

January 12, 2023

LORMELYN E. CLAUDIO, CESO IV

Regional Executive Director
LMS-DENR MIMAROPA
Roxas Blvd., Ermita Manila

Ma'am,

This is in connection with the recommendation of the CENR Officer of Sablayan regarding the approval of the survey plan for lot 744, Pls-41 (Philcusa-foa) Lubang Public Land Subdivision prepared for Sps. Constancio Masangkay and Araceli Masangkay that he defers the approval of the survey unless submitted a Proof of transfer from Hrs of Benito Oliva.

First, the reason of pendency of the survey plan is the absence of waiver of rights from Benito Oliva to the Survey claimant, Sps. Constancio and Araceli Masangkay. Benito Oliva has 4,743 sq.m. as evidenced by Tax Declaration No. 05-011-0133-A which was sold by the heirs, namely Marcelo Villas and Reynaldo Oliva Villas to the same survey claimant, Sps. Constancio and Araceli Masangkay (lot 744-C of the proposed subdivision plan). The other property sold to the survey claimant consisting 0.6087 hectares as evidenced by Affidavit of Self Adjudication with sale executed by Magno Tanaliga for the property declared under his parents Quintin Tanaliga and Sabina Tesoro Tanaliga covered by Tax declaration no. 05-011-0229-A. The survey claimants decided to have it subdivided and covered lots 744-D, 744-E, 744-F, 744-G, 744-H, 744-I, 744-K and 744-M whose areas add up to 6,071 sq.m.


Please be reminded that anyone can assert claim on a parcel of land, moreso on public lands but on what record was the basis of such claim? If its index card/allocation book of CENRO was used, please do note that only after the judgement of dismissal (year 2020) on the cadastral case gave the CENRO the jurisdiction over the lands that are dismissed. Meanwhile, if it's the cadastral claimant's list was used as basis, the CENRO must learn that the decision is dismissal, therefore, the supposed claimant, Benito Oliva, never proved that he is the qualified person to be given a Decree. ARE INDEX CARD/ALLOCATION BOOK and CADASTRAL CLAIMANTS LIST weighed more than OCCUPATION WITH PAYMENT OF REAL PROPERTY TAXES FOR MORE THAN FORTY TWO (42) YEARS? Really CENRO?

Moreso, the land claimed by Benito Oliva and Magno Tanaliga are **two different lots**, as evidenced by **two different tax declarations**. It's the inspector of the CENRO reported that there are no other claims and conflict existing on the subject lot, and surprisingly, it is the CENRO that created one. In the report which read "we asked Mr Masangkay if he has knowledge on how the 0.6087 hectare was acquired by the parents of Magno Tanaliga from Mr. Benito Oliva , thereby he replied negatively" is because there is no acquisition consummated between Quintin and Sabina Tanaliga and Benito Oliva. The CENRO should took a closer look at the claims of Spouses Tanaliga. The occupation of Spouses Tanaliga was coupled with the tax declaration which they declared since 1980 (see certification issued by the Municipal assessor and Brgy. Chairman). Based on supreme court decision (GR 158385) Modesto Pallai vs Juliet Awisan that reads *"We have ruled in several cases that possession, when coupled with tax declaration is a weighty evidenced of ownership*

(Cequeña v. Bolante). It certainly is more weighty and preponderant than a tax declaration alone. It is safe to say that only a title over the same land can hinder the application for patent of the survey claimant. Take note also that the CENR Officer took a picture at the subject land that is now in the possession of Sps Masangkay and no one dare to question the transfer and occupation of the same except himself.

The undersigned completely oppose the reasoning of the CENR Officer that only transfer of rights is needed from the Oliva to Tanaliga to facilitate the ownership of the survey claimants. I will agree only if the Officer is the Register of Deeds and on the subject of titled properties that requires transfer. Transfer of rights is one way of proving one's claim, but, it's not the only way. One of the modes of acquiring ownership is Prescription (acquisitive prescription) according to Article 712 of the Civil Code. Prescriptive period for agricultural public land is Twenty (20). If the dear CENRO read Sec 2 of RA 11573 "*Section 44 of CA 141 as amended by RA 6940, is hereby further amended to read as follows : Sec 44 .Any natural-born citizen of the Philippines who is not the owner of more that twelve (12) hectares of land, and who, for atleast twenty (20) prior to the filing of an application for agricultural free patent, has continuously occupied and cultivated, either personally or through a predecessor-in- interest, a tract or tracts of alienable and disposable agricultural public lands subject for disposition, and who shall have paid the real estate tax thereon shall be entitled, under the provisions of this Chapter, to have a free patent issued for such tract or tracts of such land not to exceed twelve (12) hectares*".if the survey claimants Sps. Masangkay never qualified, who else will?

To disregard all these facts are far deliberate. How a government employee seems to burden rather than to be of service to his clients. The Officer shall cite previous rulings or jurisprudence rather than to highlight how much the survey claimants pay me for my services for it is inconsequential if not begrudge.



RICARDO LORENZO D. CUSTODIO
Geodetic Engineer
Lubang Island, Occidental Mindoro
09289430771



Republic of the Philippines
PROVINCE OF OCCIDENTAL MINDORO
MUNICIPALITY OF LUBANG

OFFICE OF THE MUNICIPAL ASSESSOR

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that as per available assessment record of this office, the current Tax Declaration of Lot Number 744-Part declared to **OLIVA, Benito** with present PIN 028-05-0011-005-12, pertains to the same Lot with previous issued Tax Declaration, to wit;

Declarant	Lot No.	PIN	Revision Year
OLIVA, Benito	744-Part	028-05-011-02-035	2004 & 2007
OLIVA, Benito	744-Part	028-05-009-04-221	2001 & Earlier

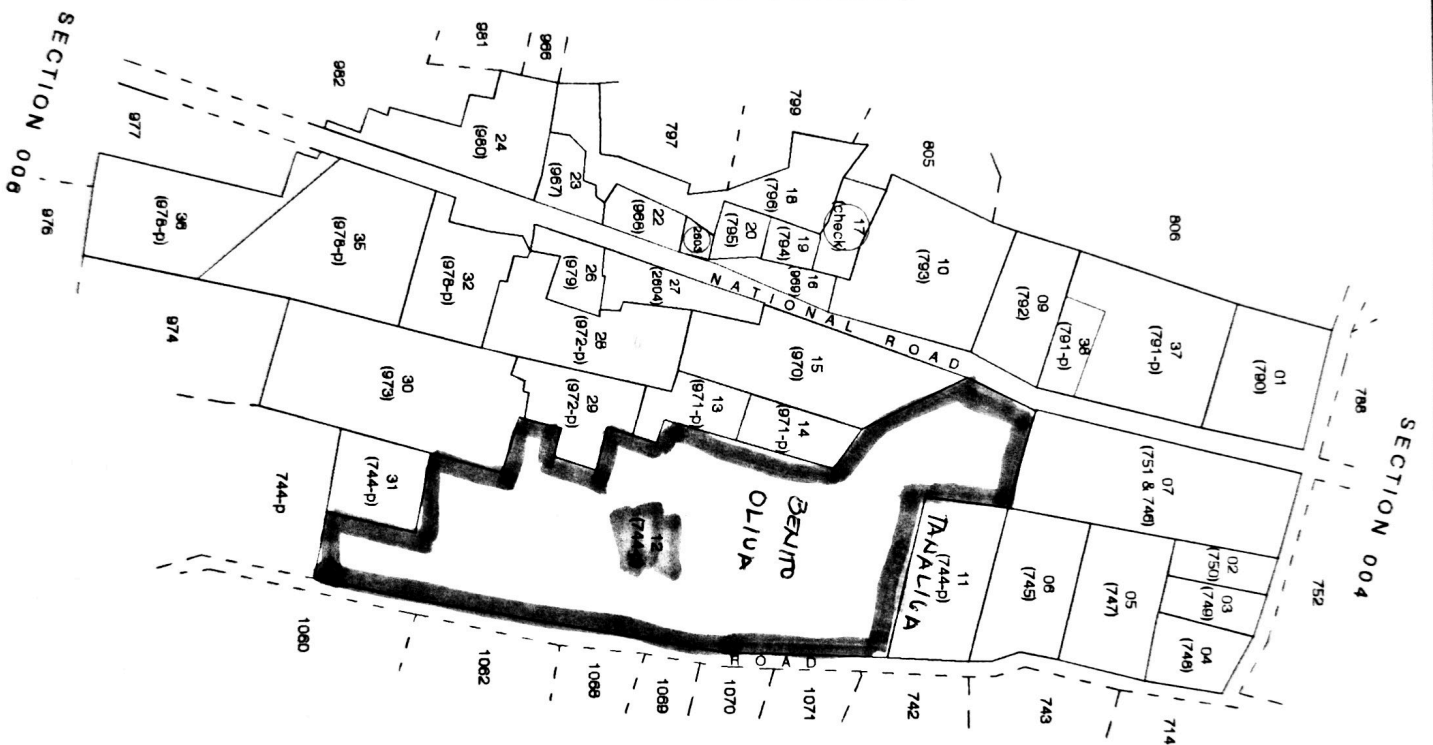
This certification is being issued upon the request of the interested party for whatever legal purposes this may serve.

Issued this 2nd day of December, 2022 at Lubang, Occidental Mindoro.

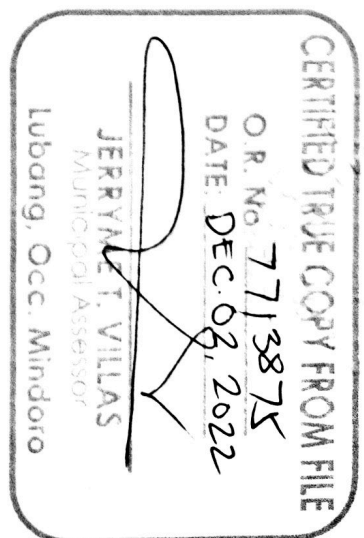
JERRYME T. VILLAS
Municipal Assessor


Paid Under O.R. No. 7713875
Amount Paid: P 75.00
Date Paid: Dec. 02, 2022

BRGY. PARAISO



BRGY. NINIKAT NG PAGASA



 PROPERTY DESTRUCTION MAP Scale : 1 : 3000	
Prepared by :	JERRYNET T. VILLAS Municipal Assessor
Verified by :	RUEL T. BERNARDO Chief / Tax Mapping Division
This map is prepared for taxation purposes only and shall not be considered as evidence for settling boundary disputes.	
ARNOLD DENNIS M. EUGENIO Provincial Assessor	
028	05
Province	Municipality
0011	005
Barangay	Section
Plotted : MARK D. MORALES	

**AFFIDAVIT OF SELF ADJUDICATION
WITH SALE**

KNOW ALL MEN BY THESE PRESENTS:

I, **MAGNO TANALIGA**, Filipino, of legal age, with residence and postal address at Barangay Araw at Bituin, Lubang Occidental Mindoro, after having been duly sworn in accordance with law depose and state:

That I am the sole surviving heir of **QUINTIN TANALIGA and SABINA TESORIO TANALIGA**, who died intestate on March 31, 1996 and April 24, 1995.

That said deceased at the time of their death left a parcel of land located at Tapat, Araw at Bituin, Lubang, Occidental Mindoro and which is more particularly described as follows:

(DESCRIPTIONS)

A PARCEL OF LAND (Upland) located at Tapat, Araw at Bituin, Lubang, Occidental Mindoro, declared under Tax Declaration No. 05-011-0229-A, PIN 028-05-011-02-034, Lot No. 744 Part, Pls.41 consisting an area of **0.6087 hectare** more or less and with boundaries as follows:

North Lot No. 745
South Lot No. 744 Part
East Road
West Lot No. 744 Part

That pursuant to Section 1, Rule 74 of the Revised Rules of the Philippines, I hereby adjudicate unto myself the parcel of land above-described, and I hereby request the Register of Deeds of Occidental Mindoro to register and render the same effective.

THAT FOR AND IN CONSIDERATION OF THE SUM OF **THIRTY FIVE THOUSAND PESOS (Php 35,000.00)** Philippine currency to me in hand paid to my great satisfaction by the **VENDEE**, **Spouses CONSTANCIO SARI MASANGKAY and ARACELI ZUBIRI MASANGKAY**, likewise Filipino, of legal ages, with residence and postal address at Barangay Araw at Bituin, Lubang, Occidental Mindoro, the **AFFIANT /VENDOR** do hereby **SELL, TRANSFER and CONVEY** by way of Absolute Sale unto the said **VENDEE**, his heirs, successors and assigns the parcel of land above-described free from any and all liens and encumbrances of whatever kind and nature except those owing to the government.

That the above-reatly does not come under the operation of the Land Reform Code.

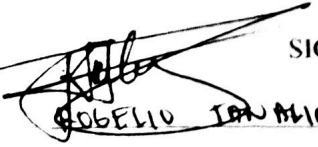
IN WITNESS WHEREOF, I have hereunto signed this document this 30 day of January 2017 at Lubang, Occidental Mindoro, Philippines.



MAGNO TANALIGA
Affiant Vendor


CONSTANCIO SARI MASANGKAY
Vendee


ARACELI ZUBIRI MASANGKAY
Vendee

SIGNED IN THE PRESENCE OF


GOBELIO TANALIGA
WITNESS


KAP. JUAN MASANGKAY
WITNESS

Affidavit of Self-Adjudication with Sale

REPUBLIC OF THE PHILIPPINES)
 PROVINCE OF OCCIDENTAL MINDORO: S.S.)
 MUNICIPALITY OF LUBANG)
 X-----X

ACKNOWLEDGEMENT

BEFORE ME, A NOTARY PUBLIC, for and in the Municipality of Lubang, Province of Occidental Mindoro, this 30 day of January 2017, personally came and appeared the following persons with their ID Nos. opposite their names, to wit:

<u>NAMES</u>	<u>ID. NO.</u>	<u>ISSUED ON</u>	<u>ISSUED AT</u>
MAGNO TANALIGA	SEN ID # 009474	03-21-2014	San Juan City
CONSTANCIO S.MASANGKAY	SEN ID# 2495	01-07-2008	Lubang, Occ. Mindoro
ARACELI Z. MASANGKAY	SEN ID# 4407	07-06-2011	Lubang, Occ. Mindoro

known to me and to me known to be the same persons who executed the foregoing instrument which they acknowledged before me as of their free and voluntary acts and deeds.

WITNESS MY HAND AND NOTARIAL SEAL, at the date/place first above written.

Doc. No. 1290 ;
 Page No. 258 ;
 Book No. 211 ;
 Series of 2017

ALFREDO T. MUNIZ
 Notary Public
 Until December 31, 2017
 PTR NO. 5557796-01-04-2016
 Issued at Lubang, Occ Mindoro
 IBP NO. 963211 - 12-07- 2015
 Roll No. 27615
 MCLE Compliance V-0018033
 Issued on April 8, 2016
 Issued at Pasig City

Araceli Masangkay

C. Masangkay



Republic of the Philippines
Province of Occidental Mindoro
Municipality of Lubang
Barangay Araw at Bituin

OFFICE OF THE SANGGUNIANG BARANGAY


BARANGAY CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **TANALIGA, QUINTIN & SPOUSE** of Poblacion, Lubang, Occidental Mindoro is the known owner and the actual occupant of **Lot 744 – Part Northern Portion of Lot 744 – Part of Benito Oliva** situated at **G. Del Pilar Street**, Barangay Araw at Bituin, Lubang, Occidental Mindoro with an area of **0.6087 hectare** since 1980 with present **Tax Declaration No. 05 – 0011 - 00189**.

This certification is being issued upon request of **the interested parties** for whatever legal purpose this may serve.

Issued this 12th day of January, 2023, at Barangay Araw at Bituin, Lubang, Occidental Mindoro, Philippines.


ROGELIO T. TANALIGA
Punong Barangay