

June 22, 2023

HON. ROGELIO PEIG II
Undersecretary
Office of the Executive Secretary
Malacanang, Manila

Office of the President
REPUBLIC OF THE PHILIPPINES

OP Copy



062723-MRO-65242

Dear Undersecretary:

May we respectfully seek the assistance of your good office regarding the inaction of the Provincial Environment and Natural Resources Office (PENRO), MIMAROPA Region, Sta. Monica, Puerto Princesa City in a case which is affecting a property in Barangay IV, Coron, Palawan.

Anthony Ferrer, Catherine Navarra, et al. filed an action for Easement or Road Right of Way and Nullification/Reversion of Title against the Heirs of Limabaria Rogers before the PENRO, Puerto Princesa City. The Heirs of Limabaria Rogers have filed an Answer and later on a Motion to Dismiss on the ground of lack of jurisdiction because it is obvious that the PENRO has no jurisdiction over the subject matter of the action. The Motion to Dismiss was filed in September 2022 but until now the PENRO has not resolved the motion.

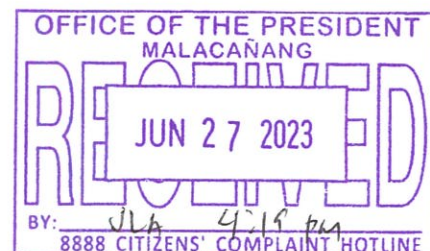
The action is a mere harassment against us because the Heirs of Limabaria Rogers are the holders of a valid title. Besides, the unresolved incident is putting the PENRO in a bad image.

We are hoping that your good office will help us in expediting the resolution of the pending incident.

Thank you very much.

Very respectfully yours.

JOAQUIN C. GONZALEZ, JR.
Attorney-in-fact of Heirs of Limabaria Rogers



PORMULARYONG PANGHUKUM... BLG. 54
(Binago Hinyo, 1994)

Aklat 126
Pahina 159

SN Blg. 863390

REPUBLIKA NG PILIPINAS
KAGAWARAN NG KATARUNGAN
PANGASIWAAN SA PATALAAN NG LUPAIN
PATALAAN NG MGA KASULATAN AT ARI-ARIAN SA
LUNGSOD/LALAWIGAN NG PALAWAN

Katibayan ng Orihinal na Titulo

Blg. E-25059

Pinagkasunduan ayon sa Seksyon 103 ng Atas sa Patalaan ng Ari-arian (Atas ng Pangulo Blg. 1529), alinsunod sa patente na pinalabas ng Pangulo ng Pilipinas, sa PPCity noong ika- 21st ng October taong labinsiyam na raan at 2005, at nakatala sa mga kasulatan ng gaya ng mga sumusunod:

KAGAWARAN NG KAPALIGIRAN AT LIKAS NA KAYAMANAN
REHIYON BLG. IV-MIMAROPA
KALOOB NA PATENTE BLG. 045309-05-17441

SA LAHAT NG MAKATUTUNGHAY NG KASULATANG ITO, BATI:
Hrs. of Limbana V. Rogers, rep. by: HENRY V. ROGERS

Binata, Filipino, may sapat na gulang, kasal kay Bey. 4, Coron, Palawan at nakatira sa Bey. 4, Coron, Palawan na nagtataglay ng lahat ng kwalipikasyon at ganap nang nakatupad sa lahat ng mga kondisyon at kinakailangan ng Batas Republika Blg. 782 at 3872, Kahanata VII ng Batas Komonwelt Blg. 141, ayon sa pagkakasusog ay ipinagkakaloob sa pamamagitan ng Di-Patenteng iyo ang lupaing nasa Bey. 5, Coron, Palawan na may kabuuang sukat na 9,700 metro kuwadrado, na ngayon ay tiyakang may hangganan at inilalarawan sa likod nito, gayon pa man na sasailalim sa mga tadhana ng Seksyon 118 na nagtatakda bukod sa iba pa, na maliban kung sa kapakanan ng pamahalaan o alinmang mga sangay, mga yunit, o mga institusyon nito, na ang lupaing natamo ay hindi maaaring mapasaiba at hindi sasailalim sa pataw na sagutin sa loob ng limang (5) taon mula sa petsa ng patente, at sa mga Seksyon 119, 121, 122 at 124 ng Batas Komonwelt Blg. 141, ayon sa pagkakasusog at ang karapatan ng pamahalaan na pangasiwaan at pangalagaan ang mga kahoy na matagpuan doon sa loob ng limang (5) taon mula sa petsa ng pagpapalabas ng patente, sa pasubali, gayon pa man, na ang pinagkalooban o kanyang mga tagapagmana ay maaaring pumutol at gumamit ng nabanggit na kahoy na maaaring kailanganin sa kanilang pansariling pangangailangan.

BILANG KATUNAYAN NITO, at sa bisa ng kapangyarihang kaloob sa akin ng batas, AKO, SI Gloria Macapagal-Arroyo, Pangulo ng Pilipinas, sa pamamagitan nito'y ginawang patente ang mga kasulatang ito at ikinintal ang tatak ng Republika ng Pilipinas.
Nilagdaan sa IBRID PRINCESS GINA ngayong ika- 21 OCT 2005 ng sa taon ng Ating Panginoon, labinsiyam na raan at

SA BISA NG KAPANGYARIHAN NG
PANGULO NG PILIPINAS

RAYMUNDO D. CRISOSTOMO

OIC - PUNRO

Nakatala sa "Talaan ng Kasulatan" ng Lalawigan/Lungsod ng Palawan, alinsunod sa tadhana ng Seksyon 103 ng Atas ng Pangulo Blg. 1529, ngayong ika- 16th ng December labinsiyam na raan at 2005, sa 10:00 a.m.

Bgy. 4, Coron, Palawan
(Tirahan ng May-ari)

ATTY. ANTONIO A. JUSTO
Tagatala ng mga Kasulatan at Ari-arian

THE REGISTERED OWNER IS REMINDED TO UPGRADE THE "PAPER TITLE" TO "COMPUTERIZED TITLE" FOR FASTER TRANSACTIONS.

GOVERNMENT COPY • GOVERNMENT COPY • GOVERNMENT COPY

Pahina -A

(PAGLALARAWANG TEKNIKAL)

00 E 2059 1.24

Isolated Lot, F-045309-499-D

Beginning at a point marked "1" of Isolated Lot, F-045309-499-D being N. 36-40 W., 1,427.36 m. from B.L.L.M. No. 1, Cad 33, Coron Cadastre, Coron, Palawan to corner 1, thence

N. 54-13 E., 80.32 m. to point 2; S. 38-36 E., 134.83 m. to point 3;
S. 72-55 W., 87.71 m. to point 4; N. 37-51 W., 106.61 m. to point 1;
Point of beginning.

Containing an area of NINE THOUSAND SEVEN HUNDRED (9,700) Square Meters.

All point referred to are indicated on the plan and are marked on the ground by B.L. Cyl. Conc. Mons.

Bounded on the Northeast along line 1-2 by Public Land; on the Southeast along line 2-3 by Provincial Road (15.00 m. wide); on the Southwest along line 3-4 by Lot 10-B, Psd-04-107262; and on the Northwest along line 4-1 by Public Land claimed by Antonio Lagrosa.

Bearings true.

This lot was surveyed in accordance with law and existing regulations promulgated thereunder by Engr. Vicente L. Paningbatan, Geodetic Engineer on March 27, 2000 and was approved on December 20, 2000.

NOTE: This lot is covered by FPA-045309-767.

CERTIFIED CORRECT:


J. F. GELLEZ
GEODETIC ENGINEER II

JPQuint

Checked by: ARNEL D. CABANILLAS

(Karugtong sa Karagdagan Pahina

Pahina

Tagmala ng mga Kasulatan at Ari-arian)

Pahina -B

TALAAN NG MGA HADLANG

64 E 28059 n. 34/

Pagpasok sa Bilang

NOTE:

Owner's Duplicate Certificate of Title No. E-25059, was issued to and receive by one who claim to be HENRY ROGERS, the patentee, having exhibited to me his Senior Citizen ID No. 1994627.

ATTY. ANTONIETO B. JUSTO
Register of Deeds-Pal.

(Karugtong sa pahina -C.

Tagalala ng mga Kasulatan at Ari-arian

GOVERNMENT COPY • GOVERNMENT COPY • GOVERNMENT COPY

THE REGISTERED OWNER IS REMINDED TO UPGRADE THE "PAPER TITLE" TO "COMPUTERIZED TITLE" FOR FASTER TRANSACTIONS.

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Sta. Monica, Puerto Princesa City

ANTHONY L. FERRER, CATALINA
NAVARICA, ET AL.

Petitioners,

versus

HEIRS OF LIMBANIA V. ROGERS, ET
AL. represented by HENRY V. ROGERS,
Respondents.

SPL. PROC. NO. _____

For: EASEMENT/ROAD RIGHT
OF WAY AND NULLIFICATION/
REVERSION OF TITLE

DENR PENRO
PALAWAN RECO
RECEIVED

BY _____
DATE: 11/20/12 10:17 AM
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ANSWER

Respondents, by counsel and to the PENRO Office as well as by way of an answer to the petition in the above-entitled case, respectfully allege that:

1. Most of the allegations in paragraphs 1, 2, 3, 4 and 5, respectively, of the petition are simply denied for lack of personal knowledge sufficient to form a belief as to their verities and truthfulness. However, as to the existence, validity if not authenticity of the Respondents' land title, i.e., OCT No. E-25059 including its area (9,700) which belongs in absolute ownership and possession to the Respondents who reside at Coron, Palawan, the same are admitted.

2. The very allegations in paragraphs 6, 7, 8, 9 and 10 of the petition are vehemently denied. Firstly they are uncalled for under the circumstances because it only showed that the petitioners' protest petition by the Petitioners before CENRO, Coron where the same must be entitled at least to notice and hearing under the due process clause of the Philippine Constitution, the latter office had been entertaining and favorably giving due course to the unilateral and informal petition thereof of the said Petitioners, at the prejudice of the Respondents. Specifically, the conduct of investigation based on the Protest and the findings of a Memorandum by the same CENRO office disclosing its findings that "the land allegedly belonging to the respondents falls within unclassified public forest" is an act and omission which was not only ultra vires but tainted with bad faith if not unlawfulness and intended to favor a sole party. Needless to say, such actuations are actionable wrong against the Office of the Ombudsman or in the concerned agency. ;

3. Likewise, the 'CENRO office' alleged Investigation and Verification Report showing the existence of a road, creek, and culvert in the respondents' titled property is a baseless and ill-founded finding and conclusion, and the same is a pre-judgment already

4. Very much more crystal clear that it is as if the CENRO office which has been

5. ... and/or affording evidences in favor of the latter in this baseless and

6. ... at this early and to put things in their proper perspective prior, th

As and by way of AFFIRMATIVE DEFENSES which are grounds for dismissal of the petition, the Respondents re-plead anew all their foregoing allegations, and assert further as follows:

I. CERTIFICATE OF TITLE, ISSUED UNDER THE TORRENS SYSTEM, NOT SUBJECT TO COLLATERAL ATTACK.

Section 48 of P.D. No. 1529 otherwise known as the PROPERTY REGISTRATION DECREE provides:

Section 48. Certificate not subject to collateral attack. – A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or cancelled except in a direct proceeding in accordance with law.

The Supreme Court of the land held in catena of cases, among others viz:

"A Torrens title cannot be attacked collaterally. The efficacy and integrity of the Torrens system must be protected."¹

"X x x Torrens title can be attacked only for fraud, within one year after the date of the issuance of the decree of registration. Such attack must be direct, and not by a collateral proceeding. The title represented by the certificate cannot be changed, altered, modified, enlarged, or diminished in a collateral proceeding"²

II. THE PETITIONERS HAVE NO LEGAL STANDING TO FILE THE PETITION FOR CANCELLATION AND REVOCATION OF THE RESPONDENTS' TORRENS TITLE, AND PARTICULARLY FOR THE REVERSION OF THE TITLED LOT TO PUBLIC LAND.

As consistently held in jurisprudence: Unless and until the land is reverted to the State by virtue of a judgment of a court of law in a direct proceeding for reversion, the Torrens Certificate of Title thereto remains valid and binding against the whole world.³ Whether the grant of a public land patent is in conformity with the law or not is a question which the government may raise, but until it is so raised by the government and set aside, another claiming party may not question it. The legality of the grant is a question between the grantee and the government.⁴

Accordingly, private persons may not bring an action for reversion or a petition which would have the effect of cancelling a land patent and the corresponding certificate of title issued on the basis of the patent, such that the land covered thereby will again form part of the public domain. Only the Office of the Solicitor General or the officer acting in his stead may do so. Since the title originated from the government, its cancellation is a matter between the grantor and the grantee.⁵

Page 3 of 4

AND IT IS THE REGULAR COURTS OF JUSTICE WHICH HAVE JURISDICTIONS OVER THE CASE BASED ON THE RELIEFS PRAYED FOR THEREIN.

In *Alde v. Bernal*⁶, the Highest Court of our land held that: "Any direct attack on the validity of a Torrens certificate of title must be instituted with the proper Regional Trial Court."

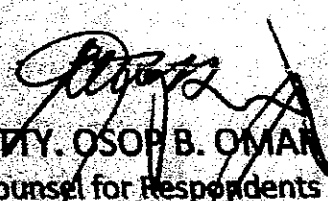
Similarly, it is of common knowledge that legal easement such as road right of way should always be asked judicially or before regular courts of justice and not before the DENR. As it is simply not among the mandates of the latter agency especially its PENRO office to so take cognizance of such a matter.

Lastly, the prayed relief for a **STATUS QUO ORDER** in the petition is baseless in fact and in law, hence it must be **struck down**. (Bold Emphasis supplied)

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed of the Honorable PENRO Office or any concerned office for that matter to consider all the foregoing and thus *dismiss* outright the petition. And for such other relief just and equitable in the premises.

Tubod (Capital Town), Lanao del Norte, Philippines, October 24, 2019.


ATTY. OSOP B. OMAN
Counsel for Respondents
OXON bldg., Nat'l. highway, Tubod, Lanao
Roll No. 40476; 04/11/96
IBP Lifetime Member No. 06835
PTR No. 3800326; 01-03-2019; Tubod, LT
MCLE Cert. of Compliance No.
VI-0011709 issued 18 August 201

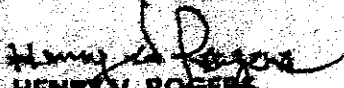
VERIFICATION AND CERTIFICATION
OF NON-FORUM SHOPPING

I, HENRY V. ROGERS, of legal age, Filipino, and a resident of Coron, Palawan, Philippines, after having been duly sworn to in accordance with law, do hereby depose and say:

1. That I am one of the HEIRS OF LIMBANIA V. ROGERS as Respondents in the above-entitled petition; the said HEIRS OF ROGERS have caused the preparation of the foregoing ANSWER WITH AFFIRMATIVE DEFENSES FOR DISMISSAL; in representation of my co-heirs. I have read the said ANSWER, ETC.; and that all the allegations therein are true and correct of my personal knowledge and based on authentic records;

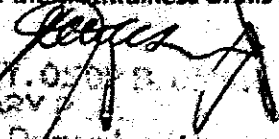
2. And that I certify that we, the same HEIRS OF ROGERS, have not heretofore commenced any initiatory complaint/petition involving the same issue/s as in the above before the Supreme Court, Court of Appeals or any division thereof, any court, tribunal or commission; to the best of my knowledge no such complaint/petition is pending before the Supreme Court, Court of Appeals or any court, tribunal or commission; and that if I should hereafter learn that the same or similar complaint/action has been filed or is pending, I shall report that fact within five (5) days from knowledge thereof to this Honorable Office.

IN WITNESS WHEREOF, I have hereunto affixed my signature this OCT 14 day of 2019, at Tubod, Lanao del Norte, Philippines.


HENRY V. ROGERS
Affiant
Sr. CHID ID. No. 40616-B

SUBSCRIBED AND SWORN to before me this OCT 14 day of 2019, in Tubod, Lanao del Norte, Philippines, by the Affiant exhibiting his competent proof of identity as indicated above showing his photo and signature with which I ascertained his true person, and who affirmed the truthfulness of his foregoing statements.

JOC. NO. 076
PAGE NO. 120
BOOK NO. 60811
SERIES OF 2019



ATTY. OSOR B. OMAR
NOTARY
Until Dec 31, 2019
Roll of Attorneys No. 40476
IBP Licensure No. 06835
EN No. 97-10044
PTR No. 35:04-03-2019
Tubod, Lanao del Norte

Copy furnished:

ANTHONY L. FERRER
& CATALINA NAVARRA
Sor. Banga-Bangay, 6
Coron, Palawan

EXPLANATION

Due to distance from respondents' counsel's address to the Petitioners' address, and to the time constraint, personal service and filing could hardly be effected, and hence, the filing by prevailing rules.


ATTY. OSOR B. OMAR

IN RE: PETITION FILED BY ANTHONY L. FERRER, CATALINA L. NAVARRA, ET AL. AGAINST THE KATHAYAN NO ORIGINAL NA TITULO BLD. E-2888 IN THE NAME OF HEIRS OF LIMBANA V. ROGERS, REP. BY HENRY V. ROGERS COVERING ISOLATED LOT, F-045300-499-0 WITH AN AREA OF 9,700 SQUARE METERS LOCATED IN BROT. POBLACION 8, CORON, PALAWAN

2019-03-20

ORDER OF INVESTIGATION

A verified petition was filed by Anthony L. Ferrer, Catalina L. Navarra, et al. against the Kathayan ng Original na Titulo (KOT) Bld. E-2888 in the name of heirs of Limbana V. Rogers, represented by Henry V. Rogers over the 9,700 square meters lot situated in Barangay Poblacion 8, Coron, Palawan.

The Petitioners alleged that sometime in February 2018, Respondent Henry V. Rogers closed the existing road right of way being used by the herein Petitioners by putting a six wheeler truck and piles of gravel and sand as blockage denying them free access to their respective residence. Said road has been existing since time immemorial long before the issuance of title on the Respondent's property.

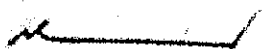
On October 8, 2019, the CENRO Coron, Palawan issued a Certification (Lot Verification) stating that Isolated Lot, F-045300-499-0 falls within UNCLASSIFIED PUBLIC FOREST per findings and recommendation on the investigation report dated March 20, 2019.

Pursuant to the pertinent provisions of DAO 2016-31, an office-initiated investigation may be conducted.

WHEREFORE, the PENRO Palawan is hereby directed to assign a Land Investigation Officer (LIO) to act on the Petition in accordance with Sections 33 and 34 of DAO 2016-31 and submit the corresponding investigation report on the matter. Moreover, secure certified copies of the Original Certificate of Title and derivative title of Isolated Lot, F-045300-499-0 to form part of the records of the case, at the instance of the parties.

SO ORDERED.

City of Manila, Philippines 2019-03-20


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director



Copies furnished:
Anthony L. Ferrer, Catalina L. Navarra, et al.
Barangay Poblacion 8, Coron, Palawan
Heirs of Limbana V. Rogers,
Rep. by Henry V. Rogers
Barangay Poblacion 8, Coron, Palawan

PENRO Palawan
CENRO Coron, Palawan

Handwritten: Made 60000 8/4/22

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
OFFICE OF THE ENVIRONMENT AND NATURAL RESOURCES OFFICE
Sta. Monica, Puerto Princesa City

ANTHONY L. FERRER, CATALINA
NAVARRA ET AL.

Petitioners,

SPL. PROC. NO. _____

Verse:

FOR:

HEIRS OF LIMBANA V. ROGERS, ET AL
REPRESENTED BY: HENRY V.
ROGERS.

EASEMENT/ROAD RIGHT
OF WAY AND NULLIFICATION/
REVERSION OF TITLE

Respondents.

P E T I T I O N

COMES NOW, undersigned petitioners, Anthony L. Ferrer and Catalina L. Navarra, representing the herein petitioners in a case for Easement (Road Right of Way) and Nullification/Reversion of Title No. OCT No. E-25059 issued against respondents, Heirs of Limbana V. Rogers, represented by Henry Rogers, et al, most respectfully files the herein petition, based on the following grounds:

1. That petitioners are residing at the back of respondents titled property located at So. Banga, Barangay 6, Coron, Palawan, (not Barangay V as indicated in the title) covered by OCT No. E-25059 containing an area of Nine Thousand Seven Hundred (9,700) square meters, an authenticated copy of said title is hereto attached as Annex "A" and forms part of this petition. That petitioners are using the road in going to their respective abode, which road has been existing since time immemorial long before the issuance of respondents title which road is located near the creek at the very edge of respondents property;
2. That respondents representative Henry Rogers, is presently residing at Barangay IV, Coron, Palawan and sometimes in Manila which petitioners does not know the exact address.
3. That sometime in the month of February, 2019, respondent Henry Rogers closed the existing road right of way being used by the herein petitioners by putting a 6 wheeler truck and piles of gravel and sand as blockage denying petitioners herein free access to their respective residence; a copy of photographs taken are hereto attached as Annexes "B"- "B-2" and forms part

- Monette

of this Petition. That petitioners started all the necessary efforts even conducted private meetings and dialogue to respondents but failed to have a fruitful settlement.

4. Petitioners brought this matter to the Office of the Barangay Captain Barangay 6, Coron, Palawan, however, it proved futile considering that respondents can no longer be reached by the summons issued by the Office of the Barangay. Due to this predicament, petitioners sought the assistance of the CENRO Coron, Palawan who required petitioners to file a Protest in due form, a copy of the said letter dated April 23, 2018 addressed to the petitioners from Mr. Jeffrey C. Castro, Forester II, Planning Officer (designate), In-Charge of Office CENRO Coron.

5. That since one of the requirements in the said Protest is an Indorsement (Katawan ng Pagsampag Demanda o Sumpong) from the Barangay and considering that no confrontation or conciliation proceedings was done before the Office of the Barangay, said Office issued the required document, which is hereto attached as Annex "C" and forms part of this Petition. After complying with all the requirements, petitioners submitted the same to the CENRO Office Coron. Hence, on May 3, 2018 by way of Memorandum, Mr. Jeffrey C. Castro submitted to the OIC PENRO petitioners Protest together with a copy of the official receipt representing payment thereof, a copy of the Memorandum is hereto attached as Annex "D" and made an integral part of this Petition.

6. That sometime on March 26, 2019, Office of the CENRO Coron conducted their investigation regarding petitioners Protest and by way of Memorandum submitted their Findings and Recommendation on the investigation Re Protest of Anthony L. Ferrer, et al against isolated Lot F-045309-499-D covered by OCT No. E-25059 belonging to the Heirs of Lmbana V. Rogers rep. by Henry Rogers, et al located at Barangay 6, Coron Palawan. Their findings disclosed that the land at issue belonging to the respondents falls within unclassified public forest. Subsequently, sometime on June 3, 2019, Mr. Ferdinand Gaschalian, Forester III/In-Charge, Office of the CENRO Coron thru a letter required petitioner Anthony Ferrer, et al to change the submitted Protest into a Petition in due form, considering that the land at issue is already listed and should be accompanied by necessary requirements pursuant to Sec. 30 of DAO 2016-31, a copy of the said letter is hereto attached as Annex "E" and forms part of this petition.

7. That in the Memorandum dated April 3, 2019, PENRO Puerto Princesa City required the Office of CENRO Coron to issue a Certification on Land Classification Status of Lot F-045309-499-D covered by OCT No. E-25059 belonging to the herein respondents considering that as per their investigation and recommendation, the lot at issue falls within UNCLASSIFIED PUBLIC FOREST and in the same memorandum, required petitioners herein to file a Petition compliant pursuant to DAO 2016-31, hence, this petition.

8. On September 23, 2019 and October 3, 2019, two (2) petitioners requested for a certification from CENRO Coron as to the land status of respondents property. Copies of the said letter are hereto attached as Annex "F" and "G", respectively, and made integral part hereof.

9. On October 9, 2019, a Certification was issued by CENRO Coron to the effect that based on their findings and recommendations on the investigation report dated March 20, 2019 reveals that the subject area is within UNCLASSIFIED PUBLIC FOREST, a copy of the said Certification is hereto attached and marked as Annex "H" for your ready guidance and reference and likewise forms part of the petition.

10. That further, Investigation and Verification Report of CENRO Coron disclosed that there was an existing road, a creek and a culvert inside the titled lot of the herein respondents; some photographs taken are hereto attached as Annexes "I" to "L" for your ready guidance and reference.

BASED ON THE FOREGOING GROUNDS and after a diligent study and investigation of the herein petition, petitioners respectfully pray to wit:

1. That Lot F-045206-499-0 covered by OCT No. E-25039 belonging to the herein respondents, Lumbina Rogers represented by Henry Rogers, et al be declared REVERSED, CANCELLED, REVOKED and declared without force and effect considering that said area falls within UNCLASSIFIED PUBLIC FOREST which under the law cannot be titled.
2. Petitioners be given a permanent road right of way sufficient enough in going to and fro to their houses and to enable vehicles to pass through especially during times of emergency like fire truck, ambulance for saving lives and police access.
3. That while this issue is still pending resolution, a STATUS QUO ORDER be issued and to immediately remove any and all blockage, particularly the old and dilapidated 6 wheeler truck and piles of gravel and sand blocking the road right of way to give petitioners a safe access to their respective home.
4. And for such other relief that this Office might find just and equitable under the premises.

Coron, Palawan, October 9, 2019.

ANTHONY L. FERRER, ET AL
REPRESENTED BY:

ANTHONY L. FERRER
Petitioner

CATALINA L. NAVARRA
Petitioner

VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

WE, ANTHONY L. FERRER and CATALINA L. NAVARRA, of legal age, after having been duly sworn in accordance with law, depose and state that:

1. That we are the representatives of Anthony L. Ferrer, et al in the above protest.
2. That we caused the preparation of the foregoing protest.
3. That we have read the contents thereof and the facts stated therein are true and correct of our own personal knowledge.
4. That we have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency.
5. That to the best of our knowledge and belief, no such action or proceeding is pending in the Supreme Court, Court of Appeals, or any other tribunal or agency.
6. If we should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, we undertake to report that fact within five (5) days thereafter to this Honorable Office.

IN WITNESS WHEREOF, we have hereunto set our hands this 9th day of October 9, 2019 at Coron, Palawan, Philippines.

ANTHONY L. FERRER
Petitioner

CATALINA L. NAVARRA
Petitioner

SUBSCRIBED AND SWORN to before me this 9th day of October, 2019, at Coron, Palawan, Philippines, in the presence of the undersigned, who are duly sworn, and who are the respective Community Tax Certificate No. _____ issued at Coron, Palawan and SC No. _____ issued at Coron, Palawan on _____ 2019.

SEC. NO. _____
PAGE NO. _____
BOOK NO. _____
SERIAL NO. _____



ATTY. ALBERT C. BARREZA
NOTARY PUBLIC FOR PALAWAN
AND IN PRICKLE, MARCELA CITY
NEW LUTEL, GUANZAPON 21222
NOT. REG. NO. 21222
NOT. REG. NO. 21222

DECLARATION OF REAL PROPERTY
(FILED UNDER REPUBLIC ACT 7160)

Owner Limbanio Rogers Address San Diego, California USA
Administrator _____ Address _____

DESCRIPTION AND OTHER PARTICULARS OF PROPERTY

| | | | |
|----------------------|-----------------------------|------------------------------------|--|
| Location of Property | Bangon (Number & Street) | Barangay VI (Barangay/District) | Coron, Palawan (Municipality/City/Province) |
|----------------------|-----------------------------|------------------------------------|--|

Certificate of Title No. _____ Cadastrel Lot No. _____ Assessor's Lot No. 082

Boundaries: 10/10/03 Highway AT&T 5 ok 03

North: National Highway South: ALF Sec. 04
East: ALF Sec. Ely. V West: ALF 080
(State streets, lots, or streams by which bounded, or names of owners of adjoining lands)

1 (b) LAND (AGRICULTURAL/MINERAL)

| OWNER'S DECLARATION | | | ASSESSOR'S FINDINGS | | | | |
|---------------------|------|-------|---------------------|--------|-------|------------|--------------|
| Kind | Area | Value | Kind | Area | Class | Unit Value | Market Value |
| | | | Rawland | 2.0000 | 1st | 9,000.00 | 18,000.00 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | 2.0000 | | | 18,000.00 |

1 (b) PLANTS & TREES

| OWNER'S DECLARATION | | | ASSESSOR'S FINDINGS | | | | | |
|----------------------|------------|-------|---|-------|------|----------|------------|--------------|
| Kind | No./Area | Value | Market Value | 100% | Kind | No./Area | Unit Value | Market Value |
| CERTIFIED TRUE COPY: | | | Adjustments | | | | | |
| | 006-0124-A | | (a) Along or no rd frontage | +5 % | | | | |
| | | | (b) kma. to all weather rd | 0 % | | | | |
| | | | 2 Hectares to market (pob) | +15 % | | | | |
| | | | Total Adjustments | +20 % | | | | |
| | | | Adjusted Market Value | 120 % | | | | |
| APR 13, 1996 | | | Total | | | | | |
| [Signature] | | | Total for land, plant and trees | | | | | P. 21,600.00 |
| [Signature] | | | Adjusted value for land, plants and trees | | | | | P. 21,600.00 |

II LAND (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, SPECIAL)

[illegible]

ATAGIARAWANG TEKNIKAL
Isolated Lot, F-045309-499-D

Beginning at a point marked "1" of Isolated Lot, F-045309-499-D being
N. 36-40 W., 1,427.36 m. from D.L.L.M. No. 1, Cad 33, Coran Cadastre, Coran,
Palawan to corner 1, thence

N. 54-13 E., 80.32 m. to point 2; S. 38-46 E., 134.83 m. to point 3;
S. 72-55 W., 87.71 m. to point 4; N. 37-51 W., 106.61 m. to point 1;
Point of beginning.

Containing an area of NINE THOUSAND SEVEN HUNDRED (9,700)
Square Meters.

All point referred to are indicated on the plan and are marked on the ground
by D.L. Gyl. Genc. Monz.

Bounded on the Northeast along line 1-2 by Public Land; on the
Southeast along line 2-3 by Provincial Road (15.00 m. wide); on the Southwest
along line 3-4 by Lot 10-B, Pad 04-107262, and on the Northwest along line 4-1
by Public Land claimed by Antonio Lopez.

Remarks:

This lot was surveyed in accordance with law and existing regulations
promulgated thereunder by Engr. V. Gyl. I. Tandingan, Geodetic Engineer on
March 27, 2000 and was approved on December 20, 2000.

NOTE: This lot covered by TDA-045309-767.

CERTIFIED CORRECT

REPORT
Prepared by ARNOLD A. SORIANO

TALAAN NG MGA HADLANG

Pageant na Pahang

RO: K.

Owner's Duplicate Certificate of Title No. [redacted] was issued to and receive by one who claim to be HENRY ROGERS, the patentee, having exhibited to me his Senior Citizen ID No. 1994627.

JOSE ANTONIO S. USISO
Register of Deeds

Republic of the Philippines
Province of Palawan
Municipality of Coron
OFFICE OF THE MUNICIPAL TREASURER



TAX CLEARANCE

March 4, 2019
Date

To Whom It May Concern:

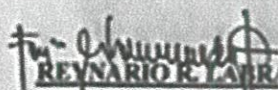
THIS IS TO CERTIFY that MRS. LIMBANIA V. ROGERS is the registered owner of real property/ies under Tax Declaration No. 09-006-1776 located So. Banga Nat'l. H-way, Brgy. Poblacion 6, Coron, Palawan with an assessed value of P/342,540.00.

This certifies further that the realty taxes due the above property/ies have been paid for the current and previous years, to wit:

| <u>O.R. No.</u> | <u>Amount Paid</u> | <u>Date Paid</u> | <u>Years Paid</u> |
|-----------------|--------------------|------------------|-------------------|
|-----------------|--------------------|------------------|-------------------|

NOTE: Taxes from 1990 to 2019 are fully paid as per verification slip hereto attached.

Issued upon the request of Mr./s. Catherine V. Rogers for tax clearance purposes paying the amount of P/125.00 as Tax Clearance fee paid under O.R. No. 1076786 dated March 4, 2019.


REYNARIO R. LARRADOR
Municipal Assessor


IGNACIO D. MENDENILLA
Municipal Treasurer


ACCOUNTABLE FORM No. 56
(Revised 1992)

Previous Tax Receipt No. _____ dated 00000000 for the year 20____

Change: 00
(ORIGINAL)

OFFICIAL RECEIPT OF THE REPUBLIC OF THE PHILIPPINES
Provincial or City Treasurer's Real Property Tax Receipt

No. **5675287 Y**

| | | | |
|---|---|------|-----------------------------------|
|  | MUNICIPALITY/PROVINCE CORON, PALAWAN | CITY | DATE September 14, 2022 |
| | Received from <u>Catherine Rogers</u> the sum of <u>Five Pounds & Sixty Centavos Only</u> (P 67,983.60) Philippine Currency, in full or as installment payment of REAL PROPERTY TAX for the Calendar Year 20 <u>2022</u> upon property described in the Assessment Rolls as follows: <input type="checkbox"/> Basic Tax <input type="checkbox"/> Special Education Fund | | |

| NAME OF DECLARED OWNER | LOCATION NUMBER AND STREET OR BARANGAY | LOT AND BLOCK NUMBER | TAX DECLARATION NUMBER | ASSESSED VALUE | | | TAX DUE | INSTALLMENT* | | FULL PAYMENT | PENALTY PER CENT | TOTAL |
|-------------------------|--|----------------------|------------------------|----------------|----------|---------|-----------|--------------|---------|--------------|------------------|-------|
| | | | | LAND | IMPROV'T | TOTAL | | No. | PAYMENT | | | |
| HRS. LIMBANAY V. ROGERS | POBLACION VI | 18-09-006-1082 | PRE | 798,000.00 | 1-2020 | 14-2021 | 31,520.00 | 17,236.80 | (.00) | 48,756.80 | | |
| HRS. LIMBANAY V. ROGERS | POBLACION VI | 18-09-006-1082 | CUR | 798,000.00 | 1-2022 | 14-2022 | 15,960.00 | 2,872.80 | (.00) | 18,832.80 | | |
| TOTAL: | | | | | | | | | | 67,589.60 | | |

Total taxes paid by Money Order, Treasury Warrant or Check No. _____ dated _____, 20____

* Payment without penalty may be made within the periods stated below if by installment:

- 1st Installment - January 1 to March 31, of the year
- 2nd Installment - April 1 to June 30, of the year
- 3rd Installment - July 1 to Sept. 30, of the year
- 4th Installment - October 1 to Dec. 31, of the year

EUNO P. MONDRAGON
Provincial Treasurer
IGNACIO D. MENDEZ
Municipal Treasurer
GOLDA/09/14/22 13:37:58.927
GOLDA H. ARBOLEDA
Assistant Municipal Treasurer

LAND TAX VERIFICATION SLIP
Current T. D. No. 18-09-006-1082

006-06-084

LOCATION: So. Banga Nat'l H-way, Bgy. Poblacion 6

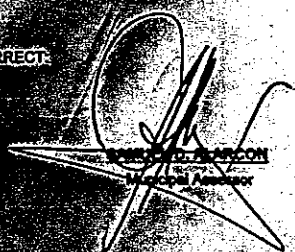
Municipality of CORON

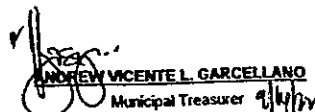
| DECLARED OWNER | T. D. No. | Taxable Year | ASSESSED VALUE | REALTY TAX DUE | | PENALTY | O.R. No. | DATE |
|--------------------------|----------------|--------------|----------------|----------------|----------|-----------|----------|------------|
| | | | | BASIC | SEF | | | |
| MS. OF LIMBANA V. ROGERS | 0860 | 1990 | 320.00 | 25.20 | 25.20 | - | 5241384 | 3/20/1990 |
| -do- | 0182 | 1991 | 2,800.00 | 25.20 | 25.20 | - | 8698306 | 3/26/1991 |
| -do- | 0182 | 1992 | 2,800.00 | 25.20 | 25.20 | - | 3711750 | 3/27/1992 |
| -do- | 0182 | 1993 | 2,800.00 | 25.20 | 25.20 | - | 3713000 | 3/5/1993 |
| -do- | 0182 | 1994 | 2,800.00 | 28.00 | 28.00 | 4.48 | 1918145 | 4/25/1994 |
| -do- | 006-0126-A | 1995 | 4,320.00 | 38.88 | 38.88 | - | 1918879 | 2/9/1995 |
| -do- | 006-0126-A | 1996 | 4,320.00 | 43.20 | 43.20 | 62.21 | 3854884 | 3/11/2019 |
| -do- | 006-0126-A | 1997 | 4,320.00 | 38.88 | 38.88 | - | 1918879 | 3/26/1997 |
| -do- | 006-0126-A | 1998 | 4,320.00 | 38.88 | 38.88 | - | 7487756 | 3/3/1998 |
| -do- | 006-0126-A | 1999 | 4,320.00 | 38.88 | 38.88 | - | 5051738 | 2/9/1999 |
| -do- | 006-0126-A | 2000 | 4,320.00 | 38.88 | 38.88 | - | 7847232 | 3/31/1998 |
| -do- | 006-0126-A | 2001 | 4,320.00 | 1,449.00 | 724.50 | - | 5911976 | 11/5/2002 |
| -do- | 006-0126-A | 2002 | 4,320.00 | 1,449.00 | 724.50 | - | 5911976 | 11/5/2002 |
| -do- | 006-0126-A | 2003 | 4,320.00 | 1,449.00 | 724.50 | 521.64 | 0007366 | 12/9/2003 |
| -do- | 006-0126-A | 2004 | 4,320.00 | 1,449.00 | 724.50 | 724.50 | 4028619 | 1/3/2006 |
| -do- | 006-0126-A | 2004 | 4,320.00 | 1,449.00 | 724.50 | 362.25 | 4028679 | 1/3/2006 |
| -do- | 006-0348-R | 2005 | 144,900.00 | 115.20 | - | - | 0067866 | 1/25/2005 |
| -do- | 006-0348-R | 2006 | 144,900.00 | 1,449.00 | - | - | 0061095 | 1/25/2005 |
| -do- | 006-0348-R | 2006 | 144,900.00 | 1,449.00 | - | - | 4042518 | 3/31/2006 |
| -do- | 006-0348-R | 2007 | 144,900.00 | 1,449.00 | - | - | 4042463 | 3/31/2006 |
| -do- | 006-0348-R | 2007 | 144,900.00 | 1,449.00 | - | - | 6148076 | 1/19/2007 |
| -do- | 006-0348-R | 2007 | 144,900.00 | 1,449.00 | - | - | 6148126 | 1/19/2007 |
| -do- | 006-0535-A | 2008 | 283,040.00 | 1,449.00 | 1,449.00 | - | 0141798 | 3/28/2008 |
| -do- | 006-0535-A | 2009 | 283,040.00 | 2,830.40 | 2,830.40 | - | 9708916 | 1/16/2009 |
| -do- | 006-0535-A | 2010 | 283,040.00 | 2,830.40 | 2,830.40 | - | 1807070 | 1/25/2010 |
| -do- | 006-0535-A | 2011 | 283,040.00 | 2,830.40 | 2,830.40 | - | 1815108 | 1/25/2011 |
| -do- | 006-0535-A | 2012 | 283,040.00 | 2,830.40 | 2,830.40 | - | 3914675 | 1/17/2012 |
| -do- | 006-0535-A | 2013 | 283,040.00 | 2,830.40 | 2,830.40 | - | 5434909 | 1/16/2013 |
| -do- | 006-0535-A | 2014 | 283,040.00 | 2,830.40 | 2,830.40 | - | 8577506 | 3/27/2014 |
| -do- | 08-006-1776 | 2014 | 283,040.00 | 2,830.40 | 2,830.40 | - | 8579797 | 3/2/2015 |
| -do- | 08-006-1776 | 2015 | 342,540.00 | 3,425.40 | 3,425.40 | - | 0639560 | 3/22/2016 |
| -do- | 08-006-1776 | 2016 | 342,540.00 | 3,425.40 | 3,425.40 | - | 0641883 | 2/9/2017 |
| -do- | 08-006-1776 | 2017 | 342,540.00 | 3,425.40 | 3,425.40 | - | 3843241 | 3/14/2018 |
| -do- | 08-006-1776 | 2018 | 342,540.00 | 3,425.40 | 3,425.40 | - | 3845541 | 12/28/2018 |
| -do- | 18-09-006-1082 | 2018 | 798,000.00 | 3,425.40 | 3,425.40 | - | 5675287 | 9/13/2022 |
| -do- | 18-09-006-1082 | 2020 | 798,000.00 | 7,980.00 | 7,980.00 | 10,533.60 | 5675287 | 9/13/2022 |
| -do- | 18-09-006-1082 | 2021 | 798,000.00 | 7,980.00 | 7,980.00 | 6,703.20 | 5675287 | 9/13/2022 |
| -do- | 18-09-006-1082 | 2022 | 798,000.00 | 7,980.00 | 7,980.00 | 2,872.80 | 5675287 | 9/13/2022 |

PREPARED BY:

MAYNARD B. RETES
Admin Aide III

CERTIFIED CORRECT:


ANDREW VICENTE L. GARCELLANO
Municipal Treasurer


ANDREW VICENTE L. GARCELLANO
Municipal Treasurer 4/14/24

Republic of the Philippines
Province of Palawan
Municipality of Coron
OFFICE OF THE MUNICIPAL TREASURER



TAX CLEARANCE

September 14, 2022
Date

To Whom It May Concern:

THIS IS TO CERTIFY that HRS. OF LIMBANIA V. ROGERS is the registered owners of real property/ies under Tax Declaration No. 18-09-006-1082 located So. Banga – Nat'l. H-way, Brgy. Poblacion 6, Coron, Palawan with an assessed value of P/798,000.00.

This certifies further that the realty taxes due the above property/ies have been paid for the current and previous years, to wit:

| <u>O.R. No.</u> | <u>Amount Paid</u> | <u>Date Paid</u> | <u>Years Paid</u> |
|-----------------|--------------------|------------------|-------------------|
|-----------------|--------------------|------------------|-------------------|

NOTE: Taxes from 1990 to 2022 are fully paid as per verification slip hereto attached.

Issued upon the request of Mr./s Catherine V. Rogers for tax clearance purposes paying the amount of P/300.00 as Tax Clearance fee paid under O.R.No. 1263222 dated September 14, 2022.

SAMUEL D. ALARCON
Municipal Assessor

ANDREW VICENTE L. GARCELLANO
Assistant Municipal Treasurer

Change: 00

ACCOUNTABLE FORM No. 51-C
Revised January, 1992

(ORIGINAL)



Official Receipt
of the
Republic of the Philippines

No. 1263222 K

Date September 14, 2022

Agent MTO-CORON

Fund 01

Payee CATHERINE V. ROGERS

| Nature of Collection | Account Code | Amount |
|-------------------------|---------------|-----------|
| Tax Clearance | 4-42-91-110-5 | P. 150.00 |
| Verification Fees (RPT) | 4-42-91-110 | P. 150.00 |
| | | |
| | | |
| | | |
| | | |
| Remarks | | |
| | | |
| | | |
| TOTAL | | P. 300.00 |

Amount in Words

Three Hundred and No/100 only


| | | | |
|--|-------------|--------|------|
| <input checked="" type="checkbox"/> Cash | Drawee Bank | Number | Date |
| <input type="checkbox"/> Check | | | |
| <input type="checkbox"/> Money Order | | | |

Received the amount stated above
M. WILLIAM SAN JUAN, Assistant Municipal Treasurer

WILLIAM SAN JUAN 13-57-865
Collecting Officer

NOTE: Write the number and date of this receipt on
the back of check or money order received.

dated September 14, 2022

| | | | |
|--|--|-------------------------------|----------|
|  INTO-CORON | Official Receipt of the Republic of the Philippines | | |
| | Nº 1262498 K | | |
| | Date 101 | | |
| Agencý CATHERINE V. ROGERS | | Fund | |
| Payor | | | |
| Cash | 42000000 | P 100.00 Amount | |
| Collection | Code | P | |
| Remarks: | | | |
| 100.00 | | | |
| One Hundred Pesos Only | | | |
| TOTAL | | | |
| Amount in Words | | | |
| <input checked="" type="checkbox"/> Cash | Drawee | Number | Date |
| <input type="checkbox"/> Money Order | Bank | 42000000 | 10/10/92 |
| VOLANDO G. GUSTIA | | JOSE VICENTE L. GARCELLAN | |
| | | Assistant Municipal Treasurer | |
| Received the amount stated above. | | | |
| Collecting Officer | | | |
| NOTE: Write the number and date of this receipt on the back of money order received. | | | |

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September 25, 2019

Ms. CATHERINE V. ROGERS
Brgy. 6, Coron, Palawan

Dear Ms. Rogers,

Greetings from DENR-CENRO Coron!

This is to acknowledge receipt of your letter dated September 23, 2019 pertaining to your request for endorsement of action done by the DENR regarding your property in Brgy. 6.

Please be informed of the actions taken by this Office to wit:

A Memorandum dated April 3, 2019 from the PENRO was received by this Office on April 23, 2019 instructing this Office to require Mr. Anthony Ferrer et al to file a PETITION compliant to DAO 2016-31 dated December 29, 2016.

On May 03, 2019 a PROTEST document was received by this Office filed by Anthony Ferrer et al dated April 29, 2019. The same protest was forwarded to the PENRO for action.

On May 29, 2019, thru a Memorandum from the PENRO dated May 8, 2019 this Office was given the instruction to change the submitted PROTEST into a PETITION in due form this is pursuant to Sec. 38 of DAO 2016-31.

On June 3, 2019, this Office sent a Letter to Mr. Anthony Ferrer et al in compliance to the instruction of the PENRO. The content of which is for them to change their submitted PROTEST into a PETITION.

As of this writing this office is still waiting for the PETITION document of Mr. Anthony Ferrer et al, together with the Special Power of Attorney (SPA) signed by the petitioners. Once the required documents are submitted, only then will this Office continue to act on the matter.

Thank you and we hope for your kind understanding on this matter.

Sincerely,

For and in the absence of CENRO,



FERDINAND GATHALIAN
FORESTER III
In Charge Office of the CENRO

AK



Republic of the Philippines
Department of Environment and Natural Resources
MEMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Tel. No. (048) 434-8791
Email Add: palawan@denr.gov.ph

IN RE: PETITION FILED BY ANTHONY L. FERRER,
CATALINA L. NAVARRA, ET AL. AGAINST THE
KATIRAYAN NG ORIHINAL NA TITULO B.L.G.
E-25499 IN THE NAME OF HEIRS OF LIMBANIA
V. ROGERS, REP BY HENRY V. ROGERS COVERING
ISOLATED LOT, F-445389-479-D WITH AN AREA
OF 9,768 SQUARE METERS LOCATED IN BRGY.
POBLACION 6, CORON, PALAWAN

NOTICE OF PRELIMINARY CONFERENCE

| | |
|--|---|
| TO: ANTHONY L. FERRER, CATALINA NAVARRA, ET AL. | Solo Banga, Barangay 6, Coron, Palawan |
| HEIRS OF LIMBANIA V. ROGERS REP. BY HENRY V. ROGERS | Barangay IV, Coron, Palawan |

Pursuant to Section 33 of DENR Administrative Order No. 2016-31 dated December 29, 2016
you are hereby invited to attend the Preliminary Conference in connection with the foregoing
investigation on the above-captioned case.

To this effect, the above-named parties are hereby requested to appear before Special
Investigator (Karin Kristine V. Abella on August 23, 2022 (Tuesday) at 2:00 in the afternoon at
PENR Office, Barangay Sta. Monica, Puerto Princesa City.

Parties are hereby cautioned to attend and bring all pertinent documents to support their
respective position in this case.

Dated at: Puerto Princesa City, Palawan, August 23, 2022

ELIZARDO B. CAYATOC

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Sta. Monica, Puerto Princesa City

ANTHONY FERRER,
CATHERINE NAVARRA, et al.,
Petitioners,

- versus -

CASE NO. _____
FOR : EASEMENT OR ROAD RIGHT
OF WAY AND NULLIFICATION/
REVERSION OF TITLE

HEIRS OF LIMABARIA
ROGERS, et al., represented by
HENRY V. ROGERS,
Respondents.

X ----- X

MOTION TO DISMISS

RESPONDENTS, by themselves, to this Honorable Office respectfully allege that:

1. The instant case was filed sometime in October 2019 wherein the cause of action and subject matter are the easement or road right of way and nullification/reversion of title. The respondents filed their Answer alleging among others that the Honorable Office has no jurisdiction over the subject matter of the instant case;

2. It is already more than two (2) years and the Honorable Office did nothing to the instant case. The respondents are invoking their constitutional rights for the speedy disposition of cases because the continued inaction to the instant is a violation of the said constitutional right and the instant case is a harassment case considering that the Honorable Office has no jurisdiction on the subject matter;

3. The cause of action for easement or road right of way is not within the competence or jurisdiction of the Honorable Office but within the jurisdiction of regular courts;

4. In *Amoguis vs. Ballado*, G.R. No. 189626 August 20, 2018 the Supreme Court said:

"Subject matter jurisdiction is a court's or tribunal's power to hear and determine cases of a general class or type relating to specific subject matters. This jurisdiction is conferred by law. To determine a court's or an administrative body's jurisdiction over a subject matter, allegations in the complaint must be examined. The nature of the action, as reflected in the allegations in the complaint, and the reliefs sought determine jurisdiction over the subject matter. It is immaterial whether the claimant has a right to the relief sought."

5. In *Lee vs. Carreon*, G.R. No. 149023 September 27, 2007 the Supreme Court said:

"The conferment of a legal easement of right of way is governed by Articles 649 and 650 of the Civil Code reproduced as follows:

Article 649. The owner, or any person who by virtue of a real right may cultivate or use any immovable, which is surrounded by other immovables pertaining to other persons and without adequate outlet to a public highway, is entitled to demand a right of way through the neighboring estates, after payment of the proper indemnity.

Should this easement be established in such a manner that its use may be continuous for all the needs of the dominant estate, establishing a permanent passage, the indemnity shall consist of the value of the land occupied and the amount of the damage caused to the servient estate.

In case the right of way is limited to the necessary passage for the cultivation of the estate surrounded by others and for the gathering of its crops through the servient estate without a permanent way, the indemnity shall consist in the payment of the damage caused by such encumbrance.

This easement is not compulsory if the isolation of the immovable is due to the proprietor's own acts.

Article 650. The easement of right of way shall be established at the point least prejudicial to the servient estate, and, insofar as consistent with this rule, where the distance from the dominant estate to a public highway may be the shortest."

6. It is the regular courts which have jurisdiction when the subject matter is the claim for easement of right of way. Thus,

7. Likewise, the action for reversion or nullification of title is not within the jurisdiction of the Honorable Office but falls to the jurisdiction of regular courts. In *Malabanan vs. Republic*, G.R. No. 201821 September 19, 2018 the Supreme Court said:

“The action for the reversion of land initiated by the State is not directed against the judgment of the Land Registration Court but against the title. Hence, jurisdiction is vested in the Regional Trial Court of the province or city where the land involved is located.

Xxx xxx

The basic rule is that the jurisdiction of a court over the subject matter is determined from the allegations in the complaint, the law in force at the time the complaint is filed, and the character of the relief sought, irrespective of whether the plaintiff is entitled to all or some of the claims averred. Jurisdiction over the subject matter is not affected by the pleas or the theories set up by the defendant in the answer or motion to dismiss; otherwise, jurisdiction becomes dependent almost entirely upon the whims of the defendant.

Xxx xxx

It is axiomatic that the nature of an action and whether the tribunal has jurisdiction over such action are to be determined from the material allegations of the complaint, the law in force at the time the complaint is filed, and the character of the relief sought irrespective of whether the plaintiff is entitled to all or some of the claims averred. Jurisdiction is not affected by the pleas or the theories set up by defendant in an answer to the complaint or a motion to dismiss the same.

In the present case, the material averments, as well as the character of the relief prayed for by petitioners in the complaint before the RTC, show that their action is one for cancellation of titles and reversion, not for annulment of judgment of the RTC. The complaint alleged that Lot Nos. 43 to 50, the parcels of land subject matter of the action, were not the subject of the CFI's judgment in the relevant prior land registration case. Hence, petitioners pray that the certificates of title of RCAM be cancelled which will not necessitate the annulment of said judgment. Clearly, Rule 47 of the Rules of Court on annulment of judgment finds no application in the instant case.

8. Moreover, the petitioners are not the proper parties to bring an action for reversion. In *Sumail vs. Judge of the Court of First Instance of Cotabato*, G.R. No. L-8278 April 30, 1955 the Supreme Court said:

“We agree with the Director of Lands and the trial court that the latter had no jurisdiction to entertain Civil Case No. 420 which was filed for the purpose of cancelling the Patent issued by the Director of Lands on lot No. 3633 and also for the cancellation of the Original Certificate of Title V-23 issued to Gepuliano on the basis of his free patent. Under section 122 of Act No. 496 known as the Land Registration Act, when any public lands in the Philippines are alienated, granted, or conveyed to persons or public or private corporations, the same shall be brought forthwith under the operation of the said Act and shall become registered lands and that the instrument of conveyance in the form of a Patent, before its delivery to the grantee shall be filed with the Register of Deeds for registration, and that once registered therein a certificate of title shall be issued as in other cases of registered land. That is the reason why an original certificate of title was issued to Gepuliano sometime in 1950 on the basis of his free patent issued in 1949.

Xxx xxx

But even if we regard the action of Sumail in Civil Case No. 420, as an action for reversion to the Government of the lot in litigation, under the provisions of sections 91 and 124 of the Public Land Act, which provide for the annulment of patents and titles previously issued, and the reversion of the lands covered by them to the state, may he bring said action? Section 101 of the same Act, says no. We reproduce said section:

All actions for the reversion to the Government of Lands of the public domain or improvements thereon shall be instituted by the Solicitor General or the officer acting in his stead, in the proper courts, in the name of the Commonwealth (Republic) of the Philippines.

Under section 101 above reproduced, only the Solicitor General or the officer acting in his stead may bring the action for reversion. Consequently, Sumail may not bring such action or any action which would have the effect of cancelling a free patent and the corresponding certificate of title issued on the basis thereof, with the result that the land covered thereby will again form part of the public domain. Furthermore, there is another reason for withholding legal personality from Sumail.


He does not claim the land to be his private property. In fact, by his application for a free patent, he had formally acknowledge and recognized the land to be a part of the public domain; this, aside from the declaration made by the cadastral court that lot 3633 was public land. Consequently, even if the parcel were declared reverted to the public domain, Sumail does not automatically become owner thereof. He is a mere public land applicant like others who might apply for the same."

9. Moreover, the causes of action of petitioners are conflicting. An action for easement of right of way is an admission of the dominant estate (petitioners in this case) that the servient estate (respondents) is the owner of the property where easement is being demanded. It is absurd that the petitioners after admitting in their claim for easement that the respondents are the owners will later on said that the respondents have no valid title over their property. By claiming an easement of right of way the petitioners are already estopped from denying the validity of the title of the respondents over the property in question;

10. Clearly, the only plausible thing that the Honorable Office can do is to dismiss the instant case for lack of jurisdiction over the subject matter. The dismissal of this case should be at the earliest possible time because the long inaction in this case despite the lack of jurisdiction may constitute abuse of authority and violation of the rights of the respondents which are punishable under existing penal laws;

WHEREFORE, it is respectfully prayed of the Honorable Office that this case be dismissed outright for lack of jurisdiction over the subject matter.

Coron for Puerto Princesa City, Palawan, September 23,, 2022.


HENRY ROGERS
Respondent
Barangay IV
Coron, Palawan

NOTICE OF HEARING

ANTHONY FERRER
CATALINA NAVARRA
Sitio Banga, Barangay 6
Coron, Palawan

The Executive Clerk
PENRO
Puerto Princesa City
Palawan

Greetings:

Please take notice that the foregoing motion will be submitted for the resolution of the Honorable Hearing Officer upon receipt hereof and without further argument.

HENRY ROGERS

Cc:

ANTHONY FERRER
CATALINA NAVARRA
Sitio Banga, Barangay 6
Coron, Palawan

EXPLANATION

This motion is served by registered mail/courier due to lack of messengerial staff to effect personal service.

Presidential Decree No. 957 was approved on July 12, 1976, 11 years before the Ballado Spouses filed their complaint. This means that the law mandating the jurisdiction of the National Housing Authority, which later on became the House and Land Use Regulatory Board, had long been in effect when petitioners filed their Answer and participated in trial court proceedings. It behooved them to raise the issue of jurisdiction then, especially since St. Joseph Realty, their co-respondent, raised it in its Answer albeit superficially and without any discussion.

Easement may also be demanded when access to the public highway is inadequate. However, in the case of *Reyes v. Sps. Valentin and Ramos* (G.R. No. 194488, February 11, 2015), the Supreme Court explained that the convenience of the dominant estate's owner is not the basis for granting an easement of right of way, especially if the owner's needs may be satisfied without imposing the easement. Thus, mere convenience for the dominant estate is not what is required by law as the basis of setting up a compulsory easement;

Moreover, it is also the regular courts which have jurisdiction in action for reversion.