



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

September 26, 2023

MEMORANDUM

TO : The Community Environment and Natural Resources Officer
Roxas, Palawan

FROM : The OIC Provincial Environment and Natural Resources Officer

SUBJECT : **ORDER DATED JULY 14, 2023 RE: DENR CASE NO. 8699 IN THE MATTER OF:**

af 9/28/23


VIGOROUS OPPOSITION AND MANIFESTATION DATED JANUARY 15, 2009 FILED BY DOMINGO CARCELER AGAINST THE ORDER DATED JANUARY 15, 2009 ISSUED BY THE RED MARCIAL C. AMARO, JR. CANCELLING THE H.A. NO. 164875 (E-89990) OF THE HEIRS OF SEGUNDINA BUNGALSO IN ROXAS, PALAWAN

HEIRS OF SEGUNDINA BUNGALSO REPRESENTED BY DOMINGO CARCELLER
Appellants

Furnished for information and guidance is the Order dated July 14, 2023 for DENR Case No. 8699 citing facts and legal basis that leads to the judgment and or Order as stipulated under item 1 to 3.

Copy furnished:
The Regional Executive Director
The Records Officer, this Office
TSD-RPS DRN 2023-8841


FELIZARDO B. CAYATOC

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By 
Date: 28 SEP 2023 2023-8841



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

DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: 2023-8841

Date and Time received:

09/21/2023 01:22:36 pm

From: LORMELYN E. CLAUDIO, CESO IV

Document Type: ORDER

MIMAROPA REGION

Subject: 104882 CC: IN THE MATTER OF: VIGOROUS OPPOSITION AND MANIFESTATION DATED JANUARY 15 2009 FILED BY DOMINGO CARCELER AGAINST THE ORDER DATED JANUARY 15 20019 ISSUED BY RED MARCIAL C. AMARO, JR CANCELLING THE H.A NO. 164875 (E-89990) OF THE HIERS OF SEGUNDA

Attachment(s): No Attachment(s)

Earmarked As :

Date: 9-21	From: PENRO	To: TSD Chief
Action Recommended/Required: <input checked="" type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s): For info and basis of future actions. P/S provide the PENRO RPS records of same also to me after rec.		
Date: 9/22/23	From: TSD	To: RPS/LRO
Action Recommended/Required: <input checked="" type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s): Ann → P/S. as above - instructed * P/S. provide xerox copy to 1) Records 2) RPS		
Date:	From:	To: 3) office of the Penro
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Date: 9/24/23	From: Chief, NR	To: S.T. LARUE
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s): P/S. forward to DENR PRR to serve as official copy of the Order. P/S. provide ~ copy for P.O. Marim Mar.		



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

IN THE MATTER OF:

VIGOROUS OPPOSITION AND MANIFESTATION,
DATED JANUARY 15, 2009 FILED BY DOMINGO
CARCELER AGAINST THE ORDER DATED
JANUARY 15, 2009, ISSUED BY RED MARCIAL C.
AMARO, JR. CANCELLING THE H.A. NO. 164875
(E-89990) OF THE HEIRS OF SEGUNDA
BUNGALSO IN ROXAS, PALAWAN

HEIRS OF SEGUNDA BUNGALSO,
Rep. by DOMINGO CARCELER,
Appellants,

X-----X

DENR PENR
PALAWAN RECORDS
RECEIVED

BY: _____
DATE: 09.21.2023 0923-8841

DENR Case No. 8699

ORDER

Records show that on June 11, 2010, an Order was issued by then Secretary Horacio C. Ramos in DENR Case No. 8699, viz:

"WHEREFORE, premises considered, the instant appeal is hereby GRANTED.

Consequently, the Orders dated 15 January 2009 and 5 May 2009, issued by the Regional Executive Director, DENR Region IV-B, (MIMAROPA) are hereby REVERSED and SET ASIDE.

Accordingly, the Heirs of Segunda Bungalso are hereby ordered to file the appropriate public land application, which shall be given due course by the Regional Executive Director." (emphasis and underscoring supplied)

Records further show that the above-cited Order was declared final and executory per 1st Indorsement dated August 16, 2010 issued by then OIC, Director, Legal Service for Luzon.

Upon the request¹ of Mr. Domingo C. Carcelar, Lot 8816 was subdivided into four (4) lots and thereafter several Free Patent Applications (FPA) were filed by the Heirs of Segunda Bungalso, namely Domingo Carcelar – FPA No. 045318-1930 [5 hectares], Ignacio Mampay – FPA 045318-1929 [5 hectares], Teodorica De Pablo – FPA No. 045318-1928 [3.2914 hectares]; and Patricia Carcelar – FPA No. 045318-(IV-A-11) 5042-A [5 hectares] over Lot Nos. 8816-A, B, C, and D of Csd-04-000406, respectively. The total area applied for is 18.2914 hectares.

Since the Heirs of Segunda Bungalso opted to file FPAs over Lot 8816, such act resulted in the cancellation of HA 164875 (E-89990). It would be incongruous to have subsisting public land applications over the same lot. Per FPA, it was annotated on May 17, 2012 that the same is not covered by any other public land application.

In compliance with the final Order, and in consonance with standard operating procedure on land disposition, investigations/ocular inspections were conducted by Jimmy C. Villareal, OIC, Land Management Services, CENRO Roxas, Palawan. The statements made per application vis-à-vis the findings of Villareal, viz:

¹ Memorandum dated October 10, 2013 submitted by then Land Management Officer III Johnny P. Lilang

FPA No. 045318-1930 [5 hectares] Lot 8816-A Domingo Carcelar	Report dated May 30, 2012 of Jimmy C. Villareal, OIC, Land Management Services, CENRO Roxas, Palawan
Item No. IV 2. Do you have personal occupation/possession/cultivation of the land? - Yes If yes, since when ____ From whom did you acquire the land ____ (original claimant, if any) - Blank/No answer Is your possession/ cultivation of the land open, peaceful, notorious, continuous, public, adverse and exclusive in the concept of an owner? - Yes	<ol style="list-style-type: none"> 1. That occupation and cultivation of the applicant as far as I have been able to ascertain dated from (sometimes on year 2000) and portion of the land applied for was actually occupied by several person and utilized the same for residential purposes 2. As per records, that the said land was first occupied and cultivated the late Segunda Bungalso sometimes in 1960 and the occupation was continued by the applicant who acquired thereto through (succession of rights) (If rights is claimed / Degree of Relationship) through inheritance and there are two or more heirs of the immediate predecessor of the applicant, the names of all heirs/addresses should be mentioned. If any of the heirs have relinquishes whatever rights he/she may have a sworn affidavit to that effect and attach the report. 3. That the applicant is still living and is survived by (not applicable) (state name of heir and or his/her representative in the transaction with the DENR who is his/her (not applicable) (State degree of relationship) 4. That the land applied for was occupied by several person and the only vacant is the submerged/waterlogged area. 5. That improvements on the land consist of <u>(the herein applicant failed to introduced improvements on the land applied for)</u> xxx <p>REMARKS: The acceptance and processing of the above-cited application is in compliance with the dispositive portion of the Order dated June 11, 2010 of the former DENR Secretary Horacio C. Ramos re- DENR Case 8699 xxx that has already become final and executory per 1st Indorsement dated August 16, 2010 of Atty. Wilfredo B. Saraos, OIC, Director, Legal Services for Luzon xxx</p>

FPA No. 045318-1929 [5 hectares] Lot 8816-B Ignacio Mampay	Report dated May 30, 2012 of Jimmy C. Villareal, OIC, Land Management Services, CENRO Roxas, Palawan
Item No. IV 2. Do you have personal occupation/possession/cultivation of the land? - Yes If yes, since when ____ From whom did you acquire the land ____ (original claimant, if any) - Blank/No answer Is your possession/ cultivation of the land open, peaceful, notorious, continuous, public, adverse and exclusive in the concept of an owner? - Yes	<ol style="list-style-type: none"> 1. That occupation and cultivation of the applicant as far as I have been able to ascertain dated from (no occupation and improvements introduced during the time of investigation) and the land applied for was actually occupied by several person and utilized the same for residential purposes. 2. As per records, that the said land was first occupied and cultivated <u>by the late Segunda Bungalso sometimes in 1960</u> and the occupation was continued by the applicant who acquired thereto through (succession of rights) (If rights is claimed/Degree of Relationship) through inheritance and there are two or more heirs of the immediate predecessor of the applicant, the names of all heirs/addresses should be mentioned. If any of the heirs have relinquishes whatever rights he/she may have a sworn affidavit to that effect and attach the report. 3. That the applicant is still living and survived by (not applicable) (state name of heir and or his/her representative in the transaction with the DENR who is his/her (not applicable) (State degree of relationship) 4. That the land applied for was occupied by several person and the only vacant is the submerged/waterlogged area. 5. That improvements on the land consist of <u>(the herein applicant failed to introduced improvements on the land applied for)</u> xxx <p>REMARKS: The acceptance and processing of the above-cited application is in compliance with the dispositive portion of the Order dated June 11, 2010 of the former DENR Secretary Horacio C. Ramos re- DENR Case 8699 xxx that has already become final and executory per 1st Indorsement dated August 16, 2010 of Atty. Wilfredo B. Saraos, OIC, Director, Legal Services for Luzon xxx</p>

FPA No. 045318-1928 [3.2914 hectares] Teodorica De Pablo	Report dated May 30, 2012 of Jimmy C. Villareal, OIC, Land Management Services, CENRO Roxas, Palawan
Item No. IV 2. Do you have personal occupation/possession/cultivation of the land? - Yes If yes, since when ____ From whom did you acquire the land ____ (original claimant, if any) - Blank/No answer	<ol style="list-style-type: none"> 1. That occupation and cultivation of the applicant as far as I have been able to ascertain dated from (no occupation and improvements introduced during the time of investigation) and the land applied for was actually occupied by several person and utilized the same for residential purposes. 2. As per records, that the said land was first occupied and cultivated <u>by the late Segunda Bungalso sometimes in 1960</u> and the occupation was continued by the applicant who acquired thereto through (succession of rights) (If rights is claimed/Degree of Relationship) through inheritance and there are two or more heirs of the immediate predecessor of the applicant, the names of all heirs/addresses should be mentioned. If any of the heirs

9.13.2023

MARLENE M. BADIALLA
Acting Asst. Dir. Records Office-DENR Region IV
Legal Division DENR - MIMAROPA Region

Is your possession/ cultivation of the land open, peaceful, notorious, continuous, public, adverse and exclusive in the concept of an owner? -Yes	<p>have relinquishes whatever rights he/she may have a sworn affidavit to that effect and attach the report.</p> <p>3. That the applicant is still living and survived by (not applicable) (state name of heir and or his/her representative in the transaction with the DENR who is his/her (not applicable) (State degree of relationship)</p> <p>4. That the land applied for was occupied by several person and the only vacant is the submerged/waterlogged area.</p> <p>5. That improvements on the land consist of <u>(the herein applicant failed to introduced improvements on the land applied for)</u> xxx</p> <p>REMARKS: The acceptance and processing of the above-cited application is in compliance with the dispositive portion of the Order dated June 11, 2010 of the former DENR Secretary Horacio C. Ramos re- DENR Case 8699 xxx that has already become final and executory per 1st Indorsement dated August 16, 2010 of Atty. Wilfredo B. Saraos, OIC, Director, Legal Services for Luzon xxx</p>
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FPA No. 045318-(IV-A-11) 5042-A [5 hectares] Lot 8816-D Patricia B. Carcelar	Report dated May 30, 2012 Jimmy C. Villareal, OIC, Land Management Services, CENRO Roxas, Palawan
<p>Item No. IV</p> <p>2. Do you have personal occupation/ possession/cultivation of the land? - Yes</p> <p>If yes, since when ____ From whom did you acquire the land ____ (original claimant, if any) – Yes</p> <p>Is your possession/ cultivation of the land open, peaceful, notorious, continuous, public, adverse and exclusive in the concept of an owner? -Yes</p>	<p>1. That occupation and cultivation of the applicant as far as I have been able to ascertain dated from (no occupation and improvements introduced during the time of investigation) and the land applied for was actually occupied by several person and utilized the same for residential purposes.</p> <p>2. As per records, that the said land was first occupied and cultivated <u>by the late Segunda Bungalso sometimes in 1960</u> and the occupation was continued by the applicant who acquired thereto through (succession of rights) (If rights is claimed/Degree of Relationship) through inheritance and there are two or more heirs of the immediate predecessor of the applicant, the names of all heirs/addresses should be mentioned. If any of the heirs have relinquishes whatever rights he/she may have a sworn affidavit to that effect and attach the report.</p> <p>3. That the applicant is still living and survived by (not applicable) (state name of heir and or his/her representative in the transaction with the DENR who is his/her (not applicable) (State degree of relationship)</p> <p>4. That the land applied for was occupied by several person and the only vacant is the submerged/waterlogged area.</p> <p>5. That improvements on the land consist of <u>(the herein applicant failed to introduced improvements on the land applied for)</u> xxx</p> <p>REMARKS: The acceptance and processing of the above-cited application is in compliance with the dispositive portion of the Order dated June 11, 2010 of the former DENR Secretary Horacio C. Ramos re- DENR Case 8699 xxx that has already become final and executory per 1st Indorsement dated August 16, 2010 of Atty. Wilfredo B. Saraos, OIC, Director, Legal Services for Luzon xxx</p>

Although it was favorably recommended that the patents be issued to the applicants, all the Order: Approval of Application and Issuance of Patent of the above-cited FPAs were unsigned. Moreover, the following report/recommendations, and instruction were submitted and issued:

Memorandum dated October 13, 2013 of then LMO III Johnny P. Lilang from PENRO Palawan	Memorandum dated April 08, 2016 of then LMO III Pio J. Llegado from CENRO Roxas, Palawan
<p>1. Order the rejection of the free patent applications of Domingo Carcelar, et al and the cancellation of HA 164875 (E-89990) of the Heirs of Segunda Bungalso represented by Domingo Carceller.</p> <p>2. Order the resurvey of Lot 8816, Cad. 862-D (Plan Csd 4B-000406-D) to exclude the portions under water as separate lot and Order the disposition of the subdivision lots through sales patent and the areas underwater through lease contract.</p>	<p>That the subject land was occupied almost(sic) 350 individuals resided thereon since the early part of 1960. Same land extended from barangay 3 to 4 and within the town proper of Roxas, Palawan.</p> <p>That hindrance on titling of herein contested lot includes succession of heirs and the condition of the land particularly the mined out area observed as submerged. Introducing improvements/cultivation on the same is feasible unless the said land be backfilled and restored to its original condition.</p> <p>That beforehand, the aforecited land was under lease contract by Nin Bay Mining Company since 1949-1971. The company officially closed its operation in 1991. However, upon the end of its operation, the company</p>

9-13-2023

MARLENE M. BADILLA

Asst. III Records Officer-Designate
Legal Division, DENR MIMAROPA Region

failed to fill up the excavated portion of the aforementioned land.

That during the ocular inspection/investigation on the premises, it was found out that **almost 30% of the area is submerged by water**. Allegedly, Mr. Domingo Carcelar, heirs of Segunda Bungalso did negotiate contractor to backfill the waterlogged however, the same has been obstructed, harassed and threaten with bodily harm by several individuals believed to be members of landless organization.

In view of the foregoing, I hereby respectfully recommend the segregation of submerged area on the plan Csd-4B-000406-D subject for approval to Regional office, Manila.

Letter dated June 17, 2014 of then Assistant Secretary for Legal Services Atty. Anselmo C. Abungan to Mr. Domingo C. Carcelar	Memorandum dated October 13, 2015 of then Acting Assistant Secretary for Legal Services to the Regional Executive Director, DENR Region IV-B MIMAROPA	Memorandum dated August 13, 2019 of then PENR Officer Eriberto B. Saños	Memorandum dated November 03, 2022 of PENR Officer Felizardo D. Cayatoc
<p>"The jurisdiction of this Office is limited only to the disposition of the case as regards to the rightful claim of Heirs of Segunda Bungalso over the public land subject of DENR Case No. 8699 and so it should be processed and approved, if warranted, in the name of such heirs.</p> <p>In DENR Case No. 8699, this Office found the land for the Heirs of Segunda Bungalso. As to who now are the Heirs of Segunda Bungalso or as who now the rightful representative of the Heirs is beyond this Office' jurisdiction. The question is for the court's determination which you can freely pursue."</p>	<p>"The provision of the 23 October 2012 Memorandum which caused ambiguity is the paragraph which states that:</p> <p>The jurisdiction of our office is to give due course of the free patent application of the Heirs of Segunda Bungalso and so it should be processed and approved, if warranted, in the name of such heirs.(underscoring in the original) Let the contending parties go to the court for the determination of who are the Heirs of Segunda Bungalso and let the court resolve the appropriate share of such heirs to the land subject of the free patent application.</p> <p>The above-mentioned paragraph does not state that a court decision should be held before giving due course to the free patent application. It simply means that the free patent application in the</p>	<ol style="list-style-type: none"> 1. Authorize the consolidation subdivision survey of lots of Plan CSC 4B-000406-D segregating the portion under water and disposition thru miscellaneous sale. 2. Effect rejection of four (4) Free Patent Applications of Domingo Carcelar, et al. in consonance to Order dated June 11, 2010. 3. Execute the Order dated June 11, 2010 giving due course to the Homestead Application No. 164875 (E-89990) of the Heirs of Segunda Bungalso without any names stated thereon per Memorandum dated October 13, 2015 4. To exempt the survey and processing of applications from the moratorium. 	<p>Instructed the CENR Officer, Roxas, Palawan that the subject FPAs be "amended and issued in the name of "Heirs of Segunda Bungalso" (without any other names stated thereon)".</p>

	name of the "Heirs of Segunda Bungalso" (without any other names stated thereon) be approved in accordance with the dispositive portion of the Order dated 11 June 2010."	
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In a related administrative case filed by Mr. Domingo Carcelar against several DENR employees involving the processing of the public land application, it was stressed in the Order² that "(G)iving due course" simply means that the Heirs of Bungalso are being afforded or Mr. Carcelar is being afforded the opportunity to comply with all the requirements, conditions and qualifications laid down by law, particularly Commonwealth Act (CA) No. 141 or the Public Land Act of 1936, as amended, as to entitle them/him to a final award or grant of a patent over the land applied for. He cannot also rely on the memorandum dated October 23, 2012 of then Assistant Secretary Abungan because the same memorandum states that any public land application of the Heirs of Bungalso be "processed and approved, if warranted, in the name of such heirs" meaning that the approval of any FPA from the Heirs of Bungalso shall be subject to compliance of requirements provided by law."

The undersigned concurs with the observation that "the free patent applications of the Heirs of Segunda Bungalso in their own names is not in accordance with the Order dated June 11, 2010. It must be emphasized that the rights of the Heirs of Bungalso to apply for a public land application in the dispositive portion of the June 10, 2011 Order of the Secretary derived only from the rights of Segunda Bungalso in her application for homestead patent to the subject area. xxx To allow the application for free patent of each heirs in their own names would circumvent the twelve hectare limitation of the area that could be applied for by the Heirs of Segunda Bungalso. xxx Considering that the right of the Heirs of Bungalso to apply for the appropriate public land application must be confined to only one application in the name of Heirs of Segunda Bungalso, therefore, the area to be applied for must not exceed twelve (12) hectares."³

The report of LMO III Llegado states that more than 30% of the subject land is submerged. Moreover, the submitted Tax Declaration No. 003-0381-R in the name of Heirs of Segunda Bungalso with Patricia B. Carcelar as Administrator, covering Cadastral Lot No. 8816-Cad-862-D show that in the Assessor's Findings, out of the total area of 15.6414 hectares: **rawland - 4.0061 hectares, and swamps - 11.6353 hectares.**

Under Section 44 of the Public Land Act, as amended by R.A. No. 11573, viz:

"SEC. 44. Any natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares of land, and who, for at least twenty (20) years prior to the filing of an application for agricultural free patent, has **continuously occupied and cultivated**, either personally or through a predecessor-in-interest, a tract or tracts of alienable and disposable agricultural public lands subject to disposition, and who shall have paid the real estate tax thereon shall be entitled, under the provisions of this Chapter, to have a free patent issued for such tract or tracts of such land not to exceed twelve (12) hectares."

Further, Section 16 of DAO No. 2021-38 states that all subsisting or pending applications filed prior to the effectivity of R.A. 11573 shall be processed in accordance with the said DAO. After giving due course to the public land applications (FPAs) of the Heirs of Segunda Bungalso, it was ascertained and verified that in all the subject FPAs, **"the land applied for was occupied by several person and the only vacant is the submerged/waterlogged area"** and that **"applicant failed to introduced improvements on the land applied for"**. This falls short of the required continuous occupation and cultivation required under Section 44 of the Public Land Act, as amended by R.A. No. 11573.

² Order dated January 15, 2020 by then Undersecretary for Legal, Policy, Planning and International Affairs in Re: Letter-Complaint dated August 10, 2016 of Domingo Carcelar against CENR Officer Wilfredo R. Angeles of the CENR Office of Roxas, Palawan and LMO III Johnny P. Lilang of the PENR Office of Palawan

³ Memorandum dated February 27, 2023 of the Chief, Legal Unit, PENRO Palawan
ARD-MS/LD
1515 DENR by the Bay Building, Roxas Boulevard, Barangay 668, Ermita, Manila 1000
Telephone Number: (632) 84050046
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Email: mimaroparegion@denr.gov.ph; denr4blegal@gmail.com

Am 9-13-2023

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

Section 92 of the Public Land Act states that:

*"Although the maximum area of public land that may be acquired is fixed, yet the spirit of this Act is that the rule which must **determine the real area to be granted is the beneficial use of the land.** The concession or disposition shall be for less than the maximum area authorized if, at the time of the issuance of the patent or of the concession or disposition, it shall appear that the applicant is utilizing and is only able to utilize a smaller area, even though the application is for a greater area. For the purposes of this section, the Director of Lands is authorized to determine the area that may be granted to the applicant, and to deny or cancel or limit any application for concession, purchase, or lease if convinced of the lack of means of the applicant for using the land for the purpose for which he has requested it." (emphasis supplied)*

Since the submerged/waterlogged area cannot be used beneficially by an agricultural or residential free patent applicant, the same must be segregated from Lot 8816.

IN VIEW OF THE FOREGOING, the following are hereby ordered:

1. **CANCELLATION** for lack of the required continuous possession and occupation and cultivation of the subject lots as required under Section 44⁴ of the Public Land Act of the following FPAs:
 - a) FPA No. 045318-1930 (Domingo Carcelar) over Lot 8816-A;
 - b) FPA No. 045318-1929 (Ignacio Mampay) over Lot 8816-B;
 - c) FPA No. 045318-1928 (Teodorica De Pablo) over Lot 8816-C; and
 - d) FPA No. 045318-(IV-A-11) 5042-A (Patricia B. Carcelar) over Lot 8816-D

Whatever amount paid on account thereof is forfeited in favor of the government.

2. **CANCELLATION** of Plan Csd-4B-000406 in the name of the Heirs of Segunda Bungalso, Represented by Domingo Carcelar; and
3. **AFTER** cancellation of the FPAs and the Plan, Lot 8816 is declared **OPEN** for disposition to qualified actual occupants, who may only apply over the areas which are not submerged/waterlogged. The submerged/waterlogged areas shall be **SEGREGATED** in all subsequent surveys over Lot 8816.

SO ORDERED.

City of Manila, Philippines. JUL 14 2023


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Copy furnished:

MR. DOMINGO C. CARCELER
Blk 6, Lot 33, Andrew St. King David Subdivision
Burgos, Montalban, Rizal

MRS. CAROLINE BUNDAC-TANJUSAY
Wescom Road, Puerto Princesa City

PRESIDENTIAL ACTION CENTER
(pace@malacanang.gov.ph)
PACE Code No. PM-RMT-02-13-2023-061

The Undersecretary – Luzon, Visayas and Environment
(officeofuseccuna@denr.gov.ph)
DENRCO-OSEC-2023-000994

The Director, Legal Affairs Service

PENRO Palawan

CENRO Roxas, Palawan

Licenses, Patents and Deed Division

Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 104882

⁴ As amended by R.A. No. 11573, with its IRR - DAO No. DAO No. 2021-38