

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 38
Boac, Marinduque
Email: rtcboa038@judiciary.gov.ph

**REPUBLIC OF THE
PHILIPPINES,**
represented by the
**Regional Director of the
Department of
Environment and Natural
Resources (DENR) –
MIMAROPA Region,**
Plaintiff,

-VS-

Civil Case No. 18-11
For: Cancellation of
Title and Reversion

**MARCOPPER MINING
CORPORATION and THE
REGISTER OF DEEDS OF
MARINDUQUE,**
Defendants.

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MEMORANDUM

Plaintiff, through the **OFFICE OF THE SOLICITOR GENERAL (OSG)**, to this Honorable Court respectfully states:

STATEMENT OF FACTS AND RELEVANT PROCEEDINGS

1. On 23 July 2018, a Complaint was filed by plaintiff for the Cancellation of Title and Reversion of the Five Thousand Six Hundred (5,600) square-meter lot, described as Lot No. 8, Plan Psu-106364, covered by Transfer Certificate of Title (TCT) No. T-1339¹ registered under the name of

¹ Exhibit "C."

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defendant Marcopper Mining Corporation (Marcopper) located at Barrio San Antonio, Municipality of Sta. Cruz, Province of Marinduque.

2. By virtue of Decree² No. N-18098, L.R. Case No. 152, Record No. 53652, dated 12 March 1955, the subject land was decreed in the name of the Municipality of Sta. Cruz, Province of Marinduque. Thereupon, an Original Certificate of Title (OCT) No. O-28³ was issued by the Register of Deeds of Marinduque on 26 September 1955.

3. Thereafter, OCT No. O-28 was cancelled pursuant to a donation made by Municipality of Sta. Cruz in favor of Marcopper in 1969 upon which a Transfer Certificate of Title (TCT) No. T-1339 was issued on 20 December 1977 under the name of Marcopper.

4. Plaintiff claims that the subject land falls within the area classified as timberland which cannot be registered through Torrens title. As such, all the Certificate of Titles issued covering the subject lot be declared null and void upon which the defendant Registry of Deeds (ROD) of Marinduque be ordered to cancel the TCT No. T-1339 and its derivative titles, if any.

5. On 03 December 2018, defendant Marcopper filed its Answer. Essentially, Marcopper insists that the Complaint did not state an authority or basis to file an action for reversion, that the subject land is not part of the area classified as timberland through Presidential Proclamations and Congressional acts, and that the Complaint is already barred by laches.

6. During the trial, the plaintiff presented and completed the respective testimonies of its witnesses, namely: a) Marlene M. Badilla,⁴ Administrative Assistant III/Records Officer-Designate at the Legal Division of the

² Exhibit "B."

³ Exhibit "G."

⁴ Exhibit "F."

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DENR MIMAROPA Region; b) Imelda M. Diaz,⁵ Officer-in-Charge PENR Officer of DENR PENRO Marinduque; c) Engr. Ernesto Villarico,⁶ Engineer III of National Mapping and Resource Information Authority; and d) Engr. Anita L. Iringan,⁷ Geodetic Engineer, Engineer III, DENR MIMAROPA Region.

7. Imelda M. Diaz testified that pursuant to her function as a PENR Officer she had certified that the subject lot covered by Transfer Certificate of Title No. T-1339 is within the timberland area as reflected in DENR PENRO Certification dated 09 February 2018 and DENR MIMAROPA Memorandum dated 13 September 2021. She clarified that the subject lot is within Timberland Block No. "T" Project No. 05 and not the erroneous entry of Timberland Block No. "E" Project No. 05 in her pertinent DENR PENRO Certification dated 09 February 2018. As per records of PENRO Marinduque, there was no re-classification of the subject lot to alienable and disposable land of the public domain made by the DENR nor through Presidential Proclamations or by Congressional Acts.⁸

8. Engr. Ernesto Villarico's testimony provided that as part of his functions as an Engineer III at NAMRIA he gained knowledge and had identified the Land Classification Map No. 789 dated 22 November 1928. There was no amendment to the said Land Classification Map No. 789 and that there were no documents showing that the subject land covered by TCT No. T-1339 has been reclassified to an alienable and disposable land of the public domain.⁹

9. Engr. Anita L. Iringan narrated that that she is a Geodetic Engineer and that she is holding a position of Engineer III at DENR MIMAROPA Region. She is the team leader of a survey team constituted to validate the survey and investigate the subject land for which the team went to the subject land to conduct said survey. That the team found out in their validation that the subject land is within the

⁵ Exhibit "I."

⁶ Exhibit "J."

⁷ Exhibit "L."

⁸ Exhibit "I"; TSN dated 18 November 2021, pp. 25-26.

⁹ Exhibit "J."

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timberland area as embodied in DENR MIMAROPA Memorandum dated 13 September 2021.¹⁰

10. Marlene M. Badilla testified that the Land Classification Map No. 789 dated 22 November 1928, Decree No. N-18098 dated 12 March 1955, TCT No. T-1339, DENR Memorandum dated 28 November 2016, and DENR PENRO Certification dated 09 February 2018 are in the possession of the DENR MIMAROPA Region. According to her, the DENR MIMAROPA Region has no document under its custody of any governmental acts which will effectively convert the subject land to an alienable and disposable land of the public domain.¹¹

11. On the other hand, defendant Marcopper presented its lone witness Engr. Marlon V. Advincula, who testified that he is a civil engineer and he is commissioned by Marcopper to study and plot TCT No. T-1339. That the subject lot is not within the Block "T" of timberland area as plotted in the Cadastral Map or Sta. Cruz Public Land Subdivision PLS-726-D Case No. 10. He conducted the survey and made findings thereon although he is neither a licensed surveyor nor did he physically inspect the subject lot during his survey.¹² However, the said Cadastral Map was not admitted as part of the evidence of Marcopper.¹³

12. In the Honorable Court's Order dated 18 April 2022, the parties are given thirty (30) days to file their respective memoranda counted from the receipt of the resolution of defendant Marcopper's formal offer of documentary exhibits. Since the pertinent Resolution of this Honorable Court dated 30 June 2022 was received by plaintiff's counsel through electronic mail on 11 July 2022, the last day to file the required Memorandum for the plaintiff is on 10 August 2022.

13. Hence, this Memorandum is being filed within the reglementary period.

¹⁰ Exhibit "L."

¹¹ Exhibit "F."

¹² TSN dated 16 March 2022.

¹³ Resolution dated 30 June 2022.

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ISSUE

**WHETHER THE SUBJECT LAND IS ALIENABLE
AND DISPOSABLE LAND OF THE PUBLIC
DOMAIN.**

ARGUMENTS AND DISCUSSIONS

**I. The Complaint properly
alleges the ultimate facts
necessary for its cause of action
for the cancellation of title and
reversion.**

14. Defendant Marcopper contends, in its Answer, that the Complaint states no cause of action as there was no allegation in the said Complaint for its basis for the cancellation of TCT No. T-1339. Moreover, Marcopper insists that there was no sufficient authority as basis for the government to commence the reversion suit against it.

15. Marcopper's argument fails to persuade.

16. Section 1 of Rule 8 of the Rules of Court provides that the complaint need only allege the ultimate facts or the essential facts constituting the plaintiff's cause of action. A fact is essential if they cannot be stricken out without leaving the statement of the cause of action inadequate.¹⁴

17. Notably, a cursory reading of the Complaint readily reveals that it clearly and sufficiently alleges the ultimate facts to support its cause of action for cancellation of title and reversion. As can be deduced in paragraphs 8 and 9 of the Complaint, it was alleged that the subject lot was within the area classified as Timberland as extant in the Land Classification Map No. 789. DENR Undersecretary Analiza Rebueta-Teh, upon the direction of the DENR Secretary, issued a Memorandum dated 28 November 2016, directing

¹⁴Zuniga-Santos v. Santos-Gran, G.R. No. 197380, 08 October 2014.

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the Regional Director of the DENR MIMAROPA Region to initiate cancellation/reversion proceedings of all titles being claimed by or registered in the name of Marcopper. While paragraphs 10 and 11 laid down the legal and jurisprudential basis for the filing of the reversion complaint against Marcopper.

18. A reversion proceeding is the manner through which the State seeks to revert land to the mass of the public domain; it is proper when public land is fraudulently awarded and disposed of in favor of private individuals or corporations, or when a person obtains a title under the Public Land Act which includes, by oversight, lands which cannot be registered under the Torrens system as they form part of the public domain.¹⁵

19. Here, the Complaint contained statements that would allege that the subject land is within the timberland area which could not be segregated from the public domain and the endorsement of the State, through the DENR, to initiate a filing of a cancellation/reversion proceedings on public lands owned by Marcopper. Clearly, therefore, plaintiff properly alleged the ultimate facts constituting its prayer for cancellation of title and reversion.

II. Presidential Proclamation No. 181 and Congress Concurrent Resolution No. 14 did not convert the subject land to an alienable and disposable land of the public domain.

20. Defendant Marcopper next claims that the issuance of Presidential Proclamation No. 181 dated 15 March 1967 and Congress Concurrent Proclamation No. 14 on 17 March 1967, the 200-hectare portion of Block-T Project No. 5, Sta. Cruz, Marinduque, purportedly including the subject lot, effectively removes the subject land from the Forest Reserves thereby implying that the subject land is already open for private appropriation and is, thus, validly acquired by Marcopper.

¹⁵Republic v. Heirs of Cabrera, G.R. No. 218418, 08 November 2017.

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21. It is worth to state that both Proclamation No. 181 and Concurrent Resolution No. 14 merely provide that the land covered therein are subject to disposition for mining purposes. In fact, nowhere in the said Proclamation No. 181 and Concurrent Resolution No. 14 categorically states that the lands covered therein was classified into an alienable and disposable land which can be susceptible for private ownership.

22. It must be emphasized that in classifying lands of the public domain as alienable and disposable, there must be a positive act from the government declaring them as open for alienation and disposition.¹⁶ A positive act is an act which clearly and positively manifests the intention to declassify lands of the public domain into alienable and disposable.¹⁷

23. No such positive act of the government to convert the subject land into an alienable and disposable public land can be obtained here. Indeed, the public character of the land, which remains unchanged, is visibly apparent in the clear letters of Proclamation No. 181 and Concurrent Resolution No. 14. The pertinent portion of Congress Concurrent Resolution No. 14, which contained the relevant provisions as with Presidential Proclamation No. 181, reads:

The cutting, removal, and utilization of the timber and other forest products therefrom shall be in accordance with the provisions of the existing Forest and Internal Revenue Law and Regulations, and **at any time the said areas shall be abandoned for mining purposes, the same shall revert as part of the forest reserve.**¹⁸

24. Nonetheless, even if the subject land were to be considered as a mineral land it is still not subject for private appropriation. This is clear in *Federation of Coron v. Secretary*

¹⁶ *Republic v. Heirs of Dacquer*, G.R. No. 193657, 04 September 2018.

¹⁷ *Id.*

¹⁸ Emphasis supplied.

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of DENR,¹⁹ citing *Director of Lands v. Intermediate Appellate Court*,²⁰ viz.:

Lands of the public domain are classified under three main categories, namely: Mineral, Forest and Disposable or Alienable Lands. Under the Commonwealth Constitution, only agricultural lands were allowed to be alienated. Their disposition was provided for under [C.A.] Act No. 141 (Secs. 6-7), which states that it is only the President, upon the recommendation of the proper department head, who has the authority to classify the lands of the public domain into alienable or disposable, timber and mineral lands. **Mineral and Timber or forest lands are not subject to private ownership unless they are first reclassified as agricultural lands and so released for alienation.** In the absence of such classification, the land remains as unclassified land until released therefrom and rendered open to disposition. Courts have no authority to do so.

This is in consonance with the Regalian Doctrine that all lands of the public domain belong to the State, and that the State is the source of any asserted right to ownership in land and charged with the conservation of such patrimony. Under the Regalian Doctrine, all lands not otherwise appearing to be clearly within private ownership are presumed to belong to the State. Hence, a positive act of the government is needed to declassify a forest land into alienable or disposable land for agricultural or other purposes.²¹

25. Verily, there can be no doubt that the subject land remains as timberland and could neither be segregated from the public domain nor be a proper subject for titling.

¹⁹ G.R. No. 247866, 15 September 2020.

²⁰ 292 Phil. 341 (1993).

²¹ Emphasis supplied.

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III. The subject land falls within the area classified as Timberland.

26. Defendant Marcopper argues that the subject land does not form part of the area classified as Timberland as it is outside the area identified as Block "T" Timberland when plotted to the Cadastral Map or Cadastral Map or Sta. Cruz Public Land Subdivision PLS-726-D Case No. 10. According to Marcopper, since it is not within the timberland area, the subject land attains its classification as an alienable and disposable land of the public domain.

27. Significantly, the said Cadastral Map or Sta. Cruz Public Land Subdivision PLS-726-D Case No. 10 and its attachments, was excluded as part of the documentary evidence of Marcopper by this Honorable Court in its Resolution dated 30 June 2022 as it was neither identified and marked in the Pre-Trial proceedings nor specifically reserved in its Pre-Trial Brief in violation of Rule 18, Section 2, paragraph g of A.M. No. 19-10-20-SC. Pieces of evidence not identified or marked during the pre-trial proceedings are deemed waived and rendered inutile.²² As such, the Cadastral Map or Sta. Cruz Public Land Subdivision PLS-726-D Case No. 10 relied on by Marcopper as evidence that the subject land is outside Timberland carries neither evidentiary weight nor factual and legal basis.

28. It must be emphasized that court litigation is a search for the truth. An adversarial system of litigating cases is in place as it allows for opposing parties to present their claims and adduce evidence. There is a recognized utility to this system as an adversarial system sharpens the presentation of issues before the courts. This, in turn, allows courts to ferret out the truth.²³ Litigations cannot be properly resolved by suppositions, deductions, or even presumptions, with no basis in evidence, for the truth must have to be determined by the hard rules of admissibility and proof.²⁴

²² *Heirs of Pedro Pasag v. Spouses Parocha*, G.R. No. 155483, 27 April 2007.

²³ *Dy Teban Trading, Inc. Peter Dy et. al.*, G.R. No. 185647, 26 July 2017.

²⁴ *Lagon v. Hooven Comalco Industries, Inc.*, G.R. No. 135657, 17 January 2001.

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29. At any rate, assuming for the sake of argument that such Cadastral Land or Sta. Cruz Public Land Subdivision PLS-726-D Case No. 10 was admitted as Marcopper's evidence, the plaintiff's documentary evidence particularly the DENR PENRO Certification dated 09 February 2018, Land Classification Map No. 789 dated 22 November 1928, and DENR MIMAROPA Memorandum Report on the conduct of Ground Validation Survey dated 12 September 2021 all lead to the inescapable fact that the subject land is within the timberland area.

30. Even the testimonial evidence of OIC PENR Officer Marinduque Imelda M. Diaz, NAMRIA Engr. Ernesto Villarico, and DENR MIMAROPA Engr. Anita L. Iringan, convincingly establish in arriving at the factual conclusion that the subject land forms part of the area classified as timberland.

31. OIC PENR Officer Marinduque Imelda M. Diaz testified in a candid, straightforward and unequivocal manner the classification of the subject land as timberland, thus:²⁵

Q: Do you know the defendant Marcopper Mining Corporation in this case, Ms. Witness?

A: I only know Marcopper Mining Corporation as the registered owner of the **subject lot covered by Transfer Certificate of Title (TCT) No. T-1339 which lot is within the area classified as timberland. Likewise, the DENR PENRO issued a Certification dated 09 February 2018 certifying that the 5,600-square-meter lot identified as Lot No. 8 PSU-106364 situated at Brgy. San Antonio, Sta. Cruz, Marinduque, which is covered by TCT No. T-1339, is within the timberland area.**

Q: Ms. Witness, what is the implication if a land is within the timberland area?

²⁵ Judicial Affidavit of Imelda M. Diaz, pp. 3-7.

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A: It cannot be titled sir because it is prohibited under the law. Only alienable and disposable land of the public domain can be the subject of titling.

XXX

XXX

XXX

Q: Ms. Witness, as stated in the said Certification, why do you say that the subject land falls within the timberland area?

A: Based on the plotting made by our Technical personnel and GIS Specialist with reference to LC Map No. 789 dated 22 November 1928.

Also, in a DENR-MIMAROPA Memorandum dated September 13, 2021 concerning the Report on the Conduct of Ground Validation Survey and Land Classification Status of Lot No. 9540, PLS 726-D covered by TCT No. T-1339 it was reinforced that the subject land is within the timberland area.

Q: Ms. Witness, as PENR Officer in Marinduque, are you aware of any documents showing that the subject land covered by TCT No. T-1339 has been reclassified to an alienable and disposable land of the public domain by the DENR Secretary, Presidential Proclamation of the President, or through Congressional acts?

A: None sir.²⁶

32. So also DENR MIMAROPA Engr. Anita L. Iringan, the team leader of the ground validation survey, categorically revealed in court her team's findings of the nature of the subject land as timberland, thus:²⁷

Q: How did you conduct the validation of the subject lot, Ms. Witness?

²⁶ Emphases supplied.

²⁷ Judicial Affidavit of Engr. Anita L. Iringan, pp. 5-7.

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A: We conducted the ground validation survey of Lot No. 9540 Pls. 726-D using the technical description found in the lot data computation declaring as school sites and identical to approved plan PSU 106364 and tick marks with the corresponding grid values in Land Classification Map No. 789 dated 22 November 1928.

By the way, Lot No. 9540 Pls. 726-D is the same lot with Lot No. 8, plan PSU 106364, covered by TCT No. T-1332 under the name of Marcopper Mining Corporation.

We also tried to use the Forest Land Boundary Delineation (FLBD) on the subject lot just for comparison. But the Forest Land Boundary Delineation (FLBD) cannot be used for surveying or any other legal purposes because it is not approved by Congress for official use. As such, we only used the Land Classification Map No. 789 as our official basis for verification of forest boundary.

xxx

xxx

xxx

Q: Ms. Witness, what were your findings on the validation of the subject lot?

A: As stated in the DENR MIMAROPA Memorandum dated 13 September 2021, the subject lot falls within Timberland Area.²⁸

33. That the subject land is within Block "T" area classified as timberland is plausibly emphasized by no less than NAMRIA Engr. Ernesto Villarico in his revelation before the Honorable Court, viz.:²⁹

Q: Are you aware of any documents under the custody of your office that the subject land covered by TCT No. T-1339 has been reclassified to an alienable and disposable land of the public domain by governmental acts, Mr. Witness?

A: None sir.

²⁸ Emphases supplied.

²⁹ Amended Judicial Affidavit of Engr. Ernesto Villarico, pp. 3-4.

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Q: Mr. Witness, do you have anything further to say?

A: I would like to emphasize that **the subject lot is within Block T.**

Q: Why do you say so, Mr. Witness?

A: **Because Block T Project No. 5 is the correct designated Block of the subject lot as stated in the said Land Classification Map.**³⁰

34. Likewise, OIC PENR Officer Diaz clarified in court the actual position of the subject land which is within Block "T" and not the erroneous Block "E." Thus:³¹

Atty. Turqueza: (Re-Direct Examination)

Q: Ms. Witness, I'll show to you the LC Map No. 789, with respect to the question by the opposing counsel, your certification refers to Block E and while you pointed to this map, you said that the subject portion falls within Block T. How's it possible, Ms. Witness? Can you explain to the Honorable Court why there is a discrepancy between Block T in this Land Classification Map and there is a certification that is Block E?

Witness: Okay, Sir. Can I explain, Your Honor?

Court: Alright.

Witness: In my certification, I used the identity of the Timberland Block No. E, however, in this LC it says that it is Block T. The reason why there is (*sic*) two (2) numbers appearing, that can be answered by the certification issued by no other than the administrator of NAMRIA USEC. Peter N. Tiangco. It states there that, this is to certify the **Timberland Block T Project No. 5 of Sta. Cruz as deflected (*sic*) in this copy of Map LC 789 is the correct block designation, this effectively rectifies its previous label as Block E with an area of**

³⁰ Amended Judicial Affidavit of Engr. Ernesto Villarico, pp. 3-4.

³¹ TSN dated 10 December 2021, pp. 25-26.

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2,000,000 sq. meters which had been determined to be incorrect after thorough review and evaluation of pertinent documents, done this 27th day of April 2011. So, it was rectified by the administrator of the NAMRIA.

35. Further as between the testimony of DENR MIMAROPA Engr. Anita Iringan who is a licensed surveyor being a geodetic engineer and a government employee whose official acts enjoy a presumption of regularity as opposed to the testimony of a private civil engineer for Marcopper, Engr. Marlon Advincula, who merely plotted the subject land with the Cadastral Map or Sta. Cruz Public Land Subdivision PLS-726-D Case No. 10 without even conducting an ocular inspection³² before formulating his own opinion that the subject land is outside the timberland area, such testimony of Engr. Iringan unquestionably prevails.

36. As was held in *Estate of Yujuico v. Republic*,³³ thus:

Evidence gathered from the ocular inspection is considered direct and firsthand information entitled to great weight and credit while the Mataverde and Villapando reports are evidence weak in probative value, being merely based on theoretical projections "in the cadastral map or table surveys." Said projections must be confirmed by the actual inspection and verification survey by the land inspectors and geodetic engineers of the Bureau of Lands.³⁴

37. Moreover, the findings that the subject land is outside the timberland area rendered by Engr. Marlon Advincula who is merely a civil engineer and obviously, not an expert in the field of surveying such as a geodetic engineer, can only be considered as simply an opinion of an ordinary witness who could only testify on the identity, handwriting, and sanity of a person or his impressions of the emotion,

³² TSN dated 16 March 2022, pp. 25-26.

³³ G.R. No. 168661, 26 October 2007.

³⁴ Emphasis supplied.

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behavior, condition or appearance of a person pursuant to Section 53 of Rule 130 of the Rules on Evidence.

38. Under the Rules of Court, there is a substantial difference between an ordinary witness and an expert witness. The opinion of an ordinary witness may be received in evidence regarding: (a) the identity of a person about whom he has adequate knowledge; (b) a handwriting with which he has sufficient familiarity; and (c) the mental sanity of a person with whom he is sufficiently acquainted. Furthermore, the witness may also testify on his impressions of the emotion, behavior, condition or appearance of a person. On the other hand, the opinion of an expert witness may be received in evidence on a matter requiring special knowledge, skill, experience or training which he shown to possess.³⁵

39. Thus, not being an expert witness and was not presented as such, Engr. Advincula is incompetent to testify on matters requiring special knowledge skill, training, experience or education, which is specifically accorded only to persons qualified as an expert witness.³⁶ Accordingly, Engr. Advincula's self-serving opinion that the subject land is outside timberland Block "T" carries no evidentiary weight and value as the same is being sourced from an incompetent and not credible witness.

40. Finally, contrary to the defendant Marcopper's defense of laches, emphasis must be made that when the government is the real party in interest, and it is proceeding mainly to assert its own right to recover its own property, there can as a rule be no defense grounded on laches or prescription.³⁷

41. Relevantly, the Supreme Court in *Republic v. Roxas*,³⁸ held:

³⁵ *Dela Llana v. Biong*, G.R. No. 182356, 04 December 2013.

³⁶ *Section 52, Rule 130, Revises Rules on Evidence.*

Section 52. Opinion of expert witness. - The opinion of a witness on a matter requiring special knowledge, skill, experience, training or education, which he or she is shown to possess, may be received in evidence.

³⁷ *Republic v. Heirs of Angeles*, G.R. No. 141296, 07 October 2002.

³⁸ G.R. No. 157988, 11 December 2013.

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While it is true that respondent Roxas was granted Homestead Patent No. 111598 and OCT No. P-5885 only after undergoing appropriate administrative proceedings, the Government is not now estopped from questioning the validity of said homestead patent and certificate of title. It is, after all, hornbook law that the principle of estoppel does not operate against the Government for the act of its agents. And while there may be circumstances when equitable estoppel was applied against public authorities, i.e., when the Government did not undertake any act to contest the title for an unreasonable length of time and the lot was already alienated to innocent buyers for value, such are not present in this case. More importantly, we cannot use the equitable principle of estoppel to defeat the law. Under the Public Land Act and Presidential Proclamation No. 678 dated February 5, 1941, the subject property is part of the Matchwood Forest Reserve which is inalienable and not subject to disposition.

42. It is settled that if a person obtains a title under the Public Land Act which includes, by oversight, lands which cannot be registered under the Torrens System, or when the Director of Lands did not have jurisdiction over the same because it is a public forest, the grantee does not, by virtue of said certificate of title alone, become the owner of the land illegally included. Under such circumstances, the certificate of title may be cancelled.³⁹

43. With all the totality of evidence overwhelmingly established by the State, there can be no iota of doubt that the land subject of the controversy is still and remains to be within the are classified as timberland which is not susceptible for private ownership.

44. Forest lands are outside the commerce of man and unsusceptible of private appropriation in any form. It is well settled that a certificate of title is void when it covers property of public domain classified as forest, timber or mineral lands.

³⁹ Republic v. Judge Animas, G.R. No. L-37682, 29 March 1974.

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Any title issued covering non-disposable lots even in the hands of an alleged innocent purchaser for value shall be cancelled. The rule must stand no matter how harsh it may seem. *Dura lex sed lex*.⁴⁰

PRAYER

WHEREFORE, premises considered, it is respectfully prayed of this Honorable Court that:

1. Declaring as **NULL and VOID** Transfer Certificate of Title No. T-1339 in the name of MARCOPPER MINING CORPORATION, as well as Decree No. N-18098 and OCT No. O-28 as regards to the subject lot particularly described as Lot No. 8 plan Psu-106364 is concerned, and any and all subsequent transfer certificates of title derived therefrom, if any;
2. Directing defendant MARCOPPER MINING CORPORATION to **SURRENDER** the owner's duplicate of Transfer Certificate of Title No. T-1339, and any derivative titles issued therefrom to defendant Registry of Deeds of Marinduque;
3. Directing defendant REGISTRY OF DEEDS OF MARINDUQUE to **CANCEL** the aforesaid owner's copy of the Transfer Certificate of Title No. T-1339 as well as the originals thereof and all subsequent transfer certificates of title, if any;
4. Ordering defendant MARCOPPER MINING CORPORATION, its privies, agents and all persons claiming in its behalf, to **DESIST** from exercising acts of ownership or possession over the subject property and to vacate the same; and
5. **CONFIRMING** the status of the land in controversy as part of the public domain and **DECREETING the restoration or reversion thereof to the mass of the public domain belonging to plaintiff Republic of the Philippines.**

⁴⁰*Landbank of the Philippines v. Republic*, G.R. No. 150824, 04 February 2008.

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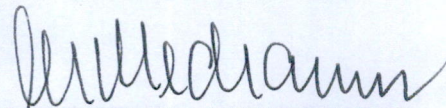
Plaintiff further prays for other forms of relief, just and equitable under the premises be likewise granted.

City of Makati for Boac, Marinduque. 08 August 2022.

MENARDO I. GUEVARRA

Solicitor General

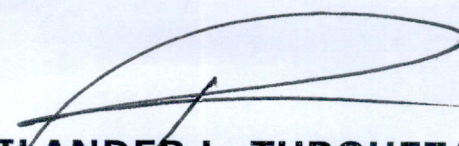
Roll of Attorney No. 33957
IBP No. 177214, 07 February 2022
MCLE Exemption No. VII-EXD000076
13 August 2019



GILBERT U. MEDRANO

Assistant Solicitor General

Roll of Attorney No. 47392
IBP Lifetime No. 03598
MCLE Exemption No. VII-OSG003356
18 February 2022

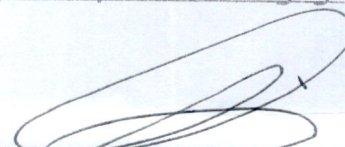


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MCLE Compliance No.: VII-0017307
05 May 2022

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MEMORANDUM

Republic v. Marcopper Mining Corporation
and Register of Deeds of Marinduque
Civil Case No. 18-11

X-----X

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THE REGISTER OF DEEDS OF

MARINDUQUE

Provincial Capitol Compound

Boac, Marinduque

DENR MIMAROPA REGION

1515, L & S Building, Roxas Boulevard,

Ermita, Manila

Email: mimaroparegion@denr.gov.ph

EXPLANATION

The foregoing **Memorandum** is being filed and served by registered mail, and through electronic means wherever applicable, due to distance and lack of messenger to effect personal service.


PHILANDER L. TURQUEZA
State Solicitor I

GUM/PLT/svld/18-011191