
2. Lot No. 6342 (Lot No. 2712-E)
3. Lot No. 6341 (Lot No. 2712-D)
4. Lot No. 6340 (Lot No. 2712-C) - (titled lot of Petitioner)
5. Lot No. 6339 (Lot No. 2712-B) - (titled lot of Petitioner)
6. Lot No. 6338 (Lot No. 2712-A)

So, Lot No. 6346 under Csd-04-032957, from which Lot No. 6346-D was derived (titled in the name of the Respondent Heirs) is a beach front and classified as salvage zone (for environment protection) as clearly described and equivalent to Lot 2712-I described under Csd-04-016496-D, a subdivision plan of Lot No. 2712, Cad-860-D in the name of Ricardo Nangit, et al, with the following notation:

"Lot 2712-A up to Lot 2712-I shall be equivalent to Lot-6338 up to Lot 6346 respectively, Cad-860-D, San Vicente Cadastre, Lot 2712-I was segregated pursuant to DAO-97-05 and is reserved for Salvage Zone and that no permanent structure shall be allowed unless

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Chief, Records Management Division

intended for erosion control or to enhance the esthetic qualities of the area."

Therefore, Lot No. 6346-D (Csd-04-032957) titled in the name of Respondents Heirs of Ricardo Nangit under OCT No. E-34528 is indeed equivalent to Lot No. 6346 (equivalent to Lot No. 2712-I under Csd-04-032957) and is a salvage zone, which under Presidential Decree No. 705 and existing DENR policy (i.e. DAO No. 97-05) cannot be the subject to registration of title.

As can be gleaned from the above-quoted Decision, the findings of this Office were duly supported by evidence. Also, the Heirs of Nangit failed to present new evidence to convince this Office to reconsider its findings that they are guilty of concealing material facts when they identified the subject lot as agricultural in their application.

Furthermore Chapter III of Department Administrative Order (DAO) 2016-31² provides for the Procedure in the Investigation of Petitions Involving Registered Patents. Section 28, Chapter III of said DAO provides that:

Section 28. Grounds. The allegations in the Petition shall admit State ownership of the land in controversy. The Petition shall also set forth any or a combination of the following grounds:

1. The holder of the title has not occupied, possessed and cultivated the land applied for the required period of time in the concept of an owner and in the manner required by law, meaning, openly, publicly, notoriously, continuously and adversely in cases of free patent;
2. The land has not been subjected to classification and/or a public forest;
3. The land is classified as forest or timberland;
4. The land is part of a military or civil reservation;
5. The land is a foreshore or swampland;
6. The land is a salvage zone or public easement;

²Procedure in the Investigation and Resolution of Land Claims and Conflicts Cases

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J. Bautista
JANE G. BAUTISTA
Chief, Records Management Division

7. The land is part of navigable river, stream or creek;
8. The land is part of a street or public highway;
9. The applicant has no absolute title nor an incomplete or imperfect right which could be registered and confirmed under Act 496, P.D. 1529 and C.A. 141;
10. The plan of the land differs from the documentary evidence of the applicant;
11. The patent was procured through fraud and/or misrepresentation;
12. The land covers or is part of an expanded area brought about by a series of subdivision surveys; and
13. The acquisition, conveyance, alienation, transfer or contract is in violation of Sections 118, 121, 122, and 123 of C.A. 141.

The present case is similar to the case of *Republic v. Capital Resources Corporation*,³ where the Supreme Court reverted to the public domain, and cancelled TCT T-23343, located in Bauang, La Union, on the ground that the same is a salvage zone.

It is noted that Special Investigator Ronnie P. Lilang, and Supervising Land Examiner Jimmy C. Villareal are partly at fault for the erroneous titling of the subject lot. However, the errors of the said agents of DENR cannot be invoked against the government.

As ruled by the Supreme Court, in the case of *Republic v. Hachero*,⁴

Be that as it may, the mistake or error of the officials or agents of the BOL in this regard cannot be invoked against the government with regard to property of the public domain. It has been said that the State cannot be estopped by the omission, mistake or error of its officials or agents.

It is well-recognized that if a person obtains a title under the Public Land Act which includes, by oversight, lands which cannot be registered under the Torrens system, or when the Director

³ G.R. No. 217210, November 7, 2016.

⁴ G.R. No. 200973, May 30, 2016.

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[Signature]
JANE G. BAUTISTA
Chief, Records Management Division

of Lands did not have jurisdiction over the same because it is a public domain, the grantee does not, by virtue of the said certificate of title alone, become the owner of the land or property illegally included. Otherwise stated, property of the public domain is incapable of registration and its inclusion in a title nullifies that title. Personnel of the government cannot bind the government.


WHEREFORE, the Motion for Reconsideration filed by the Heirs of Ricardo Nangit, represented by Reynaldo Z. Nangit is **DENIED** for lack of merit. This Office's Decision dated 17 May 2013 is **AFFIRMED WITH MODIFICATIONS**. Let the Regional Executive Director of DENR Region IV-B MIMAROPA conduct the technical investigation in compliance with the existing laws, rules, and regulations, for the initiation of the necessary action for reversion in the appropriate court for the cancellation of Original Certificate of Title No. E-34528, and its derivatives, if there be any.

The Regional Executive Director is further ordered to initiate the investigation of all the personnel who were involved in the illegal titling of the subject lots. Update on the said proceedings and the status of the show cause orders issued against Special Investigator Ronnie P. Lilang, and Supervising Land Examiner Jimmy C. Villareal should be given to the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs, through the Internal Affairs Division of the Legal Affairs Service, for monitoring purposes.

SO ORDERED.

Quezon City, Philippines, 10 FEB 2021

By Authority of the Secretary:



ATTY. MICHELLE ANGELICA D. GO
Assistant Secretary, Legal Affairs



DENR Case No. 9350

Page 6 of 7

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J. G. BAUTISTA
Chief, Records Management Division

Copy furnished:

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Atty. Ma. Gisela B. Josol-Trampe
Collaborating Counsel for the Petitioner
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Manalo St., Puerto Princesa City, Palawan

Atty. Arnel B. Venturillo
Counsel for Movants-Respondents
64 Fernandez Extension, Puerto Princesa, Palawan

Danny L. Lua
Petitioner
7 Buchanan St., North Greenhills, San Juan

Heirs of Ricardo Nangit
Rep. by Reynaldo Z. Nangit
Movant-Respondents
New Agutaya, San Vicente, Palawan

The Acting Director
Land Management Bureau
880 F.R. Estuar Bldg., Quezon Ave., Brgy. Paligsahan, Q.C.

The Regional Executive Director
DENR Region IV-B MIMAROPA
DENR by the Bay Bldg., 1515 Roxas Blvd. Manila

The Undersecretary
Legal, Administration, Human Resources
and Legislative Affairs

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Jane G. Bautista
JANE G. BAUTISTA
Chief, Records Management Division



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

ANNEX 8

P-2023-105683-1

DENR MIMAROPA RECORDS SECTION	
BY: <i>[Signature]</i>	DATE: MAR 20 2023

March 10, 2023

MEMORANDUM

FOR : The Director
Legal Affairs Service

THRU : The Regional Executive Director
DENR MIMAROPA Region
1515 DENR by the Bay Bldg., Roxas Blvd.
Ermita, Manila

FROM : Provincial Environment and Natural
Resources Officer

SUBJECT : DENR CASE NO. 9350 ENTITLED "DANNY L. LUA,
PETITIONER -VS- HIERS OF RICARDO NANGIT REP. BY
REYNALDO Z. NANGIT, RESPONDENTS."

10/10/23 1:50pm

This has reference to your memorandum dated February 22, 2023 received by this office on March 2, 2023 regarding the above-stated DENR case.

Please be informed that the copies of the *Decision dated May 17, 2013* by then OIC-Assistant Secretary for Legal Services and *Resolution dated February 10, 2021* issued by Secretary for Legal Affairs relative to the aforementioned case has been served personally by this office to certain recipients of documents on the address provided by your office.

Although, the copy for Atty Ma. Gisela B. Josol-Trampe was not served because her office on the said address is no longer existing, certain personnel on the campus pointed us to allegedly her new office address, yet despite the multiple attempts to serve the same, the said office was close.

Furnished herewith is the memorandum to CENRO-Roxas and the Proof of Service of the said documents to certain recipients.

For information and record.

Doc. Ref. No.: 2023-1832, 2022-8263.
Records Unit/File

Copy Furnished:

The Undersecretary
Legal and Administration

The Assistant Secretary
Legal Affairs Service

[Signature]
ELIZARDO B. CAYATOCY

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By: *[Signature]*
Date: CN 2023-649
13 MAR 2023



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

MEMORANDUM

FOR : The Director, Legal Affairs Service

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : SERVICE OF COPIES OF THE DECISION DATED MAY 17, 2013, AND RESOLUTION DATED FEBRUARY 10, 2021 RE: DENR CASE NO. 9350 ENTITLED "DANNY L. LUA, PETITIONER VERSUS HEIRS OF RICARDO NANGIT, REP. BY REYNALDO Z. NANGIT, RESPONDENTS "

DATE : JUN 02 2023

This refers to your Memorandum dated September 02, 2022 regarding the above-cited subject.

Respectfully indorsed is the attached Memorandum dated March 10, 2023 of the PENR Officer, Palawan with the information that copies of the above-cited Decision and Resolution were served personally by the said office to certain recipients of documents on the addresses provided. However, the copies for Atty. Ma. Gisela B. Josol-Trampe were "not served because her office on the said address is no longer existing, certain personnel on the campus pointed us to allegedly her new address, yet despite the multiple attempts to serve the same, the said office was close."

For information and record.


LORMELYN E. CLAUDIO, CESO IV

Copy furnished:

MR. RODRIGO RONALDO N. MARANAN
(maranan.rodron@oakdrivecapitalinc.com)

PENRO Palawan

CENRO Roxas, Palawan



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 105633

08 June 2023

NORLITO A. ENERAN, LL.M., CESO III
Director, Legal Affairs Service
Department of Environment and Natural Resources
Central Office, Visayas Avenue,
Diliman, Quezon City

Re: **DENR CASE NO. 9350 ENTITLED "DANNY L. LUA,
PETITIONER -VS- HIERS OF RICARDO NANGIT
REP. BY REYNALDO Z. NANGIT, RESPONDENTS."**

Dear Dir. Eneran:

We are writing to your office regarding the above-cited DENR case, *vis-à-vis* the *Memorandum* issued by the Regional Executive Director on 02 June 2023 regarding the service of copies of the Decision dated 17 May 2013 and Resolution dated 10 February 2021 on the same case.

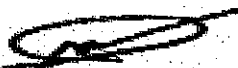
As directed in your 02 September 2022 Memorandum, the office of the PENR through the office of the Regional Executive Director, has already informed your good office that copies of the above-cited Decision and Resolution were served personally to certain recipients of documents on the addresses we have provided in our 31 January 2023 correspondence.

In your letter to the undersigned dated 15 November 2021, it was suggested that "*in order to expedite the process, we would need to request a certification from the Philippine Postal Office on whether the said Resolution was received by the parties.*" However, since the office of the PENR has confirmed that the Decision and Resolution were served personally to the recipients of the Respondents, such certification is no longer necessary for your office to issue the Certificate of Finality for the DENR CASE NO. 9350, which we have requested since 15 September 2021.

Given the above-narrated facts, we are looking forward to an immediate action to resolve the matter. We trust that your office will act on this request promptly.

Thank you very much for your usual assistance.

Sincerely,


RODRIGO RONALDO N. MARANAN
Email Address: maranan.rodron@oakdrivecapitalinc.com
Mailing Address: Unit 6-D ICON Plaza, 26th Street, Bonifacio Global City, Taguig
Mobile Number: 0917 839 8843