



February 22, 2023

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region

THRU : The Assistant Regional Director for Technical Services

FROM : The OIC-PENRO
Oriental Mindoro

SUBJECT : **REQUEST OF MS. DEBBIE JANE LAROZA FOR THE
PROCESSING OF THEIR CLAIMED PARCEL OF LAND IN
BRGY. KALIGTASAN, BONGABONG, ORIENTAL MINDORO
(DENR-OSCEC-2022-004431) (ECCB105987) [E-2022-98838]
LOT 2259-A, B, C, & D, CSD-4B-000412-D**

Submitted herewith is the Completed Staff Work (CSW) regarding the request of Ms. Debbie Jane Laroza for the processing of their claimed parcel of land in Brgy. Kaligtasan, Bongabong, Oriental Mindoro.

For information, record and further instruction.


ALAN L. VALLE



COMPLETED STAFF WORK (CSW)

RE: REQUEST OF MS. DEBBIE JANE LAROZA FOR THE PROCESSING OF THEIR CLAIMED PARCEL OF LAND IN BRGY. KALIGTASAN, BONGABONG, ORIENTAL MINDORO (DENR-OCO-SEC-2022-004431) (ECCB105987) [E-2022-98838] LOT 2259-A, B, C, & D, CSD-4B-000412-D

I. FACTUAL BACKGROUND

1. Lot No. 2259, Pls 138 Bongabong Cadastre with an aggregate area of 3,416 square meters was subdivided into four (4) lots, 2259-A, 2259-B, 2259-C, and 2259-D under approved plan No. Csd-4B-000412-D, surveyed for Rosalina Laroza-Avila, et.al. approved on October 26, 2011.
2. Lot No. 2259-A, Csd-4B-000412-D containing an area of 732 square meters, was covered by DENR Case No. M-12-13-L filed at DENR MIMAROPA Region, between Rodrigo A. Laroza, *Protestant*, -versus- Rosalina Laroza-Avila, *Protestee*, but was ORDERED DISMISSED for lack of merit as per DECISION dated September 13, 2013, issued by the RED Edgardo O. Galeon. CENRO Roxas was ORDERED to hold abeyance the processing of Free Patent Application No. 045203-348 pending the submission by any of the parties by pertinent document of partition of properties of the deceased Norberto Laroza.
3. Then, a document entitled *Kasunduan* dated December 28, 2021 was executed by Rodrigo Laroza and Rosalina Laroza-Avila, who agreed to settle their conflict thru ADR proceedings and amicably settled stating that Lot No. 2259-B, Csd-4B-000412-D be titled in the name of Rodrigo Laroza, and 2259-A, Csd-4B-000412-D be titled for Rosalina Laroza-Avila.
4. The Order of Amicable Settlement was issued dated September 6, 2022 by In-Charge, PENRO Oriental Mindoro Alma E. Gibe giving force and effect to the Agreement of both parties (ADR Case No. 2022-1752040-0094).
5. Lot No. 2259-C, Csd-4B-000412-D is covered by case entitled "*Heirs of Norberto Laroza rep. by Rodrigo A. Laroza and/or Rosalina A. Laroza-Avila, Protestants -versus- LGU of Kaligtasan, Bongabong, Oriental Mindoro rep. by Punong Barangay Delio Del Rosario, Protestee.*"
6. Series of emailed messages and letters from Ms. Debbie Jane Laroza and Mrs. Rosalina Laroza-Avila were received at CENRO Roxas and PENRO Oriental Mindoro, and also directly to CSC Central Office regarding the application for patent of Mr. Rodrigo A. Laroza and Rosalina Laroza-Avila.

II. ACTIONS TAKEN AT CENRO Roxas

1. A letter dated October 24, 2022 from LMO II Peterson F. Fabellon of CENRO Roxas was sent to Hon. Elegio A. Malaluan of Bongabong attention the Municipal Planning and Development Office, requesting for a certification that Lot 2259-A, Csd-4B-000412-D equivalent to Lot No. 2299, Pls 138 located in Kaligtasan, Bongabong, is a zoned residential area. However, the LGU responded thru a letter dated November 28, 2022 regarding the request, informing that they could not grant the said request because the particular lot, Lot 2259-A, is claimed by two adverse parties- the Laroza Family and the Local Barangay Council of Kaligtasan, and the land dispute has been forwarded to the Provincial Legal Office.



2. A letter again dated December 5, 2022 from CENRO Ceasar E. Quebec was sent to Hon. Elegio A. Malaluan of Bongabong informing that based on records, the case *"Heirs of Norberto Laroza rep. by Rodrigo A. Laroza and/or Rosalina A. Laroza-Avila, Protestants, -versus- LGU of Barangay Kaligtasan, Bongabong, Oriental Mindoro rep. by Punong Barangay Delio Del Rosario, Protestee"* covers Lot No. 2259-C, Csd-4B-000412-D equivalent to Lot No. 2301. Pls 138 Bongabong Public Land Subdivision.
3. Another letter dated December 22, 2022 from LMO II Peterson F. Fabellon of CENRO Roxas was sent to Hon. Elegio A. Malaluan of Bongabong reiterating the request for Zoning Certificate of Lot No. 2259-A, Csd-4B-000412-D.
4. On the other hand, on November 21, 2022, CENRO Roxas received the application for Agricultural Free Patent of Rodrigo Atilano Laroza for Lot 2259-B, Csd-4B-000412-D containing an area of 786 square meters. Then Notice of Free Patent Application was posted by LMI Euridez Gabuco at Brgy. Kaligtasan, Bongabong and in Municipal Hall of Bongabong which lasted until December 10, 2022.
5. On December 1, 2022, Brgy. Captain Delio A. Del Rosario of Kaligtasan, Bongabong sent a letter to CENRO Roxas which marked received on the same date, expressing protest against Application for Free Patent of Mr. Rodrigo A. Laroza and further informed the office of the barangay's adverse claim over the tract of land.
6. However, on December 5, 2022, CENRO Roxas replied to Captain Del Rosario's letter requiring the latter to submit documents needed for a formal or verified protest based on Section 4 of DAO 2016-31¹, and has given them a fifteen (15) days period to submit those requirements.
7. On December 15, 2022 a *Resolusyon Blg. 30 serye 2022* entitled *"Isang Kapasyahang Pinagtibay ng Sangguniang Barangay Upang ang Lupang Itinuring na Plaza kung saan Nkatayo ang mga Istrakturang Kagaya ng Stage ay Mapagkalooban ng Karampatang Pagkilos at Representasyon para sa Pagkakaroon ng Dokumentong Pag-aari kung lehitimo ang Ginawang Aplikasyon"* was received at CENRO Roxas.
8. On December 22, 2022, CENRO Roxas informed Hon. Del Rosario that the non-extendible period of fifteen (15) days to submit requirements for formal protest has ended, thus the protest was DISMISSED without prejudice and public land applications covering Lot No. 2259-A, and 2259-B, Csd-4B-000412-D will be given due course.

III. ACTIONS TAKEN AT PENRO Oriental Mindoro

1. A letter dated October 20, 2022 was sent to Ms. Debbie Jane C. Laroza clarifying that application of Rodrigo A. Laroza and Rosalina Laroza-Avila and the protest filed against Captain Delio A. Del Rosario on 2021, were not yet received at PENR Office.
2. A Memorandum dated December 28, 2022 was sent to CENRO Roxas referring the emailed message dated December 21, 2022 from Ms. Debbie Jane Comia Laroza inquiring for response of the Municipal Mayor of Bongabong on the letter of CENRO Roxas for issuance of Zoning Certification of Lot No. 2259-A, Csd-4B-000412-D, thus, instructed CENRO Roxas to coordinate with Ms. Laroza on the status of said request and the response of LGU of Bongabong regarding the same.

¹ Procedure in the Investigation and Resolution of Land Claims and Conflict Cases



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

3. Another Memorandum dated January 3, 2023 was sent to CENRO Roxas referring the emailed message dated December 23, 2022 of Ms. Jane Laroza regarding response of Kapitan Del Rosario's Protest to Lot No. 2259-A, 2259-B and 2259-C, Csd-4B-000412-D, and instructed CENRO Roxas to act on the concerns of the proponent based on the existing rules, laws and regulations.
4. Letter dated January 24, 2023 was sent to Ms. Debbie Jane Comia Laroza, informing that the PENR Office reiterated the request for Zoning Certificate at the LGU of Bongabong.
5. Letter dated January 24, 2023 was sent to Hon. Elegio A. Malaluan, Municipal Mayor of LGU of Bongabong reiterating the request of CENRO Roxas for Zoning Certificate as a necessary requirement for the processing of application of Residential Free Patent.

IV. COMMENTS AND FINDINGS

1. Barangay LGU of Kaligtasan, Bongabong refused to issue *Pagpapatunay* or Certification in support to the ownership and application of Rosalina Laroza-Avila for Lot 2259-A, Csd-4B-000412-D, and LGU of Bongabong also refused to issue Zoning Certificate for this particular lot, which are deemed necessary requirements for Residential Free Patent per RA No. 10023 and DAO No. 2010-12, thus, processing of such application could not proceed at CENRO Roxas.
2. The demand of Ms. Debbie Jane Laroza to pursue the processing of the application for Residential Free Patent even without those documents could not be possible, for the Office might violate the above-mentioned guidelines.
3. The Laroza Family and the Barangay LGU of Kaligtasan has conflict for Lot No. 2259-C, Csd-4B-000412-D, and other parcels of lots are now affected.
4. Our Office already did our best to secure the Certificate with the LGU, but then, no positive response was received from them up to this time.

V. RECOMMENDATIONS

In view of the above findings, the processing of Residential Free Patent Application of Rosalina Laroza-Avila covering Lot No. 2259-A, Csd-4B-000412-D could not continue due to insufficient requirements. Therefore, in order to comply the lacking essential requirements, it is recommended that the applicant herself should personally approach to the LGU for the issuance of such. Let them settle what was the reason of not issuing the same despite the explanation made by CENRO Roxas to the LGU.

Likewise, CENRO Roxas is also advised to coordinate personally and directly to Mayor Malaluan to explain the matter.


Prepared by:


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LMO III/Chief RPS

Noted:


ALMA E. GIBE
DMO V/Chief TSD

Approved by:


ALAN V. VALLE
OIC-PENR Officer