



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

MEMORANDUM

FOR : The CENR OFFICER
Roxas, Palawan

FROM : The Chief, Legal Division

SUBJECT : **SERVICE OF COPY OF THE DECISION IN DENR CASE NO. M-13-19-L ENTITLED HEIRS OF ANTONIO QUERON, REPRESENTED BY JUDITH A. QUERON, PROTESTANT, VERSUS HOMESTEAD PATENT NO. (IV-25) 1128 ORIGINAL CERTIFICATE OF TITLE NO. P-9483 HEIRS OF FERMIN GABINETE, REPRESENTED BY BENIGNO GABINETE, PROTESTEE. LOT NO. 311, PLS-798 BARANGAY CARAMAY, ROXAS, PALAWAN**

DATE : **OCT 20 2023**

This has reference to the service to the party, **Dominga M. Tabinga**, by registered mail, of the copy of the Decision dated August 08, 2023 in the above-cited case, which was returned to sender (RTS) with the notation *Unknown*.

Relative thereto, may we respectfully request for your Office to cause the delivery of the certified true copy of the Decision, hereto attached, to the party or his/her representative for the case to consequently attain finality. Further, please furnish this office of the proof of service or acknowledgment immediately upon receipt thereof by the party.


ATTY. GANDHI G. FLORES

Copy furnished:

PENRO Palawan



8. 26. 2022

MARLENE M. BADILLA
Admin. Asst. III/ Records Officer-Designate
Legal Division, DENR MIMAROPA Region

HEIRS OF ANTONIO QUERON,
Represented by JUDITH A. QUERON,
Protestant,

DENR Case No. M-13-19-L

-versus-

Homestead Patent No. (IV-25) 1128
Original Certificate of Title No. P-9483
HEIRS OF FERMIN GABINETE,
Represented by BENIGNO GABINETE,
Protestee.

Lot No. 311, Pls-798
Barangay Caramay, Roxas, Palawan

Area: 7.0360 hectares

X-----X

DECISION

NATURE OF THE CASE

For resolution is the Protest dated September 18, 2009 filed by the Heirs of Antonio Queron, represented by Judith A. Queron, against the issuance of Homestead Patent (HP) No. (IV-25) 1128 registered as Original Certificate of Title (OCT) No. P-9483 in the name of Fermin Gabinete over Lot No. 311, Pls-798 situated in Barangay Caramay, Roxas, Palawan with an area of 7.0360 hectares.

PROCEEDINGS

An Order of Investigation dated April 25, 2011 was issued by then Regional Executive Director Concordio D. Zuñiga, *CESO III* directing the PENRO Puerto Princesa City to cause the investigation thereon. Land Management Officer III/Hearing Officer Hilario V. Regondola, Jr. submitted a Final Investigation Report dated July 22, 2013.

ALLEGATIONS OF THE PARTIES

I. PROTESTANT

The Protestant alleged that she is one of the heirs of the late Antonio Queron, the original occupant and possessor of portion of a parcel of land consisting of 7.0360 hectares located in Barangay Caramay, Roxas, Palawan. During his lifetime, Antonio Queron cultivated the subject lot and introduced improvements in the concept of an owner. Upon Antonio's death, his heirs continued to occupy and cultivate the lot. Sometime in the year 1987, Consuelo Queron, the wife of Antonio Queron, applied for titling of the subject property and to her surprise, she discovered that it was already titled in the name of Fermin Gabinete. Afterwards, she confronted Rosa Gabinete, the wife of the Protestee, and Rosa admitted that the subject lot does not belong to them. As a result, she executed an Affidavit of Quitclaim over the lot stating that she and her children are not interested as it is not their lot.

II. PROTESTEE

The Protestee alleged, among others, that the undisputed fact remains crystal clear that the subject lot has been titled as early as May 2, 1984 in the name of their parents, Fermin Gabinete married to Rosa Rabang, under OCT No. P-9483. Further, Protestee alleged that this Office has no jurisdiction over the above case as the contested lot is a private land as a

consequence of the issuance of a title. They, as heirs of Fermin Gabinete, sold the subject lot to Dominga M. Tabinga on January 23, 2009.

ISSUE

Whether the DENR still has jurisdiction over the subject lot.

DISCUSSION AND RULING

We resolve to dismiss the instant Protest.

As the subject lot is already patented and the patent has been duly registered, the DENR has already lost jurisdiction over the same.

Under Section 103 of Presidential Decree No. 1529, Series of 1978, lands in which certificates of title are issued by virtue of patents which are duly registered shall be deemed registered land for all intents and purposes.

Notwithstanding the reports and fact of the actual occupation of the Protestants over the subject lot, this Office cannot give due course to their Protest as the same is not anymore within our jurisdiction to rule upon. Section 32 of PD No. 1529 states:

Section 32. Review of decree of registration; Innocent purchaser for value. The decree of registration shall not be reopened or revised by reason of absence, minority, or other disability of any person adversely affected thereby, nor by any proceeding in any court for reversing judgments, subject, however, to the right of any person, including the government and the branches thereof, deprived of land or of any estate or interest therein by such adjudication or confirmation of title obtained by actual fraud, to file in the proper Court of First Instance a petition for reopening and review of the decree of registration not later than one year from and after the date of the entry of such decree of registration, but in no case shall such petition be entertained by the court where an innocent purchaser for value has acquired the land or an interest therein, whose rights may be prejudiced. Whenever the phrase "innocent purchaser for value" or an equivalent phrase occurs in this Decree, it shall be deemed to include an innocent lessee, mortgagee, or other encumbrancer for value. (emphasis ours)

Considering that Lot No. 311, Pls-798, with an area of 7.0360 hectares, was patented to Fermin Gabinete and registered as OCT No. P-9483 on May 2, 1984, such certificate has already become indefeasible at the time a protest thereon was filed in 2009.

The Supreme Court, in the case of *Wee vs. Mardo*,¹ elucidated the following:

In the case of *Republic vs. Umali*, this Court ruled that once a patent is registered and the corresponding certificate of title is issued, the land ceases to be part of public domain and becomes private property over which the Director of Lands has neither control nor jurisdiction. A public land patent, when registered in the corresponding Register of Deeds, is a veritable Torrens Title, and becomes as indefeasible upon the expiration of one (1) year from the date of issuance thereof. Said title, like one issued pursuant to a judicial decree, is subject to review within one (1) year from the date of the issuance of the patent.

XXXX

Accordingly, respondent's registered patent in the corresponding Registry of Deeds is a veritable Torrens title and becomes as indefeasible as a Torrens title upon the expiration of one (1) year from the date of its issuance.

XXXX

¹ *Josephine Wee vs. Felicidad Mardo*, G.R. No. 202414, June 4, 2014

MM 8-26-2022

MARLENE M. BADILLA
Admin. Asst. III/Records Officer-Designate
Legal Division, DENR MIMAROPA Region

Verily, once a title is registered, as a consequence either of judicial or administrative proceedings, the owner may rest secure, without the necessity of waiting in the portals of the court sitting in the mirador de su casa to avoid the possibility of losing his land. The certificate of title cannot be defeated by adverse, open and notorious possession. Neither can it be defeated by prescription. As provided under Sec. 47 of PD 1529, no title to registered land in derogation of the title of the registered owner shall be acquired by prescription or adverse possession (emphasis and underscoring supplied).

WHEREFORE, premises considered, the Protest is hereby **DISMISSED** for lack of jurisdiction.

SO ORDERED.

City of Manila, Philippines. AUG 16 2022


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Copy furnished:

Judith Queron
40-B Baltan Street, Puerto Princesa City

Benigno Gabinete
Barangay Magara, Roxas, Palawan

Dominga M. Tabinga
BM Road, San Pedro, Puerto Princesa City

PENRO Palawan

CENRO Roxas, Palawan



Department of Environment
and Natural Resources
MIMAROPA Region



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