Republic o Philippines
Departmen. .. Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Coron, Palawan

November 27, 2019

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region
Roxas Blvd., Ermita, Manila

ATTENTION: The Chief, Legal Division

THRU : The Provincial Environment and
Natural Resources Officer
Sta. Monica, Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **INVESTIGATION REPORT ON THE LAND CONFLICT BETWEEN THE HEIRS OF LIBARRA AND THE HEIRS OF CURBA OVER LOT NO. 579, CAD 1150-D LOCATED AT SITIO TOTO, BARANGAY NEW BUSUNGA, BUSUANGA, PALAWAN.**

Respectfully submitted is the memorandum dated November 6, 2019 of Investigation Team from CENRO Coron headed by SI Maria Danica L. Patron regarding the above subject. Based on the said investigation, the heirs of Libarra appears to be the lawful claimant of Lot 579, Cad 1150-D and not the heirs of Serrano Curba, represented by Mrs. Nenita Sario, whom the title/patent was issued on April 13, 2009. The said investigation revealed that the heirs of Libarra had been occupying the contested area since time immemorial and that it was never abandoned nor occupied by any other persons other than their family and that the heirs of Serrano Curba had never occupied the area ever since and even after the issuance of the title. Instead, the investigating team found that the portion of land that was previously occupied by the heirs of Curba is at the coastal area adjacent to the contested parcel of land. According to the investigation report dated February 24, 2017 of LMOIII Judith P. Quirit attested by then CENRO Eriberto B. Saños, CESE, the basis of the granting the patent in favor of the heirs of Serrano Curba was the Court Decision dated August 25, 1997 where this Office has no copy in record.

There were also indications that the above case was not properly handled by the concerned personnel of this Office that caused the said case to be dragged on for more than 10 years (since 2009) without resolution.

In view of the foregoing, this Office recommends that the personnel of this Office namely LMOIII Judith P. Quirit and LMOII Arnel D. Cabanillas, who were implicated by

Mr. Ardon Libarra on his letters to the then CENRO Eriberto B. Saños dated May 7, 2013 and to the Ombudsman dated November 4, 2017, submit written explanation/s under oath on the real circumstances behind the granting of title/patent to the heirs of Serrano Curba considering the latter has not occupied the said parcel of land.

Further, this Office respectfully requests for guidance on the disposition of the title issued to the heirs of Serrano Curba represented by Ms. Nenita C. Sario with Patent No. 045307-09-25886 wherein it was found that they had not occupy the said parcel of land and that the heirs of Libarra were the actual occupant/s ever since.

For information, review and further guidance.

ARNOLDO A. BLAZA, JR.

cc: *Director Raquel Rosario M. Cunanan-Marayag*
RE: RAS-L-17-590
Office of the Ombudsman
Office of the Deputy Ombudsman for Luzon
Agham Rd. Diliman, Quezon City

CENRO, DENR
SERIAL NO. 21P
RELEASED
DATE: 12-11-19
BY:

Province of Palawan
Email Address: cenro coron@yahoo.com

DATE: 11-08-2019
SERIAL No. 3119-2019
BY:
CORON, PALAWAN

November 06, 2019

MEMORANDUM

TO : The OIC, Community Environment and Natural Resources Officer
Coron, Palawan

FROM : The Investigating Forest Officers
CENRO, Coron, Palawan

SUBJECT : **FINAL INVESTIGATION REPORT WITH CATEGORICAL RECOMMENDATIONS AND THE RESULT OF THE CONDUCT OF RELOCATION SURVEY RE: LOT NO. 579, CAD 1150 – D LOCATED AT SITIO TOTO, BARANGAY NEW BUSUANGA, BUSUANGA, PALAWAN.**

Documents attached: (Annexes)

A. Letter from Nenita Curba-Sario dated January 31, 2019 requesting representative from CENRO – Coron during the conduct of relocation survey on Lot 579, CAD 1150 - D
B. Copy of the "Kasunduan" signed on November 20, 2015 by Ardon A. Libarra and Nenita C. Sario et al. regarding the conduct of joint relocation survey on the same lot.
C. Relocation Survey Report with map of Vicente L. Paningbatan (Geodetic Engineer) dated April 01, 2019 for Lot 579, CAD. 1150 – D, Busuanga, Cadastre
D. Copy of Protest Letter of Domingo Libarra dated February 24, 2009
E. Copy of Protest Letter of Ardon A. Libarra and Ptr. Recto A. Libarra dated May 7, 2013
F. Copy of Protest Letter of Ardon A. Libarra addressed to the Office of the Ombudsman dated November 04, 2017
G. Copy of Pinagsamang Sinumpaang Salaysay of Basilio Libarra Sr, Atride C. Apolinario and Armando Sabroso signed on July 13, 2013
H. GIS Map
I. Copy of the record in the logbook of CENRO Coron re; claimants of Lot 579, CAD 1150-D
J. Copy of Investigation Report of Judith P. Quirit et al. dated February 24, 2017
K. Copy of Memorandum from the Regional Technical Director for Lands dated August 02, 2013
L. Copy of Certification from the DENR CENRO Coron dated May 26, 2008 re; listed claimant of Lot 579, CAD 1150-D
M. Copy of Katibayan ng Orihinal na Titulo of Hrs of Serrano Curba Represented by Nenita C. Sario
N. Copy of Tax Declaration No. 007-0475-A named after Serrano Cuba vs. D. Libarra
O. Geotagged photos of the site inspection and relocation survey conducted on Feb 5, 2019 and geotagged photos of the ocular inspection of the investigating team conducted on August 8, 2019.

This pertains to the letter dated January 31, 2019 from Nenita Curba – Sario requesting the presence of personnel of this Office to witness the conduct of relocation survey of Lot 579, CAD – 1150 – D situated at New Busuanga, Busuanga, Palawan. (Annex A)

The said relocation survey was agreed upon by Ardon Libarra and Nenita Sario in order to shed light on the unresolved conflict on land claims which started way back in 2009. (Annex B)

I. Result of the Relocation Survey

- Based on the ocular inspection conducted simultaneous with the relocation survey, the area is occupied and developed/cultivated by the heirs of Libarra.

- The Relocation Survey Report presented by Vicente L. Paningbatan (Geodetic Engineer) ascertained that the area being claimed by the heirs of Domingo Libarra is within or is the same lot which is covered by Patent No. – 05307-09-25886 of Nenita Sario covering Lot No. 579, CAD – 1150 – D with an area of approximately 8.5418 hectares.(Annex C)

II. Final Investigation Report

History of the Case

The case stemmed from a protest dated February 24, 2009 by Mr. Domingo Libarra, representing the heirs of Tomas Libarra and Teofilo Libarra. The complaint was centered on Nenita Sario, daughter of Serrano Curba who allegedly intruded on the area and together with some DENR personnel who conducted a land survey without permission from the Barangay nor notice to them being the actual occupant of the land. Further, after the Busuanga Cadastre the said lot contained a **"vs"** and that a certain Kapitan Shiela discovered in one of her inquiry to the Municipal Assessors' office of Busuanga that the lot is already named under Nenita Sario and the **"vs"** was removed. And as such Domingo Libarra, 77 years old at that time sought assistance from this office to conduct investigation on the matter. (Annex D)

However, records verification shows that from February 2009 until his death on December 16, 2011, there was no action undertaken by this Office regarding his complain despite several follow ups. After the death of Domingo Libarra; Ardon Libarra son of the deceased, conducted their own investigation. And they learned that the lot to which their father had protested of is already patented to a certain, Nenita Sario heir of Serrano Curba. From then on, the heirs of Libarra continuously sought intervention and still hoping that the said patent can still be cancelled. (Annex E)

On November 4, 2017 Ardon Libarra filed a complaint letter addressed to the Ombudsman regarding this matter. (Annex F). The report of the team will try to answer to the complaint listed thereon in order to finally settle the dispute that has been existing for more or less ten (10) years between both parties without prejudice.

Discussion

1. The story of Domingo Libarra as manifested on his letter dated February 24, 2009 (Annex D) demands great weight and respect as well as the sworn statement (Annex G) of old residents of Sitio Toto, New Busuanga who have witnessed the history of the disputed area. Basilio Libarra, Sr, Atride Apolinario and Armando Sabroso, all residents of the said place attested on how the heirs of Libarra developed the rice field, fishponds and planted coconut trees, vegetable garden and likewise constructed at least five (5) houses thereon (Annex H) That from Tomas Libarra, to Teofilo Libarra, to Domingo Libarra and to the fourth generation who is Ardon Libarra who is still living and continuing to uphold their right for Lot 579, Cad-1150-D together with the heirs that they are the rightful claimant of the contested area since they are in open, actual, adverse, and in continuous possession of the same since 1918 up to this writing. That the area was never abandoned nor sold in any manner. While tax declaration is not considered as a proof of ownership, it is a good indicator of ownership and possessory right. Further, the real estate taxes for the said property had been paid religiously by the heirs of Libarra and that the area had not been occupied by any other persons other than the heirs of Libarra.

2. On the other hand, the claim of the heirs of Serrano Curba represented by Nenita Sario, being the owner of the area by virtue of a title issued on April 13, 2009, has no leg to stand on considering that they never occupied the said area. And as such she is **not eligible** to apply for free patent pursuant to **Section 44 of Public Land Act.** However, there is a portion to which Mr. Ardon Libarra referred to as "aplaya" where the heirs of the Curba used to occupy. The team verified the said area near the shoreline during the ocular inspection.(Annex H) Accordingly, this is where the heirs of Curba originally settled for the longest time and Mrs. Nenita Sario attested that they indeed occupied the foreshore area and it was only sometime in year 2000 that they left the said area for good; that is more or less three (3) years after filing the Application for Free Patent (August 25, 1997). The said area is located somewhere in Lot 583, CAD 1150-D, approximately 150 meters from the existing road, with remnants of flooring which according to Mrs. Nenita Sario, is where their house used to stand. Based on the logbook of this office, Lot 583 CAD 1150-D is listed in the list of claimants under Apolinario P. vs Curva S.(Annex I)

3. The Court Decision for Civil Case 65 – Forcible Entry Serrano Curba, Plaintiff vs Domingo Libarra, Defendant dated October 5, 1970 cannot serve as basis for the issuance of title since it never mentioned the exact location of where the forcible entry occurred. Allegedly, the heirs of Domingo Libarra were never furnished of the said court decision.

4. In the Investigation Report dated February 24, 2017, it was mentioned that the ***"application for title was filed on August 25, 1997...under FPA-045307-1470. The application was left pending in this Office until a copy of a Court Decision dated August 25, 1997 in June, 2008."*** This coincides with the date of the filing of the Free Patent Application. And according to Mrs. Nenita Sario, they only have one copy of Court Decision dated October 5, 1970. (Annex J)

5. Furthermore, as early as 1997, the CENR Office is aware of the free patent application by the heirs of Curba represented by Nenita C. Sario particularly FPA-045307-1470 and yet no action was taken to answer the complaint letter of Domingo Libarra dated February 24, 2009 as cited in the letter of Ardon Libarra to the Office of the Ombudsman.(Annex F)

6. The free patent application was held pending at the CENRO Office for more or less 11 years (1997-2008). When accordingly, the application was given due course owing to the Court Decision that favored Serrano Curba in 1970.

7. On Memorandum dated Aug 02, 2013 by the Regional Technical Director for Lands, Oscar C. Dominguez directed this Office to conduct immediate investigation to ascertain if there is ground to warrant the filing of formal charges against the DENR personnel involved in the circumstance. This is in relation to the allegation of Ardon Libarra that they did not perform their duties in the conduct of the survey and in the certification issued and the manner they are dealing with the case. However, there was no evidence that there had been action/s taken regarding this. (Annex K)

8. On several instances there are irregularities on how the spelling of the surname of Serrano is presented on different documents - Serrano Cuba , Serrano Curva and Serrano Curba. It ca be noticed that this is misleading considering that there are no middle names indicated on the documents. This should be verified that these three (3) names are one and the same person.

9. Court Decision dated October 5, 1970 declared that Serrano Curba won the case over Domingo Libarra for alleged forcible entry. If that was the case then the listed claimants for Lot 79 after the Busuanga Cadastre in 1993 and approved in 1995 should be Serrano Curba only. If Curba really won in the case then the listed claimants should be Serrano Curba only and no **"vs"**.

III.<u>Conclusion</u>

Based on the foregoing investigation, there is substantial evidence that a fraud has been committed in securing the title issued to Nenita Sario considering the following evidence to wit:

1. Issuance of Tax Declaration would require certification with sketch plan from DENR-CENRO declaring that the land is Alienable and Disposable, Affidavit of adjoining lot owners and a Barangay Certification. If the land investigator/s conducted the actual survey and ocular inspection as required for the DENR certification then the inspector/s should have known that there is an adverse claim over the area and that the heirs of the Curba is not occupying and cultivating the disputed area. And as such Nenita Sario will not be eligible to apply for a Tax Declaration considering that she is **not the actual occupant** of the area. In the event that the Barangay issued a corresponding certification that she is the actual occupant of the area, then that certification is also considered to be null and void.

2. Allegedly, Nenita Sario was able to secure a Tax Declaration sometime in 2006 **without** the **"vs"**. The same tax declaration was used in the application of free patent. If this is the case, then the Municipal Assessor of Busuanga who issued the Tax Declaration is liable of criminal case under Section 85 of PD 705 (Tax Declaration on Real Property). Mrs. Nenita Sario refused to present the copy of the said Tax Declaration wherein the **"vs"**was omitted.

3. The certification issued by this Office dated May 26, 2008 in favor of Nenita C. Sario certifying that the listed claimant for Lot 579, Cad-1150-D is Serrano Curva is inconsistent with the records based on the logbook where the listed claimant for Lot 579, Cad-1150-D is **Libarra, Domingo vs Curva, Serrano**. The Court Decision holds no bearing on the list of claimants considering that there is no certainty that the Court Decision won by Serrano Curva is directly referring to Lot 579, Cad-1150-D. Futher, the Certification issued should be signed by no less than the CENR Officer, wherein, during that time was CENRO Felizardo Cayatoc who will subscribe and sworn at the said certification considering that the said document was used as supplementary document for titling of FPA-045307-1470. However, the said document was not signed by the CENRO. (Annex L)

In view of the foregoing, given all the above circumstances, the heirs of Libarra appears to be the lawful claimant of Lot 579, CAD-1150D since they are in open, exclusive, continuous possession and occupation of the area since time immemorial.

IV. Recommendations

Based on the investigation conducted, the following actions are hereby recommended:

1. To secure a copy of the Court Decision dated August 25, 1997 which was said to have been the basis for issuance of title on April 3, 2009 for review as there is no copy retained in this Office. This may alter the course of the on-going investigation.

2. To appeal for the reversion of title or cancellation of the free patent issued to the heirs of Serrano Curva particularly that of Patent No. 045307-09-25886 (Annex M). Since the heirs of Serrano Curva never occupied nor cultivated the land and as a proof until this day,.they cannot enter the premises despite the Patent issued on their favor since 2009.

3. To review the documents used by the heirs of Serrano Curva in their application for patent and to verify the legitimacy and correctness of the said documents. Should there be irregularities and misinterpretations on the presentation of the documents then, appropriate measures should be conducted to correct the same, and if warranted, investigations can be further conducted.

4. To secure an Affidavit declaring that Serrano Curba, Serrano Cuba and Serrano Curva are one and the same person.

All the information contained herein were gathered during the conduct of investigation (testimonies, interview, ocular inspection) in addition to the information from records on this Office particularly

that of Folder #86 (Protest of the Hrs of Domingo Libarra covering Lot No. 579, CAD-1150-D at Brgy. New Busuanga, Busuanga, Palawan). Attached also is a copy of Tax Declaration 007-0475-A (Annex N) and geotagged photos of the actual inspection and relocation survey of the subject parcel of land conducted on February 5, 2019 and August 08, 2019 (Annex O)

For information, review and further guidance.

CRISTINA J. SABANGAN
Forester I/ LIO

MARIA DANICA L. PATRON
Special Investigator / LIO

ANGELIE U. PASCUAL
Land Mgt Inspector/LIO

PATRICK ISRAEL T. PANLILIO
Forest Technician I

DENNIS T. JAGMIS
Forest Technician I

Cc *Director Raquel Rosario M. Cunanan-Marayag*
RE: RAS-L-17-590
Office of the Ombudsman
Office of the Deputy Ombudsman for Luzon
Agham Rd. Diliman, Quezon City

The Chief, Legal Division
MIMAROPA Region

April 1, 2019

ANNEX C

RECEIVED
DATE: 04-03-2019
SERIAL NO. 279
BY:

RELOCATION SURVEY REPORT

(LOT 579, CAD. 1150-D, BUSUANGA CADASTRE)

This relocation survey was conducted last February 5, 2019 using RTK instrument with brand name South Galaxy 1 measuring system with serial no. S82584117256161WHN.

BBM No. 16 of Cad. 1150-D, Busuanga Cadastre was used as a reference point and corners 3 & 4 also of the the same lot as other existing reference points. These reference points was existing on the ground and are marked P.S. Cyl. Conc. Mons. 15x40 cm. After applying correction to the instrument the remaining corners of Lot 579 was relocated and monumented.

During execution of the relocation survey I found out that Lot 582 & Lot 583, Cad. 1150-D, Busuanga Cadastre are both claimed by the Heirs of Serrano Curba.

Both Curba Family and Ardon Libarra agreed to share the payment for the relocation survey but Curba Family solely paid the amount of Fifty Thousand Pesos (Php 50,000.00).

This relocation survey was conducted with the consent and full knowledge of the registered owner.

VICENTE LIPANINGBATAN
Geodetic Engineer

LMS Plan No. 040-C-3

TECHNICAL DESCRIPTION		
LINES	BEARINGS	DISTANCES
BOUNDARY		
1-2	S41°47'E.	113.91 M.
2-3	S.02°R'W.	133.78 M.
3-4	S76°12'W.	66.39 M.
4-5	S11°52'W.	165.66 M.
5-6	N.60°13'W.	246.10 M.
6-7	N.22°21'E.	171.94 M.
7-8	N.35°39'E.	141.38 M.
8-1	N.53°32'E.	125.43 M.

TIE LINE: N.48°15'W., 3,465.20 M., From BLLM No.1, CAD. 1150-D, BUSUANGA CADASTRE, Municipality of Busuanga, Palawan to Corner "1".

"K-1"

NOTE:
All corners are 9" (5 cyl. cons. mons 15 x 60 cms.

N

S

RELOCATION
PLAN

OF LOT 579, CAD. 1150-D, BUSUANGA CADASTRE

AS PREPARED FOR

HEIRS OF SERRANO CURSA
Represented by NENITA C. SARIO

SITUATED IN THE

RURBAN CODE
BARANGAY OF : NEW BUSUANGA
MUN. OF : BUSUANGA
PROVINCE OF : PALAWAN
PALAWAN OF : BUSUANGA
CONTAINING AN AREA OF : 85,415 SQ.M.

ZONE NO.
PROJ. DATUM/PRS 92
BEARING: TRUE
SCALE 1:2000

10 20 30 40 50 60

CERTIFICATION

FOR IN THE
Regional Director

VICENTE C. SAMANIEGO
Chief, RSD

Republic of the Philippines
Department of Environment and Natural Resources

VERIFICATION

I hereby that this survey plan is verified and found to conform with survey data / records on file in this office.

THIS PLAN SHALL NOT BE USED FOR LAND REGISTRATION.

DATE _____ 20 _____
PURPOSE _____

CHIEF, REGIONAL SURVEYS DIVISION

Date Submitted

ADDITIONAL INFORMATION AFTER DATE OF VERIFICATION

OLD SURVEY NO. 579 1

LIBARRA, D. VS DURYA, SERAND

NAME OF CLAIMANT

NEW BUSUANGA, BUSUANGA PALAWAN

ADDRESS OF CLAIMANT

LEONARDO V. MARTIN

CONTRACTOR

12-11N 119-52E

QUADRANGLE

6/4/7-15/93

DATE SURVEYED

LOT NO. CAD. 1150-D SHT 04

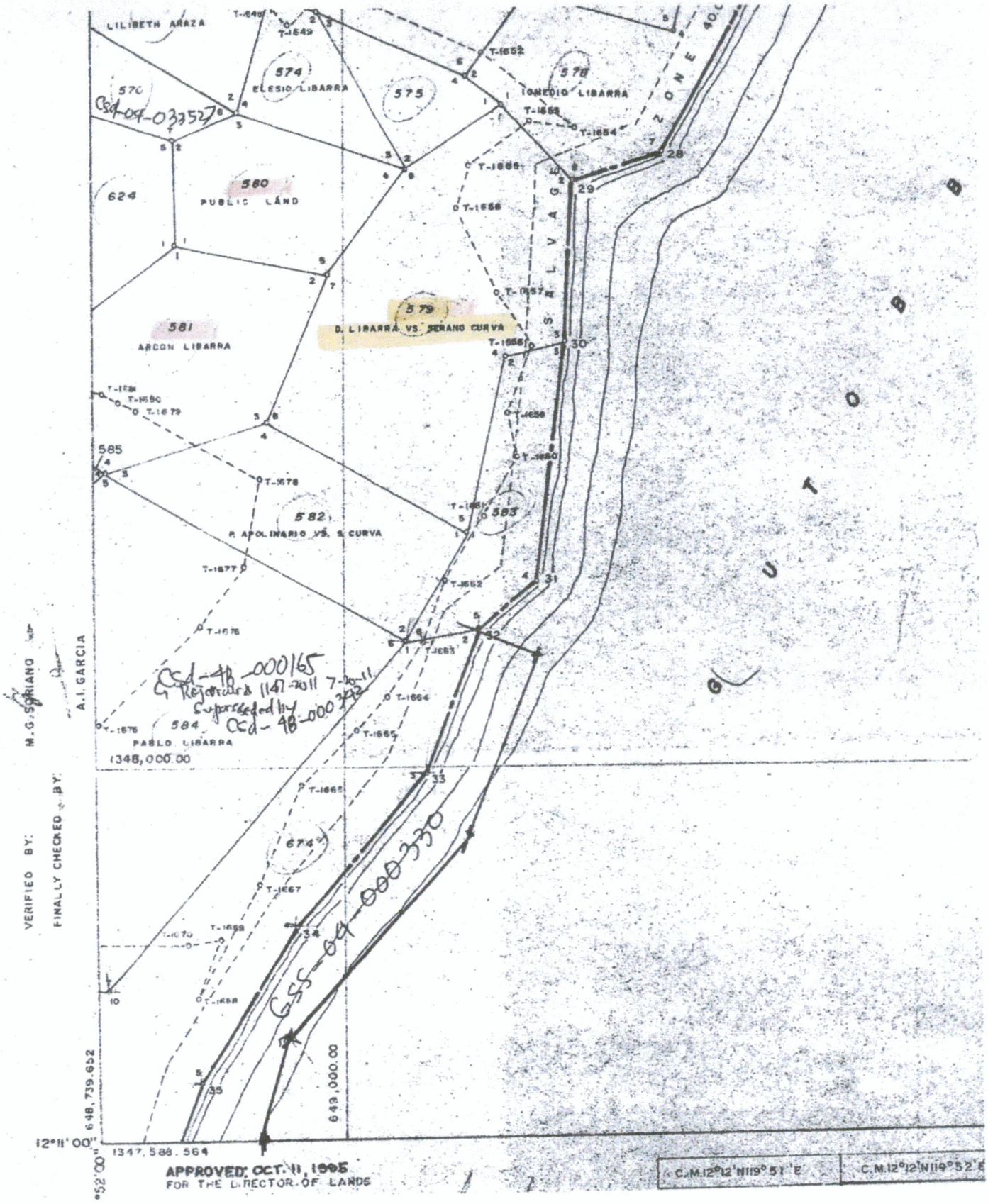
SURVEY NUMBE

BOOK/PAGE STA. OCC.	TRAVERSE STA. COORDINATES NORTHING	EASTING	AZIMUTH DISTANCE	CORNER NO.	LOT CORNER COORDINATES NORTHING	EASTING	BEARING DISTANCE	CORNER DESC
BLLM #1				TP	1342175.61	656005.45	N46-15W 9465.20	
EQUALS 1 OF LOT 578				1	1348720.94	649168.15	S41-47E 113.51	X-TREE
EQUALS 8 OF LOT 578				2	1348636.31	649243.79	S 2-40W 173.76	PS MON
4 / 54 T1658	1348457.24	649198.70	261-33 37.40	3	1348462.74	649235.69	S76-12W 66.38	X-TREE
4 / 54 T1658	1348457.24	649198.70	69-23 29.35	4	1348446.91	649171.23	S11-52W 196.84	X-TREE
4 / 54 T1661	1348272.56	649148.11	43-30 25.20	5	1348254.28	649130.76	N60-13W 246.10	X-TREE
4 / 58 T1678	1348314.26	648908.86	187-36 62.81	6	1348374.52	648917.17	N22-21E 171.44	X-TREE
4 / 54 T1657	1348515.58	649160.95	96-14 179.66	7	1348535.09	648982.35	N35-39E 141.36	X-TREE
EQUALS 2 OF LOT 575				8	1348649.96	649064.73	N55-32E 125.43	X-TREE

AREA IN SQ. M. = 85,417.98

AR SURVEYING CORPORATION

TEL. 732-26-


LILIBETH ARAZA
574
ELESIO LIBARRA
575
576
IGNEDIO LIBARRA
570
CSd-04-037527
580
PUBLIC LAND
624
581
ARCON LIBARRA
579
D. LIBARRA VS. SERANO CURVA
585
582
R. APOLINARIO VS. S. CURVA
583
584
PABLO LIBARRA
674
1348,000.00
643,000.00
648,739.652
1347,586.564
12°11'00"
APPROVED: OCT. 11, 1995
FOR THE DIRECTOR OF LANDS
C.M.12°12'N119°51'E
C.M.12°12'N119°52'E
VERIFIED BY:
FINALLY CHECKED BY:
M.G. SORIANO
A.I. GARCIA
CSd-48-000165
Rejected 11-21-2011 7-20-11
Superseded by
CSd-48-000373
CSS-04-000330

577	Libarra, Teofilo	*	81951
578	Libarra, Ignacio	~~1004~~ 263	55570
[redacted]	Libarra, D. -vs-	- 1470	85417
	Applied by Curva, Senaro by virtue of the court decision & approve plan. 8/26/9[illegible] (Applied by Ilia. of Serrey Curva, Sep by [illegible])		
580	Public Land (Applied by Welger Echague)	- 1181	30142
581	Libarra, Ardon	- 819	51229
582	Apolinario, P. -vs- Curva, S.		41313
583	Apolinario, P. -vs- Curva, S.		24030
584	Libarra, Pablo (covered by Ad-4B-000465)		167071

REMNANTS OF THE HOUSE OF NENITA SARIO NEAR THE SHORELINE LOCATED SOMEWHERE IN LOT 583 CAD 1150-D

STRETCH OF THE SHORELINE

SETTLEMENT OF 25,000.00 Php of ARDON LIBARRA TO NENITA SARIO AS COMPENSATION FOR THE RELOCATION SURVEY

Department of Environment and Natural Resources
MIMAROPA IV – B
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Email address: cenro_coron@yahoo.com

KASUNDUAN

KAMI SI Ardon A. Libarra at Nenita C. Sario ng Brgy. New Busuanga, Busuanga Palawan ay pumapayag at nagkasundo na magkaroon ng relocation survey base sa Order o Investigation na napapaloob sa kaloob na Patento Bilang 05307-09-25886 na may Lot No. 579 Cad 1150-D at napagkasunduan na anumang gastusin sa nasabing relocation survey ay amin paghahatian.

Lalagdaan naming ngayong ika-20 ng Nobyembre, 2015, sa DENR-CENRO, Coro Palawan.

ARDON A. LIBARRA

NENITA C. SARIO

Maga Saksi:

RECTO A. LIBARRA

EMELIA CUSTODIO

ANTONIO A. RODRIGUEZ
Land Mgt. Inspector

BERNARDO F. CASTILLO
DMO IV/Presiding Officer

Hon. A. Libarra
Pastor Rocto A. Libarra
Brgy. New Busuanga
Busuanga, Palawan

Heirs of Serrano Curba
c/o Emelina Custodio
Kawayanan Grill
Brgy. Poblacion 5
Coron, Palawan

Mga Ginoo at Ginang,

Pagbati!

Ito po ay may kinalaman sa Memorandum Instruction ng ating OIC-PENRO Felizardo B. Cayaloc na may petsang Ika-25 ng Agosto 2017 na nag uutos ng implementasyun ng Relocation Survey ng Lot 579, CAD 1150-D sa Barangay New Busuanga, Busuanga, Palawan.

Para sa madaliang relocation survey kayo po ay pinapayuhang kumuha ng lisensyadong Geodetic Engineer upang maisagawa ang nasabing pagsusukat.

Ayon sa inyong nilagdaang kasunduan na may petsang Nobyembre 15, 2015 ang anumang gastusin sa relocation survey ay paghahatian ng dalawang panig.

Kalakip po dito ang sipi ng Memorandum Instruction ni OIC-PENRO Felizardo B. Cayaloc na may petsang Agosto 25, 2017 at sipi ng kasunduan na may petsang Nobyembre 20, 2015.

Kung mayroon kayong dagdag katanungan ay pinapayuhan ko kayong pumunta sa aming tanggapan sa Ika-25 ng Setyembre 2017 ganap na Ika-10 ng umaga dito sa DENR-CENR Office, Brgy. 5, Coron, Palawan.

Lubos na gumagalang,

For and in the absence of CENRO,

BERNARDO F. CASTILLO
DMO IV
In-Charge, Office of the CENRO

Copy furnished:
- *The PENRO, Sta.Monica, PPC*
- *The ARD for Technical Services R-4 (MIMAROPA ASPMD-2017-0002521)*

ATTENDANCE

Sept. 25, 2017 – 10:00 A.M.

DENR - CENRO, Coron, Palawan

Re: Implementation of Relocation Survey to ascertain the Technical Issues / Concerns of Lots under protest re: Heirs of Domingo Libarra rep. by: Ardon Libarra versus FP No. 045307-09-25886 Heirs of Serrano Curba rep. by: Nenita Sario covering Lot 579, Cad. 1150-D at New Busuanga, Busuanga, Palawan

NAME:	SIGNATURE:
1. Emilio C. Matoto	–
2. Josefina C. Montella	–
3. NENITA E. SARIO	–
4 [illegible] A. Pabano	–
5. DTH. RECTO A. LIBARRA	–
6. Bernardo F. Castillo	– Facilitator / Heavy Eq. Op.
7. CRISTINA J. SABANGAN	–
8. ANTONIO A. RODRIGUEZ, JR.	–

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Province of Palawan
Email Address: cenro_coron@yahoo.com

Date: September 25, 2017

Sikangay Hall, CENR Office, Coron, Palawan

Meeting Called by: BERNARDO F. CASTILLO, DMO IV

Time started: 1000H

Attendees:

Bernardo F. Castillo, DMO IV – In-Charge Office of the CENRO
Antonio A. Rodriguez, Jr. – Land Management Inspector
Cristina J. Sabangan – Forester I
Emelin C. Custodio -
Josefina Montella
Nenita E. Sario – Heirs of Serrano Curba
Ardon A. Libarra – Heirs of Domingo Libarra
Recto A. Libarra

AGENDA:

To discuss the implementation of the relocation survey to ascertain the Technical Issues / Concerns of Lots under protest: Lot 579, CAD 1150-D at New Busuanga, Busuanga, Palawan.

DISCUSSION:

- The meeting was called in order to discuss the Memorandum Of Instruction from the PENRO RE: Implementation of relocation survey to ascertain the technical issues/concerns of lots under protest Heirs of Domingo Libarra represented by Ardon Libarra vs FP No. 045307-09-25886 Heirs of Serrano Curba represented by Nenita Sario covering Lot 579, CAD 1150-D at New Busuanga, Busuanga, Palawan.

- Both parties Mr. Ardon Libarra and Mrs Nenita Sario agreed on the survey stating that they have been waiting for a long time in order to finally close the issue on the dispute. The survey will shed light on the boundaries of both lands

- LMI Antonio A. Rodriguez Jr. was assigned to find a license Geodetic Engineer. Both parties agreed to the decision. This is to remove the doubt on both parties and to show that the DENR is not taking sides for that matter. Both parties should furnish a copy of the land title to Mr. Rodriguez to be presented to the Geodetic Engineer.

- There were two (2) identified license Geodetic Engineer in Coron namely Engr. Dominic Lopez and Engr. Vicente Paningbatan. It was agreed that once Mr. Rodriguez have identified the engineer to

conduct the relocation survey, a letter from the CENR Office will be sent to both parties together with the price quotation for their approval. After which, if both parties will agree on the asking price, the schedule of the actual ground survey will be set.

- It was agreed that during the conduct of the survey both parties will be present including the Brgy. Officials and the composite team coming from the DENR-CENR Office in order to closely monitor the activities.

- During the discussion Mr. Recto Libarra raised a question saying: ***what if during the survey portion of their land falls to be within Mrs. Nenita Sario's land what will happen?*** At this point Mr. Castillo reminded both parties not to jump into conclusion and just let the actual survey take place first and wait for the result.

Meeting adjourned at 1030H

Prepared By:

Cristina J. Sabangan
Forester I

LMS
y. LMO Quirit
- For info / appropriate action.

RECEIVED
DATE: 9
SERIAL No.
BY:
CENR - CENRO
CORON, PALAWAN

SUBJECT:

ARDON A. LIBARRA,
Protestant,

-versus-

FP No. 045307-09-25886
HRS. OF SERRANO CURBA,
Rep. By Nenita Sario,
Protestees.

Lot No. 579, Cad 1150-D

Area: 85, 418 sq.m

New Busuanga, Busuanga
Palawan

LMS
- pls. handle this + cause the conduct of investigation. thanks

ORDER OF INVESTIGATION

A protest was filed by Ardon A. Libarra pursuing the cancellation of Free Patent No. 045307-09-25886 in the name of the Heirs of Serrano Curba, represented by Ms. Nenita C. Sario covering Lot No. 579, Cad. 1150-D, situated at New Busuanga, Busuanga, Palawan.

Protestant alleged in substance that he is one of the heirs of Teofilo Libarra who had been in actual, adverse and continuous occupation of the contested parcel of land as far back as 1920s. Protestants alleged further that during the lifetime of his predecessor, he fully cultivated the whole area into a productive agricultural farm yielding substantial harvests and was likewise used as a dwelling place for the family. Upon the demise of Teofilo Libarra, his son, Domingo Libarra (now deceased) continued the cultivation and occupation of the portion of the said land and declared the land for taxation purposes. Protestant continued the occupation and cultivation of the area adversely, openly and continuously in the concept of owner. Protestant alleged finally that Protestee through strategy and stealth succeeded in occupying a portion of the said parcel of land and eventually a certificate of title was issued in the name of the Protestee.

It appearing that the protest is sufficient in form and in substance and the required protest fee was paid for.

The CENRO in Coron, Palawan is hereby directed to cause the conduct of an investigation thereon in accordance with Section 7 of Lands Office Circular No. 68, and thereafter, submit the corresponding report to the Regional Executive Director for dispositive action.

SO ORDERED.

Manila, Philippines. 22 JUL 2015

OSCAR C. DOMINGUEZ
Regional Director

Cc:
Mr. Ardon A. Libarra
New Busuanga, Busuanga, Palawan

Ms. Nenita C. Sario
New Busuanga, Busuanga, Palawan

The PENR Officer
Sta. Monica, Puerto Princesa City

The CENR Officer
Coron, Palawan

Department of Environment and Natural Resources
REGION 4B

Department of Environment and Natural Resources
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Land Management Services
Coron, Palawan

CERTIFICATION 066-07-007-14-028

Prev. PIN: 066-07-007-11-003

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that based from the records of this Office Lot 579, CAD-1150-D located at Bgy. New Busuanga, Busuanga, Palawan with an area of **85,418 square meters** is listed to ***Serrano Curva*** as survey claimant who is already deceased, his daughter **NENITA C. SARIO** who represents as his heirs filed a corresponding application for title under **FPA-045307-1470**.

This certification is issued upon request of Ms. Nenita C. Sario for whatever lawful purpose it may serve him/her best.

ISSUED this 26th day of May, 2008 at CENRO, Coron, Palawan

VERIFIED CORRECT:

ELIZABETH A. PADON
Administrative Aide III
Acting Administrative Officer I

ATTESTED BY:

JUDITH P. QUIRIT
Spl. Investigator/OIC Chief, LMS
In charge, Office of the CENRO
fad*

Note: This is not valid without
CENRO Official seal

Paid Under O.R.No.: 9301095
Amount Paid: ₱ 100.00
Date Paid: June 12, 2008

Total ₱

2. ASSESSOR'S FINDINGS

Description	Floor Area	Construction Materials 1st Storey	2nd Storey	3rd Storey	Roof	Market Value
PENALTY FOR LATE FILING OF SWORN STATEMENT:						
Paid Under O.R.No. 9301119						
Amount Paid: ₱ 1,307.25						
Date Paid: June 5, 2008						

Total ₱

III (b) MACHINERY

1. OWNER'S DECLARATION

Description	Date of Operation	Original Cost	Depreciation	Market Value
NOTE: Please collect ten (10) years back taxes corresponding to undeclared portion of 5.5418 hectares as shown in the computation below, without penalty if paid on or before March 31, 2009.				
YEAR		ASSESSED VALUE		
1999		₱ 6,980.00		
2000 - 2005		20,640.00		
2006 - 2008		36,420.00		

Total ₱

2. ASSESSOR'S FINDINGS

Description	Date of Operation	Original Cost	Depreciation	Market Value

Total ₱

SWORN STATEMENT OF OWNER

Under the provisions of Republic Act No. 7160, I HEREBY CERTIFY that the correct and true market value of the foregoing described property of which I am the owner/administrator is to the best of my knowledge and belief as follows:

Land ₱ 256,254.00 per S.S. filed on June 5, 2008
Improvement ₱ 9,200.00

TOTAL VALUE ₱ 265,454.00

(SGD) JOSEFINA C. MONTILLA
(Signature)

TIN

Subscribed and sworn to before me this 5th day of June 2008 the person taking oath presenting Residence Certificate No. 21029899 issued on May 29 2008 at Busuanga, Palawan

(SGD) EFREN V. LADICA
Signature of Official Administering Oath
Municipal Assessor
OFFICIAL TITLE

(*) State in nearest multiple of 10 as ₱950 instead of ₱948, ₱1,000 instead of ₱1,004

ASSESSMENT BY: (CITY/PROVINCIAL ASSESSOR / BOARD OF ASSESSMENT APPEALS / CENTRAL BOARD OF ASSESSMENT APPEALS)

Kind of Property	Actual Use	Market Value	Assessment Level	Assessed Value
Land	Agr'l.	₱ 255,371.68	16 %	₱ 40,859.46
Plants/Trees	Agr'l.	7,482.40	16 %	₱ 1,197.18
			%	₱
			%	₱
	Total	₱ 262,854.08	%	₱ 42,056.64 or
TOTAL ASSESSED VALUE	FORTY TWO THOUSAND SIXTY			₱ 42,060.00

APPROVED: BY AUTHORITY OF THE PROVINCIAL ASSESSOR:

EFREN V. LADICA
Municipal Assessor

By: Provincial/City Assessor
EFREN V. LADICA
Municipal Assessor
Date June 26, 2008

This declaration cancels tax Nos. 007-0475-A/004-0432-A (1998) ; is cancelled by Tax Nos.
Tax under this declaration begins with the year 2009 ; ceases with the year
Entered in the Real Property Assessment Roll for 20 by
Previous Owner Rep. of the Phil./Same Previous assessed value. Land ₱38,540/7,490 Improvement ₱ 500.00

MEMORANDA: Assessment of this subject property is a left-out in the Genaral Revision of 1993, hence, revised to effect existing schedule of values and its area has increased from 5.9000 to 8.5418 hectares per CERTIFICATION issued by JUDITH P. QUIRIT, Incharge Office of the CENRO, Coron, Palawan dated May 26, 2008.

DECLARATION OF REAL PROPERTY

FILED UNDER REPUBLIC ACT NO. 7160

SERRANO CURBA — Address: (Deceased)

Autho. Rep.: NENITA C. SARIO — Address: New Busuanga, Busuanga, Palawan

DESCRIPTION AND OTHER PARTICULARS OF PROPERTY

So. Toto — New Busuanga — Busuanga, Palawan

(Barrio) — (Municipality) — (Province)

Cadastral Lot No. 579, Cad.1150-D — Assessor's Lot No. 028 14

Boundaries:

North: ALN 027 & 020 Seashore & ALN 059 — South: ALN 058 (lot 582) — West: ALN 057, 029 & 027

(Give streets, lots, or streams by which bounded, or names of owners of adjoining lands)

I (a) LAND (AGRICULTURAL, MINERAL)

OWNER'S DECLARATION		ASSESSOR'S FINDINGS				
Kind	Value	Kind	Area	Class	Unit Value	Market Value
Orchard L. 1.5418	256,254	Orchard Land	1.5418	3rd	40,000	61,672.00
Upland R/L 7.0000		Upland R/L	7.0000	2nd	30,000	210,000.00
			8.5418			271,672.00

I (b) PLANTS & TREES

OWNER'S DECLARATION				ASSESSOR'S FINDINGS			
Kind	No.	Unit Value	Value	Kind	No.	Unit Value	Market Value
Coconut	25	170	4,750	Coconut	25	170	4,250.00
Mango	2	800	2,000	Cashew	15	130	1,950.00
Santol	2	80	200	Mango	2	800	1,600.00
Cashew	15	130	2,250	Santol	2	80	160.00

Market Value Adjustment: -12, -2, +8, -6

Adjusted Market Value: 94

Total: 7,960.00

Total for land, plant and trees: 279,632.00

Adjusted Value of land, plants and trees: 262,854.08

II LAND (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, SPECIAL)

OWNER'S DECLARATION			ASSESSOR'S FINDINGS				
Kind	Area	Value	Kind	Area	Unit Value	Adjustments	Market Value

Total

Prepared by:

Land ₱ 256,254.00 per S.S. filed on June 5, 2008
Improvement ₱ 9,200.00

TOTAL VALUE ₱ 265,454.00

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Municipal Assessor
OFFICIAL TITLE

TAX State in nearest multiple of 10 as ₱950 instead of ₱948, ₱1,000 instead of ₱1,004

ASSESSMENT BY (CITY/PROVINCIAL ASSESSOR
(BOARD OF ASSESSMENT APPEALS
(CENTRAL BOARD OF ASSESSMENT APPEALS

Kind of Property	Actual Use	Market Value	Assessment Level	Assessed Value
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			%	₱
				₱
	Total	₱ 262,854.08	%	₱ 42,056.64 or
TOTAL ASSESSED VALUE	FORTY TWO THOUSAND SIXTY			₱ 42,060.00
		Amount in Words		

APPROVED BY AUTHORITY OF THE PROV'L. ASSESSOR:

EFREN V. LADICA
Municipal Assessor

By: Provincial/City Assessor
EFREN V. LADICA
Municipal/City Assessor
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Entered in the Real Property Assessment Roll for 20 by
Previous Owner Rep. of the Phil./Same Previous assessed value. Land ₱38,540/7,490 Improvement ₱ 500.00

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