

Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

EDGAR O. PACAÑA, SAMUEL O. PACAÑA and OSCAR O. PACAÑA.

Protestant

-versus-

THE CLAIM OF BARANGAY GOVERNMENT OF VILLA LIBERTAD rep. by PUNONG BARANGAY JHONY FABREGAS and VILLA LIBERTAD ELEMENTARY SCHOOL rep. by HEAD TEACHER BELEN S. CABUTIHAN.

Protestee

Land case No. 0510

FOR CANCELLATION OF
PLAN CSD-04-025364-D
(Lot 1115-A & Lot 1115-B,
CAD 1037-D) VILLA
LIBERTAD, EL NIDO
PALAWAN

X-----X

POSITION PAPER

Comes now, herein Respondents and unto this Honorable Office most respectfully states:

STATEMENT OF FACTS

1. Protestants are all Filipino citizens and residents of Bgy. Villa Libertad, El Nido Palawan while protestees are government entities represented by their respective heads also based on Villa Libertad, El Nido Palawan;

2. On September 10, 2018 herein Protestants filed a complaint against Protestee praying among others that the approval of CSD -4-025264-D (Subdivision Plan of Lot 1115, CAD 1037-D, El Nido) insofar as Lot 1115-A and Lot 1115-D are concerned be partially invalidated and to reconvey the said questioned portions to the Heirs of Santiago Pacaña;
3. The complaint stated the protestants version of facts stated as follows:
 - a. *"Protestants Oscar O. Pacaña, Edgar O. Pacaña and Samuel O. Pacaña, together with their late brother Cesar O. Pacaña are the only legitimate and compulsory heirs of Santiago Pacaña, who died intestate on October 13, 1970 in Bgy. Villa Libertad El Nido Palawan."*
 - b. *"During his lifetime, Santiago Pacaña was the legitimate and only claimant and possessor of lot No. 928 with an area of more or less seven (7) hectares located in Bgy. Villa Libertad, El Nido Palawan. The said property was surveyed in his name sometime in the year 1955 in the Bacuit (El Nido) Public Land Subdivision (Case - 2), Pls-31."*
 - c. *"Over the years and during the lifetime of Santiago Pacaña, portions of Lot NO. 928 were either sold or conveyed to several individuals such that only a little over one hectare was left after the death of Santiago";*
 - d. *"Sometime in 1996, the heirs questioned the occupation by the Villa Libertad Elementary School of a portion of about five thousand (5000) square meters of Lot No. 928.x x x x . . ."*
 - e. *" To solve the issue on the five thousand (5000) square meters and as an act of generosity and for the community well-being, the protestants, together with their mother and other co - heir, entered into a compromise agreement with the school authorities on May 8, 1996. x x x x . . ."*
 - f. *" Sometime in 2017, the heirs decided to have the remaining 4,082 square meters titled in their name but to their surprise they were informed by the CENRO personnel in Taytay, Palawan that the area was already surveyed for the Barangay Government of Villa Libertad, Villa Libertad Elementary School and Liberty Tumbokon et. Al. x x x x . . ."*
4. On February 28, 2019, an ORDER OF INVESTIGATION was issued by OIC - PENRO ERIBERTO B SAÑOS;

5. On May 3, 2019 Protestee received the LETTER-ORDER from this Honorable Office directing to file a Verified Answer within fifteen (15) days from receipt thereof;
6. On May 25, 2019 respondent Barangay Government of Villa Libertad filed its verified answer;
7. On September 11, 2019, Villa Libertad Elementary School filed a Motion to admit Answer together with the attached verified answer;
8. On September 9, 2019 herein respondents received a letter from DENR CENRO Palawan furnishing a copy of Reply with motion to declare Protestees in default ;
9. On September 11, 2019, respondents filed a comment on the said motion;
10. On January 31, 2020, an ocular inspection of the area subject of dispute was conducted;
11. On February 12, 2020 an Order was issued by ALLAN VALLE OIC CENRO for the Parties to submit their respective Position Paper within 15 working days from the receipt thereof;

ISSUE

Whether or not the approval of CSD -4-025264-D (Subdivision Plan of Lot 1115, CAD 1037-D, El Nido) insofar as Lot 1115-A and Lot 1115-D are concerned may be partially invalidated and reconveyed to the Heirs of Santiago Pacaña without being contrary to law.

DISCUSSION

The evidence presented by the Complainant are insufficient to support their claim.

In Quasi Judicial Proceeding like in the case at Bar, the quantum of proof required is preponderance of evidence. Preponderance of evidence is defined as weight, credit and value of the aggregate evidenced of one is superior to the other. Respondents respectfully submit that complainant's evidence presented in this case were insufficient to establish their claim. In fact, complainants claim is mainly based on the 1955 Bacuit Public Land Subdivision Survey and their unsupported affidavits. It is basic that whoever alleges a fact has the burden of proving it because a mere allegation is not evidence. (*BP Oil vs. Total Distribution GR No. 214406*). "*Ei incumbit probatio qui dicit, non qui negat*. He who asserts, not he who denies, must prove. (*Rafael Almeda vs. Heirs of Ponciano Almeda GR No. 194189*). Respondents hereby reiterate that these self-serving allegations are simply not enough.

**Santiago and his heirs never acquire
Ownership nor rights of possession
Over the property in dispute.**

As stated above, the claim of the heirs of Santiago is mainly anchored on the 1955 Survey Bacuit Survey Plan, as such, this piece of document will not suffice to establish that Santiago acquired ownership nor rights of possession during his lifetime. In fact, the first Tax Declaration (Annex 1) issued involving the same property was not under the name Santiago Pacaña but rather under Pacifico Orense who later on conveyed the said property.

**There is no transmission of hereditary rights
Involving the property.**

The claim of Santiago's heirs can only be legally sustained if the premise that there is transmission of hereditary rights is in fact proven. However, it was not the case at bar. Under the law, the property and rights owned by the deceased are transmitted to his heirs by operation of law at the time of his death. By the very nature of the property, it was not transmitted because Santiago had no ownership nor possessory rights. The heirs cannot inherit what their parents do not own. The spring cannot rise from its source. The

right of Santiago over the said property is merely inchoate, a mere privilege granted by the State subject to their continuous possession of the property.

**The heirs of Santiago are already barred
By laches.**

Laches is defined as the failure or neglect for an unreasonable and unexplained length of time to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it. (*Gambito vs. Bacena GR No. 225929*).

In this case, the Survey Plan of the subject property was approved August 2004 the heirs of Santiago on the other hand filed their formal complaint on September 2018. Respondents submit that the time interval of (14) fourteen years put the claim of the heirs already barred by laches. They have simply slept in their rights and have awoken too late.

**The evidence presented were insufficient
To overcome the presumption of regularity.**

The Survey Plan CSD-04-025364-D (Lot 115-A & Lot 1115-B, CAD 1037-D) was approved and issued by DENR Cenro Taytay in their official capacity and therefore carries with it the presumption of regularity and there is no evidence presented by the complainant to the contrary.

PRAYER

WHEREFORE, premises considered, it most respectfully prayed that the complaint against herein respondents be dismissed for lack merit.

Other reliefs as may be deemed just and equitable are likewise prayed for.

Puerto Princesa City, March 2, 2020.

JHONY FABREGAS
Punong Barangay
Villa Libertad, El Nido
Palawan

Copy furnished:

MR. EDGAR O. PACAÑA
Villa Libertad, El Nido Palawan 5313

MR. SAMUEL O. PACAÑA
Villa Libertad, El Nido Palawan 5313

MR. OSCAR O. PACAÑA
Villa Libertad, El Nido Palawan 5313

RPA FORM NO. 1
TAX DECLARATION NO. 0062

PROPERTY INDEX NO. 10-07-04-002

DECLARATION OF REAL PROPERTY
(FILED UNDER PRESIDENTIAL DECREE NO. 464)

Owner PACIFIC ORENS Address _____
Administrator 2/O Cresencia Pacana Address Villa Libertad, El Nido, Palawan

DESCRIPTION AND OTHER PARTICULARS OF PROPERTY

Location of Property Villa Libertad El Nido Palawan
(Number & Street) (Barangay/District) (Municipality/City/Province)
Certificate of Title No. _____ Cadastral Lot No. 928, 915-31 Assessor's (Lot No. 002
Boundaries: Block No. 04
North: Barangay Area South: Bo. Site
East: Lot 927 West: Lot 945-A 945-B 945-C
(State streets, lot, or streams by which bounded or names of owners of adjoining lands)

I (b) LAND (AGRICULTURAL/MINERAL)

OWNER'S DECLARATION			ASSESSOR'S FINDINGS				
Kind	Area	Value	Kind	Area	Class	Unit Values	Market Value
Riceland Upland	6.0000	4,800.00	Riceland Upland	6.0000	1st	4,500.00	27,000.00
		4,800.00		6.0000			27,000.00
							ADJUSTED MARKET VALUE 26,700.00

I (b) PLANTS & TREES

OWNER'S DECLARATION			ASSESSOR'S FINDINGS					
Kind	No./Area	Value			Kind	No./Area	Unit Value	Market Value
Casoy	5 B	50.00	Market Value	100%	Casoy	5 B	28.00	140.00
Coconut	5 B		Adjustments		Coconut	5 B	48.00	240.00
			(a) Along or no					
			rd frontage	%				
			(b) kms. to					
			all weather rd.	%				
			(c) kms. to					
			market (pub.)	%				
			Total Adjustments	%				
			Adjusted Market Value	%				
		50.00	Total					P 350.00
			Total for land, plant and trees					P
			Adjusted value for land, plants and trees					P

II LAND (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, SPECIAL)

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

IMPORTANT: Issued for taxation purposes only and should not be considered as title to the property.

III (a) BUILDINGS AND OTHER IMPROVEMENTS

1. OWNER'S DECLARATION

Description	Floor Area	Construction Materials			Roof	Market Value
		1st Story	2nd Story	3rd Story		
						P
						P
						P
					Total	P

2. ASSESSORS FINDINGS

Description	Floor Area	Construction Materials			Roof	Market Value
		1st Story	2nd Story	3rd Story		
						P
					Total	P

III (b) MACHINERY

Description	Date of Operation	Original Cost	Depreciation	Market Value
			Total	P

2. ASSESSOR'S FINDINGS

[illegible]

SWORN STATEMENT OF OWNER

Under the provisions of Presidential Decree No. 404, I HEREBY CERTIFY that the current and fair market Value (x) of the foregoing described property of which I am the owner/administrator, is to the best of my Knowledge and belief, as follows:

Knowledge and belief, as follows:

Land

Improvements 20

TOTAL VALUE F

(Signature)

TAN

Subscribed and sworn to before me this _____ day of _____, 19____, the person taking
oath presenting Res Cert No. _____ issued on _____, 19____, at _____

(x) State in nearest multiple of 10, as P950 instead of P948; P1,000 instead of P1,004.
(Signature of official administering oath)

(Signature of official administering oath)

(Official Title)

ASSESSMENT BY	(CITY/PROVINCIAL ASSESSOR)		
	(BOARD OF ASSESSMENT APPEALS)		
	(CENTRAL BOARD OF ASSESSMENT APPEALS)		
Property	Actual Use	Market Value,	Assessment Levy

Kind of Property	Actual Use	Market Value.	Assessment Level	Assessed Value
			%	
			%	
			%	
			%	
			%	
			%	
TOTAL ASSESSED VALUE	Total	Total	Total	

TOTAL ASSESSED VALUE

(Amount in Words)

APPROVED:

LAURO C. ANDAYA

CONSTANTINO P. BOSAS

Asst. Prov. Marshal/Asst. Sec. /OTC

By: _____

Deputy

Deputy Provincial/Deputy

This declaration cancels Tax Nos. ~~123456789~~; is cancelled by Tax Nos.

Tax under this declaration begins with the year 1967; ceases with the year 1967

Entered in the Real Property Assessment Roll for 1922 by
Previous owner.

Previous owner: _____ Previous assessed value: Land \$ _____; Improvement \$ _____

MEMORANDA:

...and

RECORDED IN VOLUME

Republic of the Philippines
Department of Environment and Natural Resources
Regional Office No. IV – B MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

**EDGAR O. PACANA, SAMUEL O
PACANA and OSCAR PACANA**
Protestant,

-versus-

**THE CLAIM OF BARANGAY
GOVERNMENT
OF VILLA LIBERTAD** rep. by
**PUNONG BARANGAY
JHONY FABREGAS and VILLA
LIBERTAD
ELEMENTARY SCHOOL** rep. by
**HEAD TEACHER
BELEN S. CABUTIHAN,**
Protestee

**DENR CENRO
TAYTAY, PALAWAN
RECEIVED**

BY: *mt*
DATE: 5/31/2019 CN 2199

Land Case No. 0510

FOR CANCELLATION OF
PLAN CSD-04-025364-
D(Lot 1115-A & Lot 115-B,
CAD 1037-D) VILLA
LIBERTAD, EL NIDO
PALAWAN

X-----X

ANSWER

Protestee, unto this Honorable Office, most respectfully states that:

1. Protestee received the LETTER-ORDER from this Honorable Office on May 3, 2019 directing herein Protestee to file a Verified Answer within fifteen (15) days from receipt thereof, and thus have until May 18, 2019 within which to submit their Verified Answer;

2. However, due to the pressures of equally urgent professional work and prior commitments, Protestee were not able to meet the said deadline As such, Protestee were constrained to request for an additional period of 15 days from May 18, 2019 which is until June 2, 2019 within which to submit Verified Answer and other supporting evidence

3. At the outset, herein Protestee denies the allegations contained in the Verified Protest/Complaint for lack of basis in fact and in law;

4. Protestant has anchored their claim as stated in Paragraph 4 of the complaint *"During his lifetime, Santiago Pacana was the legitimate and only possessor of Lot No. 928 with an area of more or less seven (7) hectares located in Bgy. Villa Libertad, El Nido Palawan. Said property was surveyed in his name sometime in the year 1955 in the Bacuit (El Nido) Public Land Subdivision (Case -2), Pls-31 (PHILCUSA-FOA)."*

5. The tenor of the complaint states that the only basis for the protestants claim is the alleged 1955 Bacuit Public Land Subdivision, Protestee submit that the said basis is not sufficient to establish legal right. The subject property was never covered by a Title under their name, so much so that the right of protestant over the said property is merely inchoate, a mere privilege granted by the State subject to their continuous possession of the property;

6. It appears, based on evidence presented, Santiago Pacana and his heirs have lost possession of the property, as such they have also lost their right over the property in favor of present occupants. In order to perfect their rights, the possession should have been in continuous, adverse, and exclusive. Protestees failed to prove this;

8. In fact, to prove that Bgy. Villa Libertad is the actual occupant of the said property for a very long period of time since 1980 and paying the Real Property Tax (exempt) therein, Protestee is attaching the copy of Land Tax Verification slip and Tax Declaration; Annex "1" "2";

9. Paragraph 7 of the Protest stated *"Sometime in 1996, the heirs questioned the occupation by the Villa Libertad Elementary School of a portion of about five thousand (5,000) square meters of Lot No. 928. It is the portion where the school buildings and other facilities are located. The heirs were told that the said portion was allegedly sold or donated by Santiago Pacana but no document of conveyance was ever shown to them. At any rate, even if assuming the portion was truly sold or donated to the school, the same was made by Santiago without the consent of his wife, thus, the portion legally conveyed was only one half of the five thousand (5,000) square meters;"*

This argument is simply misplaced. Santiago Pacana and his heirs never regained ownership over the said property. It is therefore not material on whether or not Santiago made conveyances during his lifetime. Simply put, one cannot sell or convey what one does not own;

10. Lastly, herein protestant failed to present evidence to overcome the presumption of regulatory, subdivision plan of Lot 115, Cad 1037-D in the name of Barangay Government of Villa Libertad made by DENR is presumed valid and regular unless proven otherwise;

11. To prove occupancy and continuous possession for a better right over the property protestant hereby attached the sinumpaang salaysay of Belen S. Cabutihan, Feguracion C. Dalabajan, Pablito S. Tumbokon and Nestor Manga as Annexes **3,4,5** and **6**;

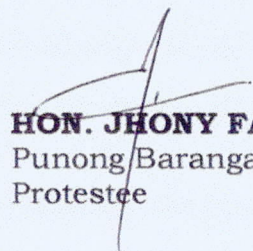
P R A Y E R

WHEREFORE, it is most respectfully submitted unto this Honorable Office that the Verified Protest/Complaint be dismissed for lack of merit.

MOST RESPECTFULLY SUBMITTED.

Other relief just and equitable are likewise prayed for.

Puerto princesa city, Philippines, May 25, 2019.


HON. JHONY FABREGAS
Punong Barangay
Protestee

VERIFICATION

I, JHONY FABREGAS, of legal age, married, Filipino and a resident of Bgy Villa Libertad, El Nido Palawan, after having been sworn in accordance with law, hereby depose and state THAT:

1. I am the Protestee/Complainant in the above-entitled case;
2. I have caused the preparation and filing of herein verified answer;
3. I have read its contents and that the same are true and correct of my own direct/personal knowledge and based on authentic records;

Puerto princesa city, Philippines, May 25, 2019.


HON. JHONY FABREGAS

Punong Barangay

Protestee

MAY 28 2019

0956629 2799

09462009354

SUBSCRIBED AND SWORN TO before me this _____ at Puerto

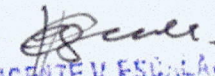
Princesa City, Philippines, affiant exhibited to me her ID No. _____.

Doc No. 273

Page No. 54

Book No. VIII

Series of 2019


NOTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
UNTIL DECEMBER 31, 2019
PTR NO. 5111375 03-30-18 PALAWAN
IAP NO. 1041469 05-14-16 PALAWAN
ROLL NO. 65032

COPY FURNISHED:

EDGAR PACANA, SAMUEL PACANA

And **OSCAR PACANA**

Bgy. Villa Libertad, El Nido Palawan

TAX DECLARATION OF REAL PROPERTY

TC: GR
Annex - 1

T.D. No.: 18-13-017-0584

Property Identification No.: 066-13-017-09-168

Owner: BARANGAY GOVERNMENT OF VILLA LIBERTAD

Address: VILLA LIBERTAD, EL NIDO, PALAWAN

Administrator/Beneficial User: C/O BARANGAY CAPTAIN

Address: VILLA LIBERTAD, EL NIDO, PALAWAN

Location of Property:

VILLA LIBERTAD

TIN:

Telephone No.:

TIN:

Telephone No.:

EL NIDO, PALAWAN

(Number and Street)

(Barangay/District)

(Municipality & Province)

OCT/TCT/CLOA No.

Survey No. CSD-04-025364-D, IDEN. TO LOT 11171, CAD-1037-DF

CCT:

Lot No. 1115-D

Date:

Block No.

Boundaries: North: ALN 162, 163, 164

South: ALN 044, 045

East: ALN 165, 167

West: PROV'L. ROAD

KIND OF PROPERTY ASSESSED:



LAND



MACHINERY



BUILDING



Brief Description:

No. of Storeys:

Others:

Brief Description:

Specify:

Classification	Area	Unit Value	Market Value	Actual Use	Assessment Level	Assessed Value	Taxability
RESIDENTIAL (R-1)	1,813.00 sq.m	1,100 Php	1,994,300.00	RESIDENTIAL (Brgy. Site (Plaza))	10 %	Php 199,430.00	EXEMPT
Total	1,813.00 sq.m	Php	1,994,300.00			Php 199,430.00	

Total Assessed Value ONE HUNDRED NINETY-NINE THOUSAND FOUR HUNDRED THIRTY PESOS

(Amount in Words)

Taxable ☐

Exempt ☒

Effectivity of Assessment/Reassessment: 2019 YEAR

Approved by: By Authority of the Provincial Assessor:

(SGD) MA. CRESENCIA A. FERNANDEZ, REA

8/9/2018

MUNICIPAL ASSESSOR

Date

This declaration cancels TD No. 13-017-0473 Previous A.V. Php. 130,540.00 Previous PIN: 066-13-017-09-168

Previous Owner: BARANGAY GOVERNMENT OF VILLA LIBERTAD; Prev. Admin: C/O BARANGAY CAPTAIN

Previous Area: 1813 sq.m.

Memoranda:

REVISED PURSUANT TO SECTION 219 OF R. A. 7160 AND SECTION 24 OF PROVINCIAL ORDINANCE NO. 1914-2018, SERIES OF 2018.

Note: This declaration is for real property taxation purposes only and the valuation indicated herein are based on the schedule of unit market values prepared for the purpose and duly enacted into an Ordinance by the Sangguniang Panlalawigan under Ordinance No. 1914-2018 dated March 26, 2018. It does not and cannot by itself alone confer any ownership or legal title to the property.

SWORN STATEMENT No.: - NONE -

SWORN STATEMENT Date:

Machine Validation: Printed by Abencio Jr. C Gabayan/ 8:40:03 AM/ 5/6/2019

CERTIFIED COMPUTER GENERATED COPY
By Authority of the Provincial Assessor:

DATE: 5/6/2019

ABENCIO C. GABAYAN, JR.

LAO IV

Sec. Fee: 50
O.R. No. 1207183
O.R. Date: 5/6/2019
Place: PPCity

LAND TAX VERIFICATION SLIP
Current Tax Dec. No. 13-017-0473

066-13-017-09-168
PIN _____

Barangay Villa Libertad

Municipality Elnido Pal.

Declared Owner	T.D. Number	Taxable Year	Assessed Value	Realty	Tax Due	Penalty	O.R.	Date
		1945						
		1946						
		1947						
		1948						
		1949						
		1950						
		1951						
		1952						
		1953						
		1954						
		1955						
		1956						
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		1970						
		1971						
		1972						
		1973						
		1974						
		1975						
		1976						
		1977						
		1978						
		1979						
<u>Barrio Gov't.</u>	<u>0116</u>	1980	<u>8,750.00</u>	<u>new</u>				
		1981						
		1982						
		1983						
		1984						
<u>Barrio Government</u>	<u>0095</u>	1985	<u>26,240.00</u>					

Declared Owner	T.D. Number	Taxable Year	Assessed Value	Realty	Tax Due	Penalty	O.R.	Date
		1986						
		1987						
		1988						
		1989						
		1990						
		1991						
		1992						
		1993						
Barrio Government of Villa Libertad	007-015-R	1994	21,100.00					
		1995						
		1996						
		1997						
		1998						
		1999						
Barrio Gov't of Villa Libertad C/o of Bgy. Captain	017-0316-R	2000	42,910.00					
		2001						
		2002						
		2003						
		2004						
Republic of Phil Bgy. Gov't of Villa Libertad C/o of Bgy. Captain	017-0294-R	2005	6,072.00					
		2006	160,920.00					
		2007						
		2008						
		2009						
		2010						
Bgy. Gov't of Villa Libertad	017-1013-R	2011	188,780.00					
		2012						
		2013						
Bgy. Gov't of Villa Libertad	13-017-0473	2014	180,540.00					
		2015						
		2016						
		2017						
		2018						
		2019						
		2020						

Prepared by: NORMA SALLY SAVAREZ

Certified by:

EUUVICA M. COLBE, REA
Provincial Assessor

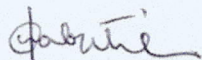
Sec Fee : 100.00
O.R. No. : 2984863
Issued On : February 28, 2018
Puerto Princesa City

SINUMPAANG SALAYSAY

Ako si **Gng. BELEN S. CABUTIHAN**, nasa tamang edad, Pilipino, may asawa at naninirahan sa Barangay Villa Libertad El Nido, Palawan, matapos manumpa ng naayon sa batas ay malayang isinasaad ang mga sumusunod:

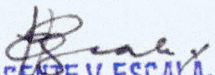
1. Na ako ay nagtuturo bilang guro sa Paaralang Elementarya ng Barangay Villa Libertad;
2. Na noong 1996 nagkasundo ang mga miyembro ng Parents Teachers Association ng Paaralang Elementarya ng Villa Libertad na bakurin ang school site, ngunit hinaharang po kami ni Gng. Gabina Pacaña dahil ito daw ay lupa nila, at matagal na silang naninirahan dito. Kung kaya idinulog ko ito sa Barangay dahil sa pagkaalam ko na-survey na ito ng Cadastral sa school (Lot 1115);
3. Na nakarating ang problemang ito sa CENRO kung kaya nagkaroon ng imbestigasyon at nangyari ang Compromise Agreement. Agad kaming nagrequest ng survey order, ngunit hindi ito nabigyan agad ng kasagutan.
4. Nagrequest na naman kami ng survey order ngunit ayon sa kanila ito ay pag-aari ng 10 Knots Phil.. Kung kaya nagkaroon nanaman ng imbestigasyon. Ayon kay Mr. Lim ng 10 Knots, hindi nila ito pag-aari, kaya nagrequest uli kami ng survey.
5. Noong 2004 nais ng PTA na bakurin na ang kabuoang area ng school, ngunit patuloy paring hinaharangan ni Gng. Gabina Pacaña, dahil doon siya nakatira sa area Lot 1115 na pag-aari ng school. Kaya idinulog uli namin sa Barangay. Para matapos na ang problemang ito, nagkasundo ang dalawang partido na bigyan ng tig 1000 sq. meter ang school at Pacaña at ang remaining area ay napunta sa barangay. Ito ay sa pamumuno ni Ex-Kapitan Feguracion Dalabajan.
6. Sa Pacaña Family nagkasundo na bibigyan ng 10 x 10 sina Edgar, Oscar, at Samuel, (300 sq. m) at ang remaining area ay kay Gng. Gabina Pacaña. Ito ay ayon din sa Compromise Agreement noong 1996, kaya na survey ito.
7. Aking pinapatunayan na ang nakasaad sa salaysay na ito ay pawang katotohanan.

Nilagdaan ko sa ngayong Mayo 28 2019 sa lungsod ng Puerto Princesa


Gng. BELEN S. CABUTHAN
May Salaysay

SUBSRIIBED AND SWORN TO before me this MAY 28 2019 at Puerto Princesa
City, Philippines, affiant exhibited to me her ID No. _____.

Doc No. 271
Page No. 56
Book No. VIII
Series of 2019


ATTY. VICENTE V. ESCALA, JR.
NOTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
UNTIL DECEMBER 31, 2019
PTR NO. 5111375 03-30-18 PALAWAN
JP NO. 1041469 06-14-16 PALAWAN
ROLL NO. 65032

Republic of the Philippines)
Puerto Princesa City) S.S.

SINUMPAANG SALAYSAY

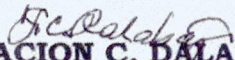
Ako si Gng. **FEgurACION C. DALABAJAN**, nasa tamang edad, Pilipino, biyudo at naninirahan sa Barangay Villa Libertad El Nido, Palawan, matapos manumpa ng naayon sa batas ay malayang isinasaad ang mga sumusunod:

1. Na ako ay naging Bgy. Kagawad ng Barangay Villa Libertad, El Nido, Palawan noong July 1997- May 2001, ang aming Punong Barangay ay si Diosdado B. Villanueva ng Barangay Villa Libertad, El Nido, Palawan.
2. Na ako ay naging Punong Barangay mula June 2001- November 2010 ng Barangay Villa Libertad, El Nido, Palawan;
3. Na noong ako ay Punong Barangay sa nasabing Barangay, kami ng Villa Libertad Elementary School Site at Bgy. Villa Libertad Government Site ay nagpasukat ng lupa at ito ay napapaloob sa Tax Declaration No.13-017-0473 dahil may request sa CENRO-DENR-Taytay, Palawan, ng authority to survey.
4. Na nagkaroon ng kasunduan or Agreement sa pagitan ng heirs of Santiago Pacaña & family sa nasabing lupa, at Mrs. Belen S. Cabutihan, Teacher-in-charge of Villa Libertad Elementary School. Ang bawat heir of Santiago Pacaña ay mayroon kaparti sina, Edgar Pacaña, Oscar Pacaña, Samuel Pacaña, Crisencia Pacaña asawa ni Santiago Pacaña at Gabina A. Pacaña, asawa ni Cesar Pacaña, na sila ay naka pirma sa nasabing agreement noong May 6, 1996. Pinatunayan ni P/B Jaime P. Cabutihan at Brgy. Kagawad Pablito Tumbokon.
5. Na ako po ay nakapirma sa subdivision survey conformity dahil ako ay Punong Barangay ng Bgy. Villa Libertad, El Nido, Palawan nang dumating ang approved subdivision survey, ng Villa Libertad

Government Site at Villa Libertad Elementary School
Site. Lot No. 1115

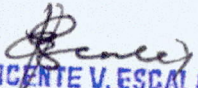
6. Aking pinapatunayan na ang nakasaad sa salaysay na ito ay pawang katotohanan.

Nilagdaan ko sa ngayong Mayo 28 2019 sa lungsod ng Puerto Princesa


FEGURACION C. DALABAJAN
May Salaysay

SUBSCRIBED AND SWORN TO before me this **MAY 28 2019** at Puerto Princesa City, Philippines, affiant exhibited to me her ID No. _____.

Doc No. 270
Page No. 55
Book No. VIII
Series of 2019


ATTY. VICENTE V. ESCALA, JR.
NOTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
UNTIL DECEMBER 31, 2019
PTR NO. 5111375 03-30-18 PALAWAN
IBP NO. 1041459 06-14-16 PALAWAN
ROLL NO. 65032

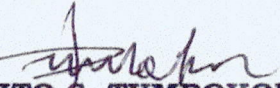
Republic of the Philippines)
Puerto Princesa City) S.S.

SINUMPAANG SALAYSAY

Ako si **PABLITO S. TUMBOKON** , nasa tamang edad, Pilipino, at naninirahan sa Barangay Villa Libertad El Nido, Palawan, matapos manumpa ng naayon sa batas ay malayang isinasaad ang mga sumusunod:

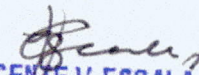
1. Na ako ay nagging membro ng Barangay Council ng Barangay Villa Libertad, El Nido, Palawan noong taong 1994-97 sa pamumuno ng aming Punong Barangay Hon. Jaime P. Cabutihan.
2. Na noong kasalukuyang opisyaes kami ng nasabing Barangay ay nagkaroon ng imbestigasyon sa lupang kinatatayuan ng barangay Government at School Site- VS. PACAÑA FAMILY
3. NA: Noong nagkaroon ng imbestigasyon ang CENRO-Taytay, hindi ako nakipag participate sa kadahilanang isa ako sa nag occupy ng 20 x 20 sq.m. sa nasabing lupa, na kung saan ay titulado na sa pangalan ng aking anak na si Maria Liberty C. Tumbokon;
4. Na pagkatapos ng imbestigasyon ng CENRO-Taytay ay nagkaroon ng kasunduan o document ang school authorities at Pacaña Family;
5. NA: Ayon sa kanilang kasunduan o document ay bahagihan ng lupa na may sukat na 10 x 10 sq.m. sina Samuel Pacaña, Oscar Pacaña, Edgar Pacaña at Gabina Uda de Pacaña ay mananatili sa kanyang kinatatayuan ng kanyang bahay na sukat na 20 x 20 sq.m.
6. NA: Bilang isang membro ng konseho, kung kaya't isa ako sa witness ng nasabing kasunduan o documneto ng school authorities at PACAÑA FAMILY
7. Aking pinapatunayan na ang nakasaad sa salaysay na ito ay pawang katotohanan.

Nilagdaan ko sa ngayong Mayo 28 2019 sa lungsod ng Puerto Princesa


PABLITO S. TUMBOKON
May Salaysay

SUBSCRIBED AND SWORN TO before me this MAY 28 2019 at Puerto
Princesa City, Philippines, affiant exhibited to me her ID No. _____.

Doc No. 272
Page No. 56
Book No. VIII
Series of 2019


ATTY. VICENTE V. ESCALA, JR.
NDTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
UNTIL DECEMBER 31, 2019
PTR NO. 511375 03-30-18 PALAWAN
IBP NO. 1041469 06.14-16 PALAWAN
ROLL NO. 65032

COMPROMISE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This agreement entered into by and between the HEIRS of the late SANTIAGO PACANA, all of legal age, Filipino, all residing at the Municipality of El Nido, Palawan herein referred to as the PARTY OF THE FIRST PART;

-and-

The Villa Libertad Elementary School of Bgy. Villa Libertad, El Nido, Palawan as represented by MRS. BELEN S. CADUTIRAN, Teacher-In-Charge and MR. ALFONSO MASULA, PTCA President, also of legal ages, both residing and with post office address at Bgy. Villa Libertad, El Nido, Palawan, herein referred to as the PARTY OF THE SECOND PART;

WITNESSETH

That the PARTY OF THE FIRST PART are the HEIRS of the late SANTIAGO PACANA and his successor-In-interest over a contain parcel of public land known and designated as Lot 928 PLS-31 situated at Bgy. Villa Libertad, El Nido, Palawan, containing an area of SEVENTY ONE THOUSAND THREE HUNDRED THIRTYTWO (71,332) Square Meters;

That the PARTY OF THE SECOND PART contends that they had legitimately bought one (1) hectare portion, excluding road-right-of-way now established thereat, of above Lot 928, PLS-31 from the late SANTIAGO PACANA;

That the PARTY OF THE FIRST PART asserts that the sale and conveyance is questionable and devoid of proper order arguing that the transaction was not duly concurred in by the spouse of said SANTIAGO PACANA;

That upon and after civil confrontation, argument, and mutual concession, both PARTIES arrived at a compromise agreement as follows:

"That the HEIRS shall WITHDRAW and QUIT their claim in the contested portion of the one (1) hectare School site in exchange of below concessions:

1. SAMUEL, OSCAR and EDGAR, all surnamed PACANA shall be given, free from any renumeration, a 10 x 10 meters residential lot each;
2. GABINA ARZAGA-PACANA, wife of the heir OSCAR PACANA shall be accorded property rights over her present residential occupatin".

That a subsequent Survey Order shall be requested to the Project Management Office, Survey and Land Titling Component, Second Palawan Integrated Area Development Project (SLT-SPIADP) thru the DENR-Community Environment and Natural Resources Office (DENR-CENRO) of Taytay, Palawan to effect and finalize above compramise.

IN TESTIMONY WHEREOF, PARTIES have hereunto set hands this 8th day of May 1996 at Villa Libertad, El Nido, Palawan.

Samuel O. Pacana
SAMUEL O. PACANA

Immediate Heir
CIC # 8403078

Issued On 5-7-96 at El Nido

Belen S. Cadutiran

BELEN S. CADUTIRAN

Teacher-In-Charge

CIC # 8287422

Issued On 5-7-96 at El Nido, Pal.

EDAGAR C. PACANA

Immediate Heir

CTC # 8387998

Issued on 03-04-96 at El Nido

OSCAR O. PACANA

Immediate Heir

CTC # 8387420

Issued on 04-04-96 at El Nido

CRESCENCIA O. PACANA

Spouse

CTC # 8387419

Issued on 4-4-96 at El Nido

GABINA A. PACANA
GABINA ARZAGA PACANA

wife of Deceased Heir

CTC # 8387431

Issued on 4-15-96 at El Nido

SIGNED IN THE PRESENCE OF:

JAIME P. CABUTIHAN

Bgy. Captain

ALFONSO MASULA

PTCA Pres.

CTC # 8387442

Issued on 05-05-96
at Villa Libertad, El Nido

PABLO S. TUMBOKON

Bgy. Kagawad

A C K N O W L E D G E M E N T

Republic of the Philippines)
Province of Palawan : S. S.
Municipality of El Nido)

BEFORE ME, this 8th day of May 1996 at El Nido, Palawan, personally appeared the above-signed individuals very known to me to be the same individuals who executed the foregoing instrument affecting Lot No. 928, PLS-31, which document consist of two (2) pages including this page wherein the acknowledgement is written. The same persons exhibited to me their respective Community Tax Certificates as written below their names and signatures above.

ALFREDO P. GALASINAO, JR.
Land Management Officer-I
SLT-SPIADP

/abb

pps / memo
same (du)

5-16-19

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES
TAYTAY
RECEIVED
DATE 5-16-19
CH 19624

Republic of the Philippines
Department of Environment and Natural Resources
Regional Office No. IV – B MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

**EDGAR O. PACANA, SAMUEL O
PACANA and OSCAR PACANA**
Protestant,

-versus-

Land Case No. 0510

FOR CANCELLATION OF
PLAN CSD-04-025364-
D(Lot 1115-A & Lot 115-B,
CAD 1037-D) VILLA
LIBERTAD, EL NIDO
PALAWAN

**THE CLAIM OF BARANGAY
GOVERNMENT
OF VILLA LIBERTAD** rep. by
**PUNONG BARANGAY
JHONY FABREGAS and VILLA
LIBERTAD
ELEMENTARY SCHOOL** rep. by
**HEAD TEACHER
BELEN S. CABUTIHAN,**
Protestee

X-----X

MOTION FOR EXTENSION OF TIME

Protestee, unto this Honorable Office, most respectfully states that:

1. Protestee received the LETTER-ORDER from this Honorable Office on May 3, 2019 directing herein Protestee to file a Verified Answer within fifteen (15) days from receipt thereof, and thus have until May 18, 2019 within which to submit their Verified Answer;
2. However, due to the pressures of equally urgent professional work and prior commitments, Protestee will not be able to meet the said deadline;
3. As such, Protestee are constrained to request for an additional period of 15 days from May 18, 2019 which is until June 2, 2019 within which to submit Verified Answer and other supporting evidence. Moreover, this additional time will also allow the

[Signature]
EDGAR O. PACANA
5-15-2019
Time 9:37-AM

undersigned Protestee to look for available witnesses and gather evidence;

4. This Motion is not intended for delay but solely due to the foregoing reasons.

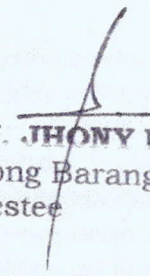
PRAYER

WHEREFORE, Respondents most respectfully prays of this Honorable Office that they be given an additional period of 15 days from May 18, 2019 within which to submit their Verified Answer and other documentary evidence.

MOST RESPECTFULLY SUBMITTED.

Other relief just and equitable are likewise prayed for.

Puerto Princesa City, Philippines, May 10, 2019.


HON. JHONY FABREGAS
Punong Barangay
Protestee

COPY FURNISHED:

EDGAR PACANA, SAMUEL PACANA
And **OSCAR PACANA**
Bgy. Villa Libertad, El Nido Palawan

CEP 10

Republic of the Philippines
Department of Environment and Natural Resources
Region Office No. IV-B MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

LAND CASE NO. 0510

EDGAR O. PACANA, SAMUEL O.
PACANA and OSCAR PACANA,
Protestants,

-versus-

for

"CANCELLATION OF PLAN CSD-
04-025364-D (Lot 1115-A & Lot
115-B, CAD-1037-D) Villa Libertad,
El Nido, Palawan"
The Claim of Barangay Government
of Villa Libertad, rep. by Punong
Barangay Jhony Fabregas and Villa
Libertad Elementary School, rep. by
Head Teacher Belen S. Cabutihan,
Protestees.

X-----X

POSITION PAPER

Protestants, by counsel and unto this Honorable Office, most respectfully submit their position paper and hereby further state that:

The Case for the Protestants

Protestants, together with their late brother Cesar, are the only legitimate and compulsory heirs of their father, the late Santiago Pacana, who died intestate on October 13, 1970 in Bgy. Libertad, El Nido, Palawan.

During the lifetime of Santiago, he was the legitimate and only claimant and in possession of Lot No. 928 with an area of more or less seven (7) hectares located in Bgy. Libertad, El Nido, Palawan. Said property was surveyed in his name sometime in 1955 in the Bacuit (El Nido) Public Land Subdivision (Case-2), Pls-31 (PHILCUSA-FOA). We already have submitted, as evidence, the said Bacuit Public Land Subdivision which is Annex "A" of the original protest.

Over the years and during the lifetime of Santiago Pacana, portions of Lot No. 928 were either sold, donated or otherwise conveyed by Santiago to several individuals such that only a little more than one (1) hectare was left after his death.

Of the more than ONE (1) hectare left of Lot No. 928 after Santiago's death, the present occupants are the following:

1. About FIVE THOUSAND (5,000) square meters is presently being occupied by the Villa Libertad Elementary School.
2. An area of more or less FOUR THOUSAND EIGHTY TWO (4,082) square meters, situated across the barangay road facing the elementary school, are being occupied by:
 - a. Benjamin Ramirez;
 - b. Liberty Tumbokon;
(Benjamin and Liberty have acquired their respective portions from the late Santiago Pacana.)
 - c. Samuel Pacana and his heirs;
 - d. The heirs of Cesar O. Pacana.
 - e. A number of small market stalls, privately constructed by traditional merchants (*makeshift* sari-sari stores) and small wet market vendors (*talipapa*). The Barangay Government of Villa Libertad is charging them minimal amount of fee for permit in order for them to operate;
 - f. Some commercial spaces along the north national highway, also privately constructed, presently being occupied and used personally by some individuals and barangay officials including Punong Barangay Jhony Fabregas and an incumbent barangay kagawad for commercial purposes (***as per result of the ocular inspection of the contested lot***). The Villa Libertad Barangay Government is likewise collecting from these individuals payment of permit fee to operate their business;
 - g. A wooden structure previously used by the barangay as a cockpit (*sabungan*) area;
3. The remainder of the area is now part of the road right of way (north national highway).

Sometime in 1996, the heirs (with their mother) questioned the occupation by the Villa Libertad Elementary School of a portion of FIVE THOUSAND (5,000) square meters of Lot No. 928. It is the portion where the school buildings and other facilities are located. During the hearing, the heirs were told that the said portion was allegedly sold or donated by Santiago Pacana. But when asked to present the deed of conveyance signed by Santiago, the school authorities miserably failed to produce it. At any rate, ***even if assuming*** the portion was truly sold or donated to the school, the same was made by Santiago without the consent of his wife, thus, the portion legally conveyed was only one half (1/2) of the FIVE THOUSAND (5,000) square meters.

However, as act of act of generosity and for the community well-being, the protestants together with their mother and other co-heir, entered into a compromise agreement with the school authorities on May 8, 1996. In said

3

compromise, they accepted the offer of the school authorities to give EACH heir (Edgardo, Samuel, Oscar & Cesar) ONE HUNDRED (100) square meters (or a total of FOUR HUNDRED [400] square meters) to be taken or segregated from the FIVE THOUSAND (5,000) square meters occupied by the school. As a result of the signing of the compromise agreement, the protestants agreed to drop the complaint. However, despite the lapse of time and up to the present time, the school authorities never made good of their commitment to give FOUR HUNDRED (400) square meters to the heirs of Santiago Pacana. A copy of the compromise agreement dated May 8, 1996 is attached in the original complaint as Annex "B".

Sometime in 2017, the heirs decided to have the remaining FOUR THOUSAND EIGHTY TWO (4,082) square meters titled in their names but to their surprise they were informed by CENRO personnel in Taytay, Palawan, that the area was already surveyed for the Barangay Government of Villa Libertad, the Villa Libertad Elementary School and Liberty Tumbokon, et al. They were given a copy of the subdivision plan of Lot 1115, Cad 1037-D (attached as Annex "C" in the original complaint), which was approved on August 31, 2004. The survey and its subsequent approval were made without the knowledge and consent of the heirs of Santiago Pacana. In fact, the one who gave conformity to the survey was Feguracion Dalabajan who signed the survey as land owner. Dalabajan has no right whatsoever to initiate the subdivision survey or to sign the conformity because she was not in any way authorized by the Heirs of Santiago Pacana.

In the questioned approved subdivision survey, the Villa Libertad Elementary School was awarded a portion of SEVEN HUNDRED THIRTY SEVEN (737) square meters, (in addition to the 5,000 square meters physically occupied by the elementary school and subject of the compromise agreement on May 8, 1996) – this 737 square meters was awarded to the school despite the fact that the area was already physically occupied by the heirs of Santiago Pacana at the time of the alleged survey on July 18, 2004; while the Barangay Government of Villa Libertad was given ONE THOUSAND EIGHT HUNDRED THIRTEEN (1,813) square meters. The remaining portions were awarded to Liberty Tumbokon, et al. who are occupying it.

The approval of the survey in so far as the Villa Libertad Elementary School and the Barangay Government of Villa Libertad are patently illegal and thus void because the heirs of Santiago Pacana never waived, donated or even sold portion of the property allotted to them. They have no right whatsoever to the said areas.

ISSUE

The only issue in this case is who has the better on the remaining portion of Lot No. 928, now identified as Lot No. 1115, Cad 1037-D, with an area of 4,082 square meters.

DISCUSSION

There is no question that Lot No. 928 was surveyed and awarded to Santiago Pacana during the Bacuit (El Nido) Public Land Subdivision (Case-2) conducted in 1955. There is no question either that Lot No. 1115, Cad 1037-D, is part and parcel of the bigger Lot No. 928.

During the lifetime of Santiago Pacana he had physically occupied Lot No. 928 or what is left of it after several disposals of portions of his property. When he died in 1970, his heirs continued to occupy what is left of the property as evidenced by the physical occupation of Samuel Pacana and his children and the heirs of Cesar Pacana. The Pacanas never relinquished their active possession of the property since the early 1950s and up to the present time.

As proof of the Pacanas active physical possession of the property, some of the heirs of Santiago Pacana executed a sworn statement testifying to the fact that they either born or raised there and have been actively and physically in possession of the property from the time they were born and up to the present time. They continued the possession of Santiago as his compulsory heirs. We are submitting herewith the following "Malayang Salaysay" executed by:

- | | | |
|--|---|-----------|
| 1. Mercenario D. Pacana and Sheryll Pacana | - | Annex "A" |
| 2. Ronnie V. Pacana | - | Annex "B" |
| 3. Samuel Pacana and Rosalinda Pacana | - | Annex "C" |
| 4. Sanny V. Pacana, Jr. | - | Annex "D" |
| 5. Garry V. Pacana | - | Annex "E" |
| 6. Imelda Pacana Daquer | - | Annex "F" |
| 7. Edgar O. Pacana, Sr. | - | Annex "G" |
| 8. Edgar B. Pacana, Jr. | - | Annex "H" |
| 9. Emily Kay B. Pacana | - | Annex "I" |
| 10. Eden B. Pacana | - | Annex "J" |
| 11. Jessa B. Pacana | - | Annex "K" |

The survey of the property in the name of the Barangay Government of Villa Libertad and the Villa Libertad Elementary School in 2004 was done surreptitiously without the knowledge and consent of the Pacanas.

The Pacanas absolutely did not execute any sale or donation in favor of the barangay government or the elementary school in order to give them the right to have it surveyed in their names.

Even during the initial confrontation at the Office of the CENR in Taytay, Palawan, protestees failed to show any proof that they had validly acquired the property from the Pacanas by showing any document of conveyance in their favor. It only shows that they are illegally claiming the property of the Pacanas who have inherited it from their predecessor-in-interest Santiago Pacana, who was the rightful claimant and in possession of the property since the early 1950s until the time of his death in 1970. After his death, his possession of the property

was continued by his children and grandchildren who have never wavered in their rightful claim over the property left by Santiago.

Findings during the Ocular Inspection

The ocular inspection of the subject property clearly shows the active physical possession of the Pacanas. They have residential houses inside the property and/or actively in possession of the portions being claimed by them as their share in the estate left by Santiago Pacana.

Significantly, it was found out that the portion surveyed to the Villa Libertad Elementary School (737 square meters) is being occupied by the Pacanas. There is absolutely NO school building or facility inside the 737 square meters EXCEPT the houses and structures erected by the Pacanas.

On the other hand, in the 1,813 square meters surveyed in the name of the Barangay Government of Villa Libertad, there is also NO barangay government structures found therein. What are found inside are the following:

1. a vacant wooden structure used in the past as a cockpit area;
2. several wet market stalls (*talipapa*) and traditional makeshift *sari-sari* stores, **which are all privately constructed**;
3. Several **privately constructed commercial structures** along the highway, one of which is owned by the incumbent Punong Barangay Jhony Fabregas and another is owned by an incumbent barangay kagawad;
4. The remainder of the area surveyed for the barangay government is now presently a portion of the north national highway.

The fact that, as per ocular inspection, there is no barangay government structure found inside the area surveyed for Villa Libertad only shows that here is no governmental use for the property. The barangay government is only fighting to claim for it in order for them to continue collecting business permit fees. They are using it for proprietary purposes and NOT for essential government functions.

Significance of the Compromise Agreement Between the Pacanas And the Villa Libertad Elementary School

When the heirs of Santiago Pacana questioned the occupation by the Villa Libertad Elementary School of a portion of about 5,000 square meters of Lot 928 in 1996, the school authorities offered a compromise of giving the heirs 400 square meters in exchange for the dropping of the claim, which the heirs accepted in the spirit of community well-being.

This compromise agreement only strengthen the claim of the Pacanas over the subject property. By offering a compromise and signing the agreement the school authorities impliedly admitted the validity of the claim of the Pacanas. They are now therefore estopped from claiming otherwise.

Documentary exhibits/evidences

To prove the validity of their claim the Pacanas submitted the following documentary exhibits/evidences, to wit:

1. The 1955 Bacuit (El Nido) Public Land Subdivision (Case-2), Pls-31 (PHILCUSA-FOA) – attached in the original protest as Annex "A"

Purpose of offer: To prove that the subject property was validly surveyed in the name of Santiago Pacana as claimant/occupant in 1955.

2. Compromise agreement dated May 8, 1996 between the heirs of Santiago Pacana and the Villa Libertad Elementary School – attached in the original protest as Annex "B"

Purpose of offer: To show that the Villa Libertad Elementary School impliedly admitted the validity of the claim of the Pacanas over the subject property.

3. Subdivision plan of Lot 1115, Cad 1037-D – attached in the original protest as Annex "C"

Purpose of offer: To show that indeed the survey was conducted on July 18, 2004 and approved on August 31, 2004 giving rise to the cause of action of the Pacanas to move for the partial cancellation of the survey.

4. The sworn affidavits of the heirs of Santiago Pacana – attached in this position paper as Annexes "D" to "N"

Purpose of offer: To prove that the Pacanas are in continuous physical possession of the subject property from the early 1950s and up to the present time.

Conclusion

The survey of the subject property in 2004 was made without the knowledge of the Pacanas. At the time of the questioned survey they were in possession of the property yet they were not informed of it, resulting to their damage and prejudice. The survey was therefore conducted illegally and must be invalidated in order to give way to another government survey to reconvey the subject property to the Pacanas.

Prayer

The heirs of Santiago Pacana are praying for the partial cancellation of CSD-4-025364-D (Subdivision Plan of Lot 1115, Cad 1037-D, El Nido) insofar as Lot 1115-A (Area=737 square meters for Villa Libertad Elementary School) and Lot 1115-D (Area=1,813 square meters for the Barangay Government of Villa Libertad) AND for the RECONVEYANCE of the questioned portions to the heirs of Santiago Pacana.

Puerto Princesa City for CENR Office, Taytay, Palawan, May 12, 2020.


ROBERT Y. PENEYRA

Counsel for the Protestants
Gabuco Road corner TS Paredes Road
Bgy. Bagong Sikat, Pto. Prin. City
Contact No.: 09153076516
Email: bobpen07@yahoo.com

Copy furnished:

The Teacher-in-Charge
Villa Libertad Elementary School
Bgy. Villa Libertad, El Nido, Palawan

Punong Bgy. Jhony Fabregas
Bgy. Villa Libertad, El Nido, Palawan

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

Annex 'D'

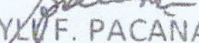
MALAYANG SALAYSAY

Kami, MERCENARIO D. PACAÑA at SHERYLL F. PACAÑA, nasa hustong gulang, mag-asawa, mga mangangalakal, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, kami bilang mag-asawa, ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na kami ipinanganak, lumaki, nagaral at nagasawa;
2. Na, ako (Mercenario) ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) hektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako (Mercenario) ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa namin ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aming nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.



MERCENARIO D. PACAÑA


SHERYLL F. PACAÑA

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Mercenario D. Pacana with VIN 5312-0082A-H0277MDP-1000 and Sheryll F. Pacana with VIN 5312-0082A-G0877SFP2000.

Doc. No. 145;
Page No. 30;
Book No. 27;
Series of 2019




ATTY. PHILIP RAY E. MANOT, CPA, CRES, CREA,
NOTARY PUBLIC UNTIL 31 DECEMBER 2019
Brgy. 10, El Nido, Palawan

Annex "E"

MALAYANG SALAYSAY

Ako, RONNIE V. PACAÑA, nasa hustong gulang, walang asawa, isang maliit na mangangalakal, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagnenegosyo;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


RONNIE V. PACAÑA

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Ronnie V. Pacaña with Community Tax Certificate No. _____ issued on _____ in Bgy. Villa Libertad, El Nido, Palawan, showing his name and signature as competent proof of his identity.

Doc. No. 146
Page No. 31
Book No. 27
Series of 2019.



ATTY. PHILIP V. VENERACION, FALCRES, CREB, ENP
NOTARY PUBLIC FOR PALAWAN
PTR NO. 0012394-01-01-13/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394/12-04-2013

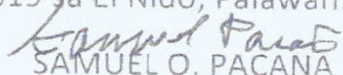
Annex "F"

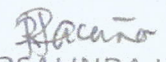
MALAYANG SALAYSAY

Kami, SAMUEL O. PACAÑA at ROSALINDA H. PACAÑA, mga nasa hustong gulang, mag-asawa, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, kami ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako (Samuel) ipinanganak, lumaki, nagaral at nakapagasawa;
2. Na, ako (Samuel) ay anak ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako (Samuel) ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aking yumaong ama na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang kasalukuyang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aking ama na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa namin ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacana family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aming nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


SAMUEL O. PACAÑA


ROSALINDA H. PACAÑA
JUL 05 2019

SUBSCRIBED AND SWORN to before me this ____ day of July 2019 in El Nido, Palawan by Samuel Pacaña with Senior Citizen's ID No. 0185 and Rosalinda H. Pacaña with VIN 5312-0084A-H1076RPH20000-0 showing their respective name, picture and signature as competent proof of their identity.

Doc. No. 197;
Page No. 21;
Book No. 27;
Series of 2019.



ATTY. PHILIP RAY L. MANOKAN, CPA, CREB, CREL, ENP
NOTARY PUBLIC UNTIL 31 DECEMBER 2019
PTR NO. 1035819 / 01-08-19 / PAL.
IBP NO. 069125 / 01-15-19 / PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394 / 12-04-2015

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

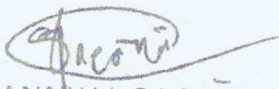
Annex "G"

MALAYANG SALAYSAY

Ako, SANNY V. PACAÑA, Jr., nasa hustong gulang, may asawa, isang construction worker, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aking kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOÓ, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


SANNY V. PACAÑA, Jr.

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Sanny V. Pacaña, Jr. with PhilHealth ID No. 23-002074067-9, showing his name and signature as competent proof of his identity.

Doc. No. 148;
Page No. 31;
Book No. 27;
Series of 2019.



ATTY. PHILIA RAY, JR. (P) (R) (E) (B) (C) (A) (F)
NOTARY PUBLIC - EL NIDO, PALAWAN
PTD NO. 1552 - 1553 / PAL.
IBP NO. 065 - 066 - 067 - 068 / PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394/12-04-2019

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO) S.S.

Annex "H"

MALAYANG SALAYSAY

Ako, GARRY V. PACAÑA, nasa hustong gulang, walang asawa, isang construction worker, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacana na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aking kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacana family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


GARRY V. PACAÑA

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Garry V. Pacaña with Community Tax Certificate No. 31070658 issued on June 31, 2019 in Bgy. Villa Libertad, El Nido, Palawan, showing his name and signature as competent proof of his identity.

Doc. No. 149
Page No. 31
Book No. 27
Series of 2019.



ATTY. PHILIP RAY L. ATIENZA, PALAWAN, CPLE, ENP
NOTARY PUBLIC, EL NIDO, PALAWAN
PTR NO. 1375812-2, 03-10/PAL.
IBP NO. 060125701-13-13/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394/12-04-2015

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.


Annex "I"

MALAYANG SALAYSAY

Ako, IMELDA PACAÑA DAQUER, nasa hustong gulang, may-asawa, isang mangangalakal, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at nakapagasawa;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay at ang aking maliit na tindahan ay sakop ng lupang kasalukuyang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.


BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


IMELDA PACAÑA DAQUER

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Imelda Pacaña Daquer with Postal Identity Card No. 3009605 showing her name, picture and signature as competent proof of her identity.

Doc. No. 150;
Page No. 31;
Book No. 27;
Series of 2019.




ATTY. PHILIP RAY L. NOLASCO, CPA, CREB, CREB, ERP
NOTARY PUBLIC UNTIL 3 DECEMBER 2019
PTR NO. 1055873 / 01-03-19/PAL.
IBP NO. 069135 / 01-15-19/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394 / 12-04-2015

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

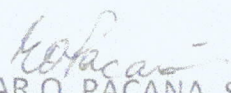
Annex "J"

MALAYANG SALAYSAY

Ako, EDGAR O. PACAÑA, Sr., isang senior citizen, may asawa, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at nakapagasawa;
2. Na, ako ay anak ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako at ang aking mga kapatid ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako at ang aking asawa at mga anak ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aking yumaong ama na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aking ama na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


EDGAR O. PACAÑA, Sr.

JUL 05 2019

SUBSCRIBED AND SWORN to before me this ____ day of July 2019 in El Nido, Palawan by Edgar O. Pacaña, Sr. with Senior Citizen's ID No. 2679 issued on June 9, 2015 in El Nido, Palawan, showing his name and signature as competent proof of his identity.

Doc. No. 157;
Page No. 32;
Book No. 27;
Series of 2019.



ATTY. PHILIP RAY L. LINO, CREB, INC.
NOTARY PUBLIC, PALAWAN
PTR NO. 10350-1/0-00-13/PAL.
IBP NO. 063188/01-15-13/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394/12-04-2015

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

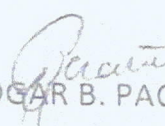
Annex 'K'

MALAYANG SALAYSAY

Ako, EDGAR B. PACAÑA, Jr., nasa hustong gulang, walang asawa, isang self-employed, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

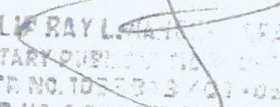
BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


EDGAR B. PACAÑA, Jr.

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Edgar B. Pacana, Jr. with Community Tax Certificate No. 31070816 issued on June 25, 2019 in Bgy. Villa Libertad, El Nido, Palawan, showing his name and signature as competent proof of his identity.

Doc. No. 152;
Page No. 22;
Book No. 27;
Series of 2019.




ATTY. PHILIP RAY L. NATIVIDAD, J.D. - CRES. CRED. ENH
NOTARY PUBLIC FOR PALAWAN - EXPIRATION DATE: DECEMBER 2019
PTR NO. 1005313 / 01-01-13/PAL.
IBP NO. 000128 / 01-12-13/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0013394 / 12-04-2019

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

Annex "L"

MALAYANG SALAYSAY

Ako, EDEN B. PACAÑA, nasa hustong gulang, walang asawa, isang self-employed, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.

EDEN B. PACAÑA

JUL 05 2019

SUBSCRIBED AND SWORN to before me this 05 day of July 2019 in El Nido, Palawan by Eden B. Pacaña with TIN 356-833-458-000 issued on March 22, 2019 in El Nido, Palawan, with her name, picture and signature on it as competent proof of his identity.

Doc. No. 154;
Page No. 32;
Book No. 27;
Series of 2019.

ATTY. PHILIP J. L. [unclear] 171 TOWN CREEK FNP
NOTARY PUBLIC STATE OF TEXAS - R 2019
PTR NO. 103 [unclear] 12/PAL.
IBP NO. 059126707-15-13/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394/12-04-2015

Annex "M"

Ako, JESSA B. PACAÑA, nasa hustong gulang, isang self-employed, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

- BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.

JUL 05 2019

Doc. No. 155;
Page No. 32;
Book No. 27;
Series of 2019.

ATTY.FIL NO. 06313-701-15-13/PAL.
BYR NO. 06313-701-15-13/PAL.
IBP NO. 06313-701-15-13/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394 /12-04-2015

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

Annex "N"

MALAYANG SALAYSAY

Ako, EMILY KAY B. PACAÑA, nasa hustong gulang, walang asawa, isang government employee, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.

EMILY KAY B. PACAÑA

JUL 05 2019

SUBSCRIBED AND SWORN to before me this ____ day of July 2019 in El Nido, Palawan by Emily Kay B. Pacaña with PhilHealth ID No. 09-252966945-5 with her name, picture and signature on it as competent proof of her identity.

Doc. No. 153;

Page No. 32;

Book No. 27;

Series of 2019.

ATTY. PHILIP RAY L. MANUEL CPA CREB, CREB-ENG
NOTARY PUBLIC UNTIL 31 DECEMBER 2019
PTR NO. 1055213 / 01-03-19/PAL.
IBP NO. 063106 / 01-15-19/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394 / 12-04-2015

CEPPO

DENR CENRO
TAYTAY, PALAWAN
RECEIVED
DATE: 7-27-19 2:48 PM

REGION IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

EDGARD O. PACAÑA, SAMUEL O.
PACAÑA & OSCAR O. PACAÑA,
Protestants/Complainants.

CASE NO. 0510

-versus- for:

BGY. GOVERNMENT OF VILLA LIBERTAD,
rep. by its Punong Barangay JHONY
FABREGAS & VILLA LIBERTAD ELEMEN-
TARY SCHOOL, rep. by its Head Teacher
BELEN S. CABUTIHAN,
Protestees/Respondents.

"FOR CANCELLATION OF CSD-04-
025364-D (Lot 1115, Cad 1037-D,
EL NIDO, PALAWAN"

x-----x

REPLY WITH MOTION
TO DECLARE PROTESTEES BGY. GOVERNMENT OF
VILLA LIBERTAD AND VILLA LIBERTAD
ELEMENTARY SCHOOL AS IN DEFAULT

PROTESTANTS/COMPLAINANTS by themselves and unto this Honorable Office most respectfully file this reply on the late answer filed by Punong Bgy. Jhony Fabregas:

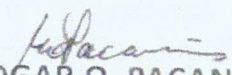
1. The late answer signed and submitted by Punong Bgy. Jhony Fabregas was made without any authority of the barangay council. The case was filed against the barangay government of Villa Libertad and not against Punong Bgy. Jhony Fabregas. Hence, the answer should have been made by the barangay government and not by PB Fabregas on his own. The answer therefore submitted by PB Fabregas is a mere scrap of paper, thus, it is as if no answer was ever filed in behalf of the protestee barangay government of Bgy. Vill Libertad;
2. Protestee Villa Libertad Elementary School was not able to file any answer despite having been served a copy of the complaint and being ordered by this Honorable Office to submit its comment;

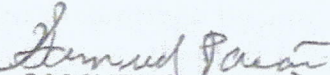
4. Be that as it may however, protestants would like to take exception to the statement made by PB Fabregas that "*Santiago Pacaña and his heirs have lost possession of the property, as such they have also lost their right over the property in favour the present occupants.*" This statement is absolutely not true because the Pacañas are still very much in possession of the subject property except for some portions which was unlawfully occupied the barangay government. We are therefore submitting the sworn affidavits of the Pacañas in order to show our continuous and uninterupted possession of the subject property;
5. Lot No. 928 is an alienable and disposable public land and it was surveyed in favour of Santiago Pacaña way back in 1955. This only shows that the government recognizes the right of Santiago Pacaña as the true owner of the property. In fact one the witnesses (Pablito Tumbokon) who executed an affidavit attached to the answer of PB Fabregas is the father of Maria Liberty C. Tumbokon who purchased a portion of the property from the Pacañas. The barangay government of Villa Libertad could not therefore deny that the residents of Bgy. Libertad recognizes the Pacañas as the owner of the subject property.


WHEREFORE, PREMISES CONSIDERED, it is respectfully prayed of this Honorable Office to consider the protestees in default for their failure to submit the required answer on time.

Respectfully submitted.

El Nido, Palawan, for CENRO Taytay, Palawan, July 5, 2019.


EDGAR O. PACAÑA


SAMUEL O. PACAÑA


OSCAR O. PACAÑA

JUL 05 2019

SUBSCRIBED AND SWORN to before me this ____ day of September 2018
in _____, by Edgar O. Pacaña with OSCA ID No. 2679; Samuel O.

their identity.

Doc. No. 156;
Page No. 33;
Book No. 27;
Series of 2019.



ATTY. PHILIP RAY L. MANQUIL, ESQ. FRED. CREB. ENH
NOTARY PUBLIC UNTIL 12/31/2019
PTR NO. 1055010/0
IBP NO. 059386 X01-11-1/0 L.
ROLL OF ATTORNEYS NO. 54,750
MCLE COMPLIANCE NO. V-0012394/12-04-2015

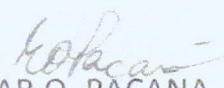
CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Ako, EDGAR O. PACAÑA, Sr., isang senior citizen, may asawa, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at nakapagasawa;
2. Na, ako ay anak ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako at ang aking mga kapatid ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako at ang aking asawa at mga anak ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aking yumaong ama na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aking ama na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.



EDGAR O. PACAÑA, Sr.

JUL 05 2019

SUBSCRIBED AND SWORN to before me this ____ day of July 2019 in El Nido, Palawan by Edgar O. Pacaña, Sr. with Senior Citizen's ID No. 2679 issued on June 9, 2015 in El Nido, Palawan, showing his name and signature as competent proof of his identity.

Doc. No. 157;
Page No. 32;
Book No. 27;
Series of 2019.




ATTY. PHILIP RAY L. NANGIT, Notary Public, El Nido, Palawan
NOTARY PUBLIC, EL NIDO, PALAWAN
PTR NO. 103517/01-03-15/PAL.
IBP NO. 055108/01-15-13/PAL.
ROLL OF ATTORNEYS NO. 54950
MCLE COMPLIANCE NO. V-0012394/12-04-2015

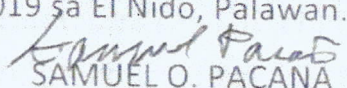
CITY/MUNICIPALITY OF EL NIDO)S.S.

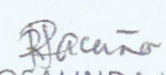
MALAYANG SALAYSAY

Kami, SAMUEL O. PACAÑA at ROSALINDA H. PACAÑA, mga nasa hustong gulang, mag-asawa, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, kami ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako (Samuel) ipinanganak, lumaki, nagaral at nakapagasawa;
2. Na, ako (Samuel) ay anak ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako (Samuel) ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aking yumaong ama na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang kasalukuyang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aking ama na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa namin ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacana family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOÓ, ay aming nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


SAMUEL O. PACAÑA

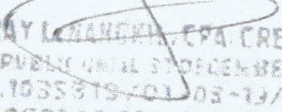

ROSALINDA H. PACAÑA

JUL 05 2019

SUBSCRIBED AND SWORN to before me this ____ day of July 2019 in El Nido, Palawan by Samuel Pacaña with Senior Citizen's ID No. 0185 and Rosalinda H. Pacaña with VIN 5312-0084A-H1076RPH20000-0 showing their respective name, picture and signature as competent proof of their identity.

Doc. No. 197;
Page No. 21;
Book No. 27;
Series of 2019.




ATTY. PHILIP RAY L. MANOKAN, CPA, CREB, CREL, ENP
NOTARY PUBLIC UNTIL 31 DECEMBER 2019
PTR NO. 1055819-01-03-13/PAL.
IBP NO. 069125-01-15-13/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394/12-04-2015


CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Ako, IMELDA PACAÑA DAQUER, nasa hustong gulang, may-asawa, isang mangangalakal, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at nakapagasawa;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay at ang aking maliit na tindahan ay sakop ng lupang kasalukuyang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


IMELDA PACAÑA DAQUER

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Imelda Pacaña Daquer with Postal Identity Card No. 3009605 showing her name, picture and signature as competent proof of her identity.

Doc. No. 150;
Page No. 31;
Book No. 27;
Series of 2019.



ATTY. PHILIP RAY L. NARCEDA, CPA, CREB, CREB, ENP
NOTARY PUBLIC UNTIL 31 DECEMBER 2019
PTR NO. 1035813 / 01-03-19/PAL.
IBP NO. 069125 / 01-15-19/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394 / 12-04-2015

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Kami, MERCENARIO D. PACAÑA at SHERYLL F. PACAÑA, nasa hustong gulang, mag-asawa, mga mangangalakal, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, kami bilang mag-asawa, ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na kami ipinanganak, lumaki, nagaral at nagasawa;
2. Na, ako (Mercenario) ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako (Mercenario) ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa namin ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aming nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.

MERCENARIO D. PACAÑA

SHERYL F. PACANA

JUL 05 2019

SUBSCRIBED AND SWORN to before me this ____ day of July 2019 in
El Nido, Palawan by Mercenario D. Pacana with VIN 5312-0082A-H0277MDP-
1000 and Sheryll F. Pacana with VIN 5312-0082A-G0877SFP2000.

Doc. No. 145;

Page No. 30 ;

Book No. 27



ATTY. PHILIP RAY E. NARDELL, CPA, CREB, CREB, C.A.
NOTARY PUBLIC STATE OF MICHIGAN

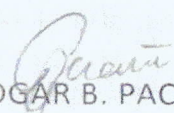
REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Ako, EDGAR B. PACAÑA, Jr., nasa hustong gulang, walang asawa, isang self-employed, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


EDGAR B. PACAÑA, Jr.

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Edgar B. Pacana, Jr. with Community Tax Certificate No. 31070816 issued on June 25, 2019 in Bgy. Villa Libertad, El Nido, Palawan, showing his name and signature as competent proof of his identity.

Doc. No. 152;
Page No. 32;
Book No. 27;
Series of 2019.




ATTY. PHILIP RAY L. MANERA, CFA, CREB, CREB, ENM
NOTARY PUBLIC, PALAWAN, COMMISSION EXPIRES 2019
PTR NO. 1057313 / 07-03-19/PAL.
IBP NO. 063188 / 07-15-19/PAL.


REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Ako, RONNIE V. PACAÑA, nasa hustong gulang, walang asawa, isang maliit na mangangalakal, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagnenegosyo;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


RONNIE V. PACAÑA

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Ronnie V. Pacaña with Community Tax Certificate No. _____ issued on _____ in Bgy. Villa Libertad, El Nido, Palawan, showing his name and signature as competent proof of his identity.

Doc. No. 146;
Page No. 31;
Book No. 27;



ATTY. PHILIP RAY L. MANALAC, CPAL, CREB, CREB, EN-
NOTARY PUBLIC FOR PALAWAN, COMMISSION EXPIRES DECEMBER 2019
PTR NO. 10554, EL NIDO, PAL.

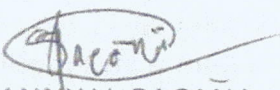
REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Ako, SANNY V. PACAÑA, Jr., nasa hustong gulang, may asawa, isang construction worker, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aking kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


SANNY V. PACAÑA, Jr.

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Sanny V. Pacana, Jr. with PhilHealth ID No. 23-002074067-9, showing his name and signature as competent proof of his identity.

Doc. No. 148;
Page No. 31;
Book No. 27;
Series of 2019.



ATTY. PHILIP RAY L. AMADOR, CREB-2019
NOTARY PUBLIC - PALAWAN
PTR NO. 1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-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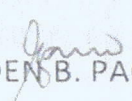
REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Ako, EDEN B. PACAÑA, nasa hustong gulang, walang asawa, isang self-employed, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacana family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.


BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


EDEN B. PACAÑA

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Eden B. Pacaña with TIN 356-833-458-000 issued on March 22, 2019 in El Nido, Palawan, with her name, picture and signature on it as competent proof of his identity.

Doc. No. 154;
Page No. 32;
Book No. 21;
Series of 2019.




ATTY. PHILIP RAY L. NATIVIDAD, CPA, CREB, CREB, EN.
NOTARY PUBLIC IN EL NIDO, PALAWAN
PTR NO. 10-00000000-0000-0000-0000-0000-0000
IBP NO. 059128701-12-19/PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. 0012394/12-04-2015


REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO) S.S.

MALAYANG SALAYSAY

Ako, GARRY V. PACAÑA, nasa hustong gulang, walang asawa, isang construction worker, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacana na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun kami ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aking kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacana family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.


GARRY V. PACAÑA

SUBSCRIBED AND SWORN to before me this JUL 05 2019 day of July 2019 in El Nido, Palawan by Garry V. Pacaña with Community Tax Certificate No. 31070658 issued on June 31, 2019 in Bgy. Villa Libertad, El Nido, Palawan, showing his name and signature as competent proof of his identity.

Doc. No. 149
Page No. 31
Book No. 27




ATTY. PHILIP RAY L. LIM, Notary Public, Palawan, dated July 2019

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Ako, EMILY KAY B. PACAÑA, nasa hustong gulang, walang asawa, isang government employee, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Bgy. Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.

EMILY KAY B. PACAÑA

JUL 05 2019

SUBSCRIBED AND SWORN to before me this ____ day of July 2019 in El Nido, Palawan by Emily Kay B. Pacaña with PhilHealth ID No. 09-252966945-5 with her name, picture and signature on it as competent proof of her identity.

Doc. No. 153;

Page No. 32;

Book No. 27;

Series of 2019.



ATTY. PHILIP RAY L. MANAYIL, CPA, CREB, CREB, LNF
NOTARY PUBLIC UNTIL DECEMBER 2019
PTR NO. 1035-R19 / 03-03-19 / PAL.
IRP NO. 069126 / 01-13-19 / PAL.

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Ako, GARLENA PACAÑA COLEGIO, nasa hustong gulang, may asawa, isang maybahay, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at nakapagasawa;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika- 506 Hulyo 2019 sa El Nido, Palawan

GARLENA PACAÑA COLEGIO

SUBSCRIBED AND SWORN to before me this 506 day of July 2019 in by Garlena Pacaña Colegio with driver's license No. D11-15-000422, showing her name, picture and signature as competent proof of her identity.

Doc. No. 506 ;
Page No. 104 ;
Book No. LXXI ;
Series of 2019

ATTY. MARTIN E. RUELO
NOTARY PUBLIC
UNTIL DECEMBER 31, 2019
PTR NO. 1051460 Y-D1703-2019-PPC
BAGUIO CITY

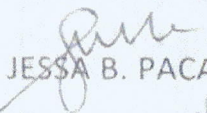
REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY/MUNICIPALITY OF EL NIDO)S.S.

MALAYANG SALAYSAY

Ako, JESSA B. PACAÑA, nasa hustong gulang, isang self-employed, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagtatrabaho;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacaña family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOÓ, ay aking nilagdaan ang salaysay na ito ngayung ika - 5 ng Hulyo 2019 sa El Nido, Palawan.



JESSA B. PACAÑA

JUL 05 2019

SUBSCRIBED AND SWORN to before me this ____ day of July 2019 in
El Nido, Palawan by Jessa B. Pacaña with PhilHealth ID No. 09-252966944-7 with
her name, picture and signature on itas competent proof of her identity.

Doc. No. 155;
Page No. 32;
Book No. 27;
Series of 2019.




ATTY. PHILIP RAY L. NAMIN, CPA, CREB, CREB, tnr
NOTARY PUBLIC UNTIL 31 DECEMBER 2019
PTR NO. 10758 / 01-15-19 / PAL.
IBP NO. 069186 / 01-15-19 / PAL.
ROLL OF ATTORNEYS NO. 54960
MCLE COMPLIANCE NO. V-0012394 / 12-04-2015

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN)
CITY OF RUIPO PRINCESA EL NIDO) S.S.

MALAYANG SALAYSAY

Ako, ERLYN PACAÑA SIMBULAN, nasa hustong gulang, may asawa, isang businesswoman, at kasalukuyang nakatira sa Bgy. Villa Libertad, El Nido, Palawan, matapos manumpa nang ayon sa batas ay nagsasaad ng mga sumusunod:

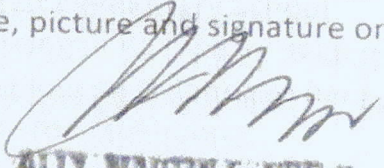
1. Na, ako ay matagal ng nakatira sa Bgy. Villa Libertad, El Nido, Palawan; at sa katunayan ay doon na ako ipinanganak, lumaki, nagaral at kasaluyang nagnenegosyo;
2. Na, ako ay apo ng yumaong si Santiago Pacaña na siyang nagmamayari ng Lot No. 928 na may sukat humigit kumulang pitong (7) ektarya na matatagpuan sa Bgy. Villa Libertad, El Nido;
3. Na, sa katunayan ako ay doon na ipinanganak sa lupang nasasakupan ng Lot 928 at sa ngayun ako ay kasaluyang nakatira sa natitira pang bahagi ng Lot. No. 928 na hindi pa naibenta ng aming yumaong lolo na si Santiago;
4. Na, ang lupa kung saan nakatirik ang aming kasalukuyang bahay ay sakop ng lupang pinagtatalunan ng Pacaña family at ng barangay government ng Villa Libertad at Bgy. Libertad Elementary School;
5. Na, ang possession ng Pacana family sa nabanggit na lupa ay nagpatuloy simula pa ng ito ay masurvey para sa aming lolo na si Santiago hanggang sa kasalukuyan at ni minsan ay hindi namin ito inabandona;
6. Na, ginawa ko ang salaysay na ito para pasinungalingan ang sinasabi ni Punong Bgy. Jhony Fabregas sa kaniyang sagot o "answer" sa aming complaint na diumano ang Pacaña family ay nawalan ng possession sa lupang aming pinagtatalunan.

BILANG PATOTOO, ay aking nilagdaan ang salaysay na ito ngayung ika-10 Hulyo 2019 sa El Nido, Palawan.

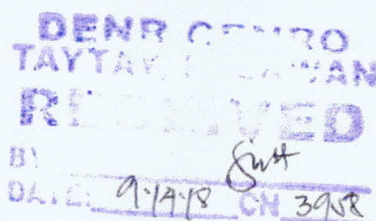
ERLYN PACAÑA SIMBULAN

SUBSCRIBED AND SWORN to before me this 10th day of July 2019 in _____ by Erlyn Pacaña Simbulan with TIN 714-412-428-000 issued on January 15, 2019 in El Nido, Palawan, with her name, picture and signature on it as competent proof of her identity.

Doc. No. 507;
Page No. 104;
Book No. LXXI;
Series of 2019.


ATTY. MARTIN E. RUELO
NOTARY PUBLIC
UNTIL DECEMBER 31, 2019
PTR NO. 1051460 V-01/03-2019-PPC

Mr. PABLO I. CRUZ
OIC-CENRO
Taytay, Palawan



S I R:

We are submitting for your appropriate action our protest/complaint over the approval of the subdivision plan survey of Lot 1115, Cad 1037-D, El Nido, Palawan, under Csd-04-025364-D. The survey was conducted for the Barangay Government of Villa Libertad, El Nido, Palawan, et al. A certain Feguracion Dalabajan signed in the conformity clause as the land owner.

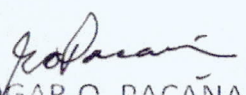
As stated in our protest, the property surveyed was Lot No. 928 which was surveyed for our late father, Santiago Pacaña, in 1955 in the Bacuit Public Land Subdivision (Case-2), Pls 31 (PHILCUSA-FOA), as the legitimate claimant and owner.

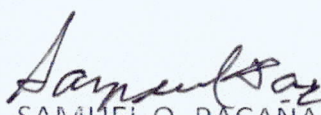
We have not given any authority to Feguracion Dalabajan to have our inherited property surveyed for the barangay government of Villa Libertad and the Villa Libertad Elementary School, hence, our protest.

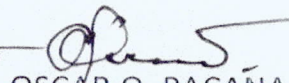
We are anticipating your immediate action in this regard.

Thank you and more power.


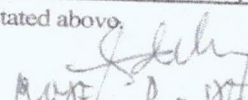
Sincerely yours,


EDGAR O. PACAÑA


SAMUEL O. PACAÑA


OSCAR O. PACAÑA

National Highway, Villa Libertad
El Nido, Palawan

		Official Receipt of the Republic of the Philippines	
		Nº 0134494 T	
Date 9-14-78			
Agency GENR CENRO TAYTAY, PALAWAN		Fund	
Payor Edgar / Samuel / Oscar Jacinto			
Nature of Collection	Account Code	Amount	
Protest - 24		P 100	
TOTAL		P 100	
Amount in Words One hundred pesos only			
<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			
Received the amount stated above.			
<div style="text-align: right;">  ROSE P. DE VERA CAME Collecting Officer </div>			
NOTE: Write the number and date of this receipt on the back of check or money order received.			

Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

**EDGARI O. PACAÑA, SAMUEL O.
PACAÑA & OSCAR O. PACAÑA,**
Protestants/Complainants.

CASE NO. ____

-versus-

for:

**BGY. GOVERNMENT OF VILLA LIBERTAD,
rep. by its Punong Barangay JHONY
FABREGAS & VILLA LIBERTAD ELEMEN-
TARY SCHOOL, rep. by its Head Teacher
BELEN S. CABUTIHAN,**
Protestees/Respondents.

**"FOR CANCELLATION OF CSD-04-
025364-D (Lot 1115, Cad 1037-D,
EL NIDO, PALAWAN"**

X-----X

VERIFIED PROTEST/COMPLAINT

PROTESTANTS/COMPLAINANTS by themselves and unto this Honorable Office most respectfully file this protest on the approval of Csd-04-025363-D and hereby further state that:

1. They are all Filipino citizens and more than sixty (60) years old, farmers, married and residents of Bgy. Villa Libertad, El Nido, Palawan, where they may be served with notices and orders coming from this Honorable Office;
2. Protestees/respondents *Bgy. Government of Villa Libertad, El Nido, Palawan, and Villa Libertad Elementary School* are government entities represented herein by their respective heads that are all based in Bgy. Villa Libertad, El Nido, Palawan, where they may be served with summons, notices and orders of this Honorable Office;
3. Protestants Oscar O. Pacaña, Edgar O. Pacaña and Samuel O. Pacaña, together with their late brother, Cesar O. Pacaña, are the only legitimate and compulsory heirs of Santiago Pacaña, who died intestate on October 13, 1970 in Bgy. Villa Libertad, El Nido, Palawan;

4. During his lifetime, Santiago Pacaña was the legitimate and only claimant and possessor of Lot No. 928 with an area of more or less seven (7) hectares located in Bgy. Villa Libertad, El Nido, Palawan. Said property was surveyed in his name sometime in the year 1955 in the Bacuit (El Nido) Public Land Subdivision (Case -2), Pls-31 (PHILCUSA – FOA). As evidence we are submitting herewith as **Annex "A"** the said Bacuit Public Land Subdivision which is made as an integral part of this protest;
5. Over the years and during the lifetime of Santiago Pacaña, portions of Lot No. 928 were either sold or conveyed to several individuals such that only a little over one (1) hectare was left after the death of Santiago;
6. Of the more than one (1) hectare left after Santiago's death, about five thousand (5,000) square meters is being presently occupied by the *Villa Libertad Elementary School* while the remaining four thousand and eighty two (4,082) square meters, situated across the *barangay* road facing the elementary school, are being presently occupied by Benjamin Ramirez, Liberty Tumbokon, Samuel O. Pacaña and the heirs of Cesar O. Pacaña. A number of small market stalls (*talipapa*), facing the north national highway, are also inside which are being rented out by the *barangay* government to several vendors together with some small commercial structures occupied by some individuals. The remaining areas are now part of the road right of way (north national highway);
7. Sometime in 1996, the heirs questioned the occupation by the Villa Libertad Elementary School of a portion of about five thousand (5,000) square meters of Lot No. 928. It is the portion where the school buildings and other facilities are located. The heirs were told that the said portion was allegedly sold or donated by Santiago Pacaña but no document of conveyance was ever shown to them. At any rate, even if assuming the portion was truly sold or donated to the school, the same was made by Santiago without the consent of his wife, thus, the portion legally conveyed was only one half of the five thousand (5,000) square meters;
8. To solve the issue on the five thousand (5,000) square meters and as an act of generosity and for the community well being, the protestants, together with their mother and other co-heir, entered into a compromise agreement with the school authorities on May 8, 1996. In said compromise they agreed to drop their complaint on the school's occupation of the 5,000 square meters in exchange of the offer of the school to give them one hundred (100) square meters each to be taken from the area being claimed and occupied by the school. This promise was never complied with by the Villa Libertad Elementary School. We

are attaching hereto the compromise agreement dated May 8, 1996 as **Annex "B"** hereof;

9. Sometime in 2017, the heirs decided to have the remaining 4,082 square meters titled in their name but to their surprise they were informed by the CENRO personnel in Taytay, Palawan, that the area was already surveyed for the *barangay* government of Villa Libertad, the Villa Libertad Elementary School and Liberty Tumbokon, et al. They were given a copy of the subdivision plan of Lot 1115, Cad 1037-D, which was approved on August 31, 2004. A copy of said subdivision plan is hereto attached as **Annex "C"** and is made as an integral part of this protest;
10. In said approved subdivision survey, Villa Libertad Elementary School was given a portion of SEVEN HUNDRED THIRTY SEVEN (737) square meters while the *Barangay* Government of Villa Libertad was given ONE THOUSAND EIGHT HUNDRED THIRTEEN (1,813) square meters. The remaining portions were surveyed for Liberty Tumbokon (400 square meters), Gabina Pacaña (400 square meters), Benjamin Ramirez (133 square meters, and Samuel Pacaña (267 square meters);
11. The approved surveys for Villa Libertad Elementary School and the *Barangay* Government of Villa Libertad are patently illegal and thus void because the heirs of Santiago Pacaña never waived, donated or sold a portion of the property to them, and hence they have no right whatsoever to the areas allotted to them. The remaining portions allotted to Liberty Tumbokon, et al. are not being questioned by the heirs in this protest because they have a right to their respective portions either as legal heirs or vendees;
12. The subdivision survey was likewise made without the knowledge and consent of the Heirs of Santiago Pacana. In fact, the one who gave conformity to the survey was Feguracion Dalabajan who signed the survey as the land owner. Dalabajan has no right whatsoever to initiate the subdivision survey or to sign the conformity to the survey because she was not in any way authorize by the heirs.

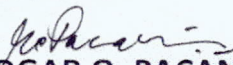
WHEREFORE, PREMISES CONSIDERED, it is most respectfully prayed of this Honorable Office to render judgment in favour of the protestants/complainants and against the protestees/respondents –

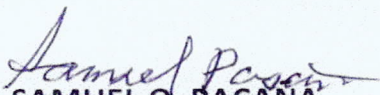
1. by partially invalidating the approval of CSD-4-025364-D (Subdivision Plan of Lot 1115, Cad 1037-D, El Nido) insofar as Lot 1115-A (Area=737 square meters Villa Libertad Elementary School) and Lot 1115-D (Area=1,813 square meters *Barangay* Government of Villa Libertad, El Nido), are concerned; and

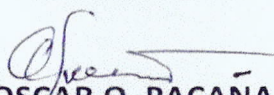
2. to reconvey the said questioned portions to the Heirs of Santiago Pacaña.

Other reliefs and remedies just and equitable under the circumstances are likewise prayed for.

Puerto Princesa City for El Nido, Palawan, September 10, 2018.


EDGAR O. PACANA


SAMUEL O. PACANA

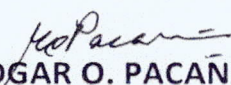

OSCAR O. PACANA

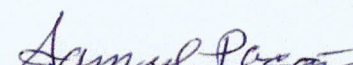
VERIFICATION WITH CERTIFICATION OF
NON-FORUM SHOPPING


We, **EDGAR O. PACAÑA**, **OSCAR O. PACAÑA** and **SAMUEL O. PACAÑA**, all of legal age (senior citizens), Filipinos, with address at Bgy. Villa Libertad, El Nido, Palawan, after having been sworn to in accordance with law, hereby depose and state:

1. We are the protestants/complainants in the case on which this verification with certification of non-forum shopping is attached;
2. We have caused the preparation and filing of this protest as Heirs of Santiago Pacaña;
3. We have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other lower court, tribunal or agency,
4. To our knowledge, no other such action or proceeding is pending in any judicial court or other tribunal or agency in the Philippines involving the same issues, claims or parties;
5. Should it come to our knowledge that a similar action or proceeding has been filed or is pending before any court, tribunal or agency in the Philippines, we hereby undertake to notify this Office within five days from receipt of such knowledge.

Puerto Princesa City, September 10, 2018.


EDGAR O. PACAÑA



SAMUEL O. PACAÑA


OSCAR O. PACAÑA

SEP 10 2018

SUBSCRIBED AND SWORN to before me this 10 day of September 2018 in Puerto Princesa City, by **Edgar O. Pacana with OSCA ID No. 2679; Samuel O. Pacaña with OSCA ID No. 0185 and Oscar O. Pacaña with OSCA ID No. 2295**, containing their respective name, picture and signature as competent proof of their identity.

Doc. No. 185;
Page No. 38;
Book No. LXII;
Series of 2018.


ATTY. MARTINE RUELO
NOTARY PUBLIC
UNTIL DECEMBER 31, 2019
PTR NO. 4960333 R-12/19-2017-P.P.C.
IBP NO. 1028688-12/11/2017-P.P.C.
RM. 18 2/F CAPITOL COMMERCIAL COMPLEX
FERNANDEZ ST., PUERTO PRINCESA CITY

COMPROMISE AGREEMENT

Annex "B"

KNOW ALL MEN BY THESE PRESENTS:

This agreement entered into by and between the HEIRS of the late SANTIAGO PACANA, all of legal age, Filipino, all residing at the Municipality of El Nido, Palawan herein referred to as the PARTY OF THE FIRST PART;

-and-

The Villa Libertad Elementary School of Bgy. Villa Libertad, El Nido, Palawan as represented by MRS. BELEN S. CABUTIHAN, Teacher-In-Charge and MR. ALFONSO MASULA, PTCA President, also of legal ages, both residing and with post office address at Bgy. Villa Libertad, El Nido, Palawan, herein referred to as the PARTY OF THE SECOND PART;

WITNESSETH

That the PARTY OF THE FIRST PART are the HEIRS of the late SANTIAGO PACANA and his successor-in-interest over a certain parcel of public land known and designated as Lot 928 PLS-31 situated at Bgy. Villa Libertad, El Nido, Palawan, containing an area of SEVENTY ONE THOUSAND THREE HUNDRED THIRTYTWO (71,332) Square Meters;

That the PARTY OF THE SECOND PART contends that they had legitimately bought one (1) hectare portion, excluding road-right-of-way now established thereat, of above Lot 928, PLS-31 from the late SANTIAGO PACANA;

That the PARTY OF THE FIRST PART asserts that the sale and conveyance is questionable and devoid of proper order arguing that the transaction was not duly concurred in by the spouse of said SANTIAGO PACANA;

That upon and after civil confrontation, argument, and mutual concession, both PARTIES arrived at a compromise agreement as follows:

"That the HEIRS shall WITHDRAW and QUIT their claim in the contested portion of the one (1) hectare School site in exchange of below concessions:

1. SAMUEL, OSCAR and EDGAR, all surnamed PACANA shall be given, free from any remuneration, a 10 x 10-meters residential lot each;

2. GABINA ARZAGA-PACANA, wife of the heir CESAR PACANA shall be accorded property rights over her present residential occupancy".

That a subsequent Survey Order shall be requested to the Project Management Office, Survey and Land Titling Component, Second Palawan Integrated Area Development Project (SLP-SPIADP) thru the DENR-Community Environment and Natural Resources Office (DENR-CENRO) of Taytay, Palawan to effect and finalize above compromise.

IN TESTIMONY WHEREOF, PARTIES have hereunto set hands this 8th day of May 1996 at Villa Libertad, El Nido, Palawan.

Samuel O. Pacana
SAMUEL O. PACANA

Immediate Heir

CIC # 8403078

Issued On 5-7-96 at El Nido

Belen S. Cabutihan

BELEN S. CABUTIHAN

Teacher-In-Charge

CIC # 8487422

Issued On 5-7-96 at El Nido, Pal

EDGAR O. PACANA

Immediate Heir

CTC # 8387948

Issued on 03-04-96 at El Nido

OSCAR O. PACANA

Immediate Heir

CTC # 8387420

Issued on 04-04-96 at El Nido

GRECIENCIA O. PACANA

Spouse

CTC # 8387419

Issued on 4-4-96 at El Nido

GABRIELA ARZAGA PACANA

Wife of Deceased Heir

CTC # 8387431

Issued on 4-15-96 at El Nido

SIGNED IN THE PRESENCE OF:

JAMES P. CABATINON

Bgy. Captain

ALFONSO MASULA

PTCA Pres.

CTC # 8387442

Issued on 05-05-96 at Villa Libertad, El Nido

PABLO S. TUMBOKON

Bgy. Kagawad

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of Palawan : S. S.
Municipality of El Nido)

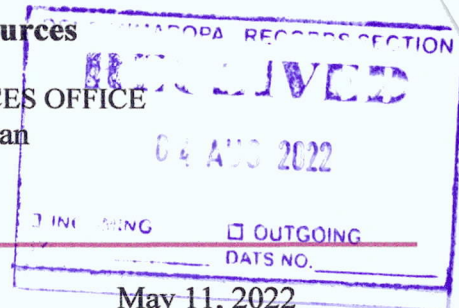
BEFORE ME, this 8th day of May 1996 at El Nido, Palawan, personally appeared the above-signed individuals very known to me to be the same individuals who executed the foregoing instrument affecting Lot No. 928, PLS-31, which document consist of two (2) pages including this page wherein the acknowledgement is written. The same persons exhibited to me their respective Community Tax Certificates as written below their names and signatures above.

ALFREDO P. GALASINAO, JR.
Land Management Officer-I
SLT-SPIARR

/abb



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



MEMORANDUM

FOR : The Regional Executive Director
DENR - MIMAROPA, 1515 L&S Building
Roxas, Blvd., Ermita, Manila

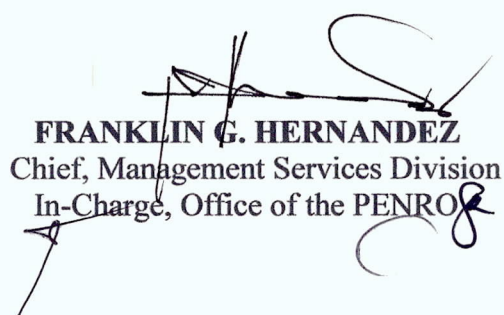
FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **COMPLETE STAFF WORK (CSW) ON LAND CASE NO. 0510
RE: EDGAR O. PACAÑA, SAMUEL O. PACAÑA AND OSCAR
O. PACAÑA (PROTESTANT) VERSUS THE CLAIM OF
BARANGAY GOVERNMENT OF VILLA LIBERTAD REP. BY
PUNONG BARANGAY JHONY FABRIGAS AND VILLA
LIBERTAD ELEMENTARY SCHOOL EP. BY HEAD
TEACHER BELEN S. CABUTIHAN (PROTESTEE) SITUATED
AT BARANGAY VILLA LIBERTAD, EL NIDO, PALAWAN**

Forwarded is the Memorandum from CENRO – Taytay, Palawan dated March 31, 2022 along with the Final Investigation Report of Special Investigator I Jones Manoel Y. Lafuente with enclosures relative to the above-entitled case.

For information, review and resolution.


For the PENR Officer:


FRANKLIN G. HERNANDEZ
Chief, Management Services Division
In-Charge, Office of the PENRO

Cc:

CENRO – Taytay, Palawan

TSD/File *kkva
Doc. Ref. No. 2022-38090

**DENR-PALAWAN
PENRO-RECORDS
RELEASED**
By 
Date: MAY 13 2022 CN 22-1180



DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: **2022-3890**

Date and Time received:

05/06/2022 11:53:41 AM

From: ALAN L. VALLE

Document Type: Memorandums

CENRO TAYTAY, PALAWAN

Subject: 1294 COMPLETE STAFF WORK (CSW) ON LAND CASE NO. 0510, , EDGAR O. PACAN, SAMUEL O. PACANA AND OSCAR O PACANA (PROTESTANT) -VS- THE CLAIM OF BRGY. GOVERNMENT OF VILLA LIBERTAD REP. BY PUNONG BARANAGY JHONY FABRIGAS AND VILLA LIBERTAD ELEMENTARY SCHOOL REP.

Attachment(s): WITH ATTACHMENTS (1 FOLDER)

Earmarked As :

Date:	From:	To:
	ALAN L. VALLE	Mr. J. O. As. Raula
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): - pls review for endorsement. - assess if it met comment of legal unit
Date:	From:	To:
05/18/22	Chief MPS	S.F. Lora
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): - Pls. evaluate / draft memo under dropping the protest of protestant for cancellation of COI-04-02364-D. The survey was executed and approved per compliance agreement executed by the land and school in 1996.
Date:	From:	To:
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):

Printed on 05/06/2022 11:53:56AM Received at: OFFICE OF THE PENR Received by: ALMINE, ALYSSA



DENR CENRO
TAYTAY, PALAWAN
RELEASED

March 31, 2022

MEMORANDUM

BY:
DATE: MAY 04 2022 1294

FOR : The Provincial Environment and Natural Resources Officer
Brgy. Sta. Monica, Puerto Princesa City, Palawan

FROM : The Community Environment and Natural Resources Officer
Brgy. Poblacion, Taytay, Palawan

SUBJECT : **COMPLETE STAFF WORK (CSW) ON LAND CASE NO. 0510, EDGAR O. PACAÑA, SAMUEL O. PACAÑA, AND OSCAR O. PACAÑA (PROTESTANT) VERSUS THE CLAIM OF BRGY. GOVERNMENT OF VILLA LIBERTAD REP. BY PUNONG BARANGAY JHONY FABRIGAS AND VILLA LIBERTAD ELEMENTARY SCHOOL REP. BY HEAD TEACHER BELEN S. CABUTIHAN (PROTESTEE) SITUATED AT BRGY. VILLA LIBERTAD, EL NIDO, PALAWAN**

This case stemmed from the protest /complaint filed by siblings Edgar, Samuel, and Oscar, all with surname Pacaña on September 14, 2018, for cancellation of Plan Csd-04-025364-D of Lot 1115-A & Lot 1115-D, Cad 1037-D in Barangay Villa Libertad, El Nido, Palawan.

I. FACTUAL BACKGROUND

1. Records of this Office disclosed that from December 31, 1953, to December 14, 1954, Pls-31 was surveyed and approved on November 10, 1955. The subject lot identified as Lot 928, Pls-31 is listed to Santiago Pacaña containing a total area of Seventy-one Thousand Three Hundred Thirty-two (71,332) square meters;
2. On April 19, 1955, Pacifico Orense filed a public land application for lot 928, Pls-31 under Homestead Patent Application 2-1582 with a total area of six (6) hectares located at the above-mentioned area. However, the carpeta/folder containing the application of Orense was not found on file;
3. Lot 928, Pls-31 was covered by lots No. 1113, 1114, 1115, 1116, 1188 and 1189 of Cad 1037-D. As per survey dated on June 2 – August 6, 1991, the listed survey claimants of the above-mentioned lots are as follows:

Lot No.	Survey Claimant	Area	Remarks
1113	Pls-31 (Lot 928, Pls-31 Portion)	23,881	•Lot 1113 was claimed by Cristituto Valdez

			•Thus lot was covered by various isolated surveys
1114	Ten Knots Philippines, Inc.	4,358	•Lot 1114 was claimed by Cristituto Valdez •This lot is covered by isolated surveys
1115	Ten Knots Philippines, Inc.	4,082	• Lot 1115 being the subject of this case was claimed by the Hrs. of Santiago Pacaña •This lot is occupied by the Barangay Local Government of Villa Libertad •It is subdivided under Csd-04-025364-D in favor of the Barangay Local Government of Villa Libertad, et.al. •Although Ten Knots Philippines, Inc. was the listed claimant during the cadastral survey, a notation on the approved survey plan stated that the subject lot is not one of the properties owned by the company. This was executed by Alberto A. Lim –President of Ten Knots Philippines, Inc. thru a notarized Affidavit dated August 21, 2002.
1116	School Site vs C. Valdez	4,358	•Lot 1116 was occupied by Villa Libertad Elementary School
1188	Road	9,567	•Lot 1188 is a Provincial Road
1189	Santiago Pacaña	24,632	•Lot 1189 was claimed by Cristituto Valdez •It is covered by isolated surveys

4. That sometime in 1996, the heirs of Santiago questioned the occupation of Villa Libertad Elementary School over the portion of Lot 1115, Cad 841-D with an area of 5,000 sq.m. where the school buildings and other facilities are located (see verified protest).
5. That on May 8, 1996, the heirs of Santiago Pacaña and Teacher-in-Charge Belen S. Cabutihan entered into a *Compromise Agreement* and both parties agreed on the following:

“That the HEIRS shall WITHDRAW and QUIT their claim in the contested portion of one (1) hectare school site in exchange of below concession:

- 1. SAMUEL, OSCAR and EDGAR, all surnamed PACAÑA shall be given, free from any remuneration, a 10x10 meters residential lot each;*
- 2. GABINA ARZAGA – PACAÑA, wife of the heir of CESAR PACAÑA shall be accorded property rights over her present residential occupation”.*

6. Lot subject of this case is Lot 1115, Cad 1037-D containing an area of Four Thousand Eighty-two (4,082) square meters, surveyed for Ten Knots Philippines, Inc.

- a. That on July 5, 2004, Marcelino B. Pagliawan submitted his investigation/inspection report on Lot 1115, Cad 841-D subject to the issuance of Survey Authority;
- b. That on July 16, 2004, Survey Authority was issued in favor of the Brgy. Government of Villa Libertad, El Nido, Palawan under SA No. 107-2004;
- c. That on July 18, 2004, the subject lot was surveyed by Engr. Romeo d.R. Manojó and it was approved on August 31, 2004; and
- d. The subject lot was subdivided under **Csd-04-025364-D** in favor of the Barangay Government, et.al. with six (6) resultant lots:
 - i. Lot 1115-A Area: 737 sq. m. - surveyed for Villa Libertad Elementary School
 - ii. Lot 1115-B Area: 400 sq. m. - surveyed for Ma. Liberty Tumbokon and covered by Free Patent No. 045312-09-26030 of Maria Liberty C. Tumbokon issued on July 16, 2009
 - iii. Lot 1115-C Area: 400 sq. m. - surveyed for Gabina Pacaña and covered by Residential Free Patent Application No. 045312-230 of Gabina A. Pacaña filed on January 26, 2015
 - iv. Lot 1115-D Area: 1,813 sq. m. - surveyed for Barangay Government of Villa Libertad;
 - v. Lot 1115-E Area: 133 sq. m. – surveyed for Benjamin Ramirez
 - vi. Lot 1115-F Area: 267 sq. m. – appeared **no name** on the claimant but is covered by Free Patent Application No. 045312-922-A of Manuel S. Valdez filed on April 29, 2013.

7. That on September 14, 2018, the siblings Edgar, Samuel, and Oscar, all with the surname Pacaña filed a protest/complaint about the cancellation of Plan Csd-04-025364-D over Lot 1115, Cad 1037-D in Barangay Villa Libertad, El Nido, Palawan;

- a. That, the Protestants together with their late brother Cesar O. Pacaña are the legitimate and compulsory heirs of Santiago Pacaña, who died intestate on October 13, 1970, in Villa Libertad, El Nido, Palawan;

- b. That, Santiago Pacaña (*Santiago for brevity*) was the listed claimant and processor of Lot 928, Pls-31 containing an area of more or less seven (7) hectares during Bacuit (El Nido) Public Land Survey some time in 1955;
- c. That, over the years and during the lifetime of *Santiago*, portions of Lot 928, Pls-31 were either sold or conveyed by Santiago to several individuals such that only a little over one (1) hectare was left after his death;
- d. That, in this little over one (1) hectare, 5,000 sq.m. is occupied by Villa Libertad Elementary School while the remaining 4,082 sq.m. is occupied by Benjamin Ramirez, Liberty Tumbokon, Samuel Pacaña, heirs of Cesar O. Pacaña and Barangay Market (*talipapa*);
- e. That, sometime in 1996, the heirs of Santiago questioned the occupation of Villa Libertad Elementary School over the portion of 5,000 sq.m. where the school buildings and other facilities are located. The heirs were told that the said portion was allegedly sold/donated by *Santiago* to school but no document of conveyance was ever shown to them. At any rate, even if assuming the portion was truly sold or donated to the school, the same was made by *Santiago* without the consent of his wife, thus, the portion legally conveyed was only one-half of the five thousand (5,000) square meters;
- f. That, to resolve the issue on the five thousand (5,000) square meters and as an act of generosity and for community well-being, the heirs of *Santiago*, entered into a compromise agreement (Annex "C" of the final investigation report) with the school authorities on May 8, 1996, to drop their complaint on the school's occupation of the 5,000 sq.m. in exchange of the offer of the school to give them 100 sq.m. each to be taken from the area being claimed and occupied by the school. But the school never complied with the said agreement;
- g. That, sometime in 2017, the heirs decided to have the remaining 4,082 square meter titled in their names but were surprised when they were informed by DENR CENRO Taytay that the area was already surveyed for the Barangay Government of Villa Libertad, Villa Libertad Elementary School and Liberty Tumbokon, et.al. They were given a copy of the subdivision plan of Lot 1115, Cad 1037-D which was approved on August 31, 2004 (see Annex "B" of the final investigation report).
- h. That, in the said approved subdivision survey, Villa Libertad Elementary School was given a portion of Seven Hundred Thirty-seven (737) square meters while the Barangay Government of Villa Libertad was given One Thousand Eight Hundred Thirteen (1,813) square meters. The remaining portions were surveyed for Liberty Tumbokon (400 Square meters), Gabina Pacaña (400 square meters), Benjamin Ramirez (133 square meters), and Samuel Pacaña (267 square meters);
- i. That, the approved survey for Villa Libertad Elementary School and Barangay Government of Villa Libertad is patently illegal and thus void because the heirs of *Santiago* never waived, donated, or sold portions of the property to them, and hence they have no right whatsoever to the areas allotted to them. The remaining portions allotted to Liberty Tumbokon, et.al. are not being questioned by the heirs

in this protest since they have a right to their respective portions either as legal heirs or vendees;

- j. That, the subdivision survey was executed without the knowledge and consent of the heirs of *Santiago*. In fact, the one who gave conformity to the survey was Feguracion Dalabajan who signed the survey as the landowner. Dalabajan has no right whatsoever to initiate the subdivision survey or to sign the conformity to the survey because she was not in any way authorized by the heirs.
8. On February 28, 2018, an Order of Investigation was issued by the OIC-PENRO Eriberto B, Saños directing the designated LIO to conduct an investigation and to submit a report and recommendation pursuant to DAO 2016-31 dated December 29, 2016;
 - a. That, Protestants just anchored their claims on the Bacuit (El Nido) Public Land Subdivision (Case 2), Pls-31 (PHILCUSA-FOA) sometime in the year 1955 as stated in their complaint. However, it is not a sufficient basis to establish their claim in the concept of ownership.
 - b. That, the subject property was never covered by a Title under their name, so much so that the right of the Protestant over the said property is merely inchoate, a mere privilege granted by the State subject to their continuous possession of the property.
 - c. That, based on the evidence presented, *Santiago* and his heirs have lost their possession of the property, as such, they have also lost their right over the property in favor of the present occupants, In order to perfect their rights, the possession should have been in the continuous, adverse and exclusive. Protestants failed to prove this.
 - d. That, in fact, Villa Libertad Elementary School and the Barangay Government are the actual occupant of the said property since 1980 and for a long period of time. However, there is no legal documents on the transfer of rights between the Villa Elementary School and the Barangay Government of Villa Libertad considering that the Villa Libertad Elementary School represented by Head Teacher, Belen S. Cabutihan was the one who enter into a *Compromise Agreement* between the Heirs of Pacaña.
 - e. That, Paragraph 7 of the Protest (see Annex "A) stated "*Sometime in 1996, the heirs questioned the occupation by the Villa Libertad Elementary School of a portion of about five thousand (5,000) square meters of Lot 928. It is the portion where the school buildings and other facilities are located. The heirs were told that the said portion was allegedly sold or donated by Santiago Pacaña but no document of conveyance was ever shown to them. At any rate, even if assuming the portion was truly sold or donated to the school, the same was made by Santiago without the consent of his wife, thus, the portion legally conveyed was only one-half of the five thousand (5,000) square meters*"

This argument is simply misplaced. *Santiago* and his heirs never regained ownership over the property. It is therefore not material on whether or not *Santiago* made

conveyances during his lifetime. Simply put, one cannot sell or convey what one does not own.

- f. That, Protestants failed to present evidence to overcome the presumption of regulatory, subdivision plan of Lot 1115, Cad 1037-D in the name of Barangay Government of Villa Libertad made by DENR is presumed valid and regular unless proven otherwise.
- g. That, to prove occupancy and continuous possession for a better right over the property, other Protestee such as the representative of Villa Libertad Elementary School and Head Teacher, Belen S. Cabutihan, former Barangay Chairperson and member of Barangay Council, Feguracion C, Dalabajan and Pablito Tumbokon provided their *Sinumpaang Salaysay* (Annexes "D" to "D₃") and other pertinent documents Tax Declaration 18-13-017-0584 issued to Barangay Government of Villa Libertad (Annex "E" of the final investigation report) and Land Tax Verification Slip (Annex "F" of the final investigation report).

II. ISSUE/S

1. Whether or not the approved subdivision plan **Csd-04-025364-D** of Lot 1115, Cad 1037-D is valid insofar as Lot 1115-A and Lot 1115-D are concerned.
2. Whether or not the issue of who has the better right on the remaining portion of Lot No. 928, Pls-31, now identified as a portion of Lot No. 1115, Cad 1037-D, with an area of 4,082 square meters is relevant to the case filed by the Protestant on the cancellation of Plan Csd-04-025364-D (Lot 1115-A & Lot 1115-D, Cad 1037-D).

III. LEGAL BASIS

1. Republic Act No. 386 Civil Code of the Philippines
2. *Gadrinab vs. Salamanca et al.*, G.R. No. 194560, June 11, 2014
3. Section 50 of Department (DENR) Administrative Order 2007-29
4. Article 1137 of the New Civil Code of the Philippines

IV. ANALYSIS

On the foregoing premises, the claim of *Santiago* over Lot 928, Pls-31 rest solely on the PLS-31 Survey in 1953-1954 indicating the name *Santiago Pacaña* as the survey claimant (Annex "J" of the investigation report). There were no more details that will remark significantly on the claim and possession of *Santiago* after he was named as the claimant. Merely being the listed claimant does not conclusively prove that *Santiago* owns Lot 928, Pls-31. It is noteworthy that in order to make a claim valid, the person claiming an unregistered portion of land who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive, and notorious possession and occupation, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of

title except when prevented by war or force majeure actual possession. In this instance, the heirs failed to present evidence/s such as the intention of *Santiago* to apply for title and/or payment of annual tax to substantiate their claim that *Santiago* was indeed the processor of the land named after him.

During the length of occupation and possession of the school and barangay in the portion of Lot 928, Pls-31 particularly on the area now covered by Lots 1115 and 1116, Cad 1037-D, the filing of the protest by the heirs is very surprising because they have entered into a compromise agreement with the school that they will drop their protest in 1996 with the same allegation with that filed on 2018. The said compromise agreement formed the basis for the subdivision of Lot 1115, Cad 1037-D under Csd-04-025364-D. The Supreme Court held that ***"A judgment on compromise agreement is a judgment on the merits. It has the effect of res judicata, and is immediately final and executory unless set aside because of falsity or vices of consent."*** (Gadrinab vs. Salamanca et al., G.R. No. 194560, June 11, 2014).

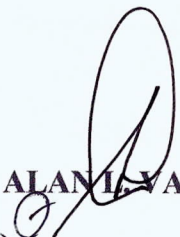
The Protestants' wish to partially invalidate the approved subdivision plan Csd-04-025364-D is not possible or even the complete cancellation of the said plan. Section 50 of DAO 2007-29 or otherwise known as Revised Regulations on Land Survey, *the cancellation of approved plan only occurs if it is proven to be erroneous and/or spuriously approved and not in accordance with the purpose for which it is was authorized.* The Csd-04-025364-D was done according to the compromise agreement the heirs entered into with the school. Nothing has been violated and it has been approved according to purpose.

The Protestant takes the form of collateral attack on Protestee's approved subdivision plan. The latter action is to nullify the approved subdivision plan, and thus challenge who has the better right on the remaining portion of Lot No. 928, Pls-31, now identified as a portion of Lot No. 1115, Cad 1037-D, with an area of 4,082 square meters. The attack is direct when the object of an action or proceeding is to annul or set aside the approved subdivision plan. On the other hand, the attack is indirect or collateral when, in an action to obtain a different relief, an attack on the approved subdivision plan is nevertheless made as an incident thereof.

In the present case, the attack on the approved subdivision plan is definitely merely collateral as the relief being sought by Protestants in their action was the recovery of the real right of possession.

In view of the above circumstances, considering that the protestant failed to prove any irregularities on the approval of the subdivision plan Csd-04-025364-D, the undersigned recommends the dismissal of the case without prejudice on the filing of a separate case relevant to the issue raised by the protestant. The undersigned also concurs with the recommendation of the assigned LIO to give weight the claimed of BLGU and Villa Libertad Elementary School.

For information and record.


ALAN VALLE



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: 2022-1674

Date and Time received

03/24/2022 04:19:36 PM

From: Jones Manoel Y. Lafuente

Document Type: Memorandums

DENR - CENRO, Taytay, Palawan

Subject: Letter Memo/re: Land case No. 0510 for cancellation of plan CSD-04-025364-D Lots 1115-A and 1115-B, Cad 1037-D, Bgy. Villa Libertad, El Nido, Palawan to Edgar O. Pacana. Samuel O. Pacana and Oscar O. Pacana Protestant, Versus the claim of Brgy. government of villa libertad Rep. by Punong barangay Johnny Fabrigas and Villa Libertad Elementary School Rep. by Head Teacher Belen S. Calubhuan Protestee.

Attachment(s): No attachment(s)

Earmarked As :

Date:		From:		To:	PPS
Action Recommended/Required:		Processing Time:		Remarks:	
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				Prepare CSW/ Investigation should start from the issuance of Survey Authority.	
Signature:				Signature: [Signature]	
Date:	3-25	From:	Chioh PMS	To:	SI Lafuente
Action Recommended/Required:		Processing Time:			
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Signature:				Signature: [Signature]	
Date:		From:		To:	
Action Recommended/Required:		Processing Time:			
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Signature:				Signature:	

Printed on 03/24/2022 4:19:46PM Received at: OFFICE OF THE CENRO Received by: ALLADO, JEANETTE



Republic of the Philippines
Department of Environment and Natural Resources

Region IV- MIMAROPA

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

5312 Taytay, Palawan

e-mail ad: cenrotaytay@denr.gov.ph

Contact Nos. 0912 171 3889 (S)/0917 158 9399 (G)

**DENR-CENRO
TAYTAY, PALAWAN**
DATE: 9-24-2018
CN: 16-14

**EDGAR O. PACAÑA. SAMUEL O. PACAÑA
AND OSCAR O. PACAÑA**

Protestant

-versus-

**THE CLAIM OF BARANGAY GOVERNMENT
OF VILLA LIBERTAD Rep.by Punong Barangay
Jhony Fabrigas and VILLA LIBERTAD ELEMENTARY
SCHOOL Rep. by Head Teacher Belen s. Cabutihan**
Protestee

Land Case No. 0510

For cancellation of Plan
Csd-04-025364-D
(Lots 1115-A & 1115-B,
Cad 1037-D), Brgy. Villa
Libertad, El Nido, Palawan

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FINAL INVESTIGATION REPORT

This case stemmed from the protest /complaint (Annex "A") filed by siblings Edgar, Samuel and Oscar, all with surname Pacaña on September 14, 2018 for cancellation of Plan Csd-04-025364-D (Annex "B") over Lot 1115, Cad 1037-D in Barangay Villa Libertad, El Nido, Palawan.

ALLEGATIONS OF THE PROTESTANTS

1. That, the Protestants together with their late brother Cesar O. Pacaña are the legitimate and compulsory heirs of Santiago Pacaña, who died intestate on October 13, 1970 in Villa Libertad, El Nido, Palawan;
2. That, Santiago Pacaña (*Santiago for brevity*) was the listed claimant and processor of Lot 928, Pls-31 containing an area of more or less seven (7) hectares during Bacuit (El Nido) Public Land Survey sometime in 1955;
3. That, over the years and during the lifetime of *Santiago*, portions of Lot 928, Pls-31 were either sold or conveyed by Santiago to several individual such that only a little over one (1) hectare was left after his death;
4. That, in this little over one (1) hectare, 5,000 sq.m. is occupied by Villa Libertad Elementary School while the remaining 4,082 sq.m. is occupied by Benjamin Ramirez, Liberty Tumbokon, Samuel Pacaña, heirs of Cesar O. Pacaña and Barangay Market (*talipapa*);

5. That, sometime in 1996, the heirs of Santiago questioned the occupation of Villa Libertad Elementary School over the portion of 5,000 sq.m. where the school buildings and other facilities are located. The heirs were told that the said portion was allegedly sold/donated by *Santiago* to school but no document of conveyance was ever shown to them. At any rate, even if assuming the portion was truly sold or donated to the school, the same was made by *Santiago* without the consent of his wife, thus, the portion legally conveyed was only one half of the five thousand (5,000) square meters;
6. That, to resolve the issue on the five thousand (5,000) square meters and as an act of generosity and for community well-being, the heirs of *Santiago*, entered into a compromise agreement (Annex "C") with the school authorities on May 8, 1996 to drop their complaint on the school's occupation of the 5,000 sq.m. in exchange of the offer of the school to give them 100 sq.m. each to be taken from the area being claimed and occupied by the school. But the school never complied with the said agreement;
7. That, sometime in 2017, the heirs decided to have the remaining 4,082 square meter titled in their names but surprised when they were informed by DENR CENRO Taytay that the area was already surveyed for the Barangay Government of Villa Libertad, Villa Libertad Elementary School and Liberty Tumbokon, et.al. They were given a copy of the subdivision plan of Lot 1115, Cad 1037-D which was approved on August 31, 2004 (see Annex "B").
8. That, in the said approved subdivision survey, Villa Libertad Elementary School was given a portion of Seven Hundred Thirty-seven (737) square meters while the Barangay Government of Villa Libertad was given One Thousand Eight Hundred Thirteen (1,813) square meter. The remaining portions were surveyed for Liberty Tumbokon (400 Square meters), Gabina Pacaña (400 square meters), Benjamin Ramirez (133 square meters), and Samuel Pacaña (267 square meter);
9. That, the approved survey for Villa Libertad Elementary School and Barangay Government of Villa Libertad is patently illegal and thus void because the heirs of *Santiago* never waived, donated or sold portions of the property to them, and hence they have no right whatsoever to the areas allotted to them. The remaining portions allotted to Liberty Tumbokon, et.al. are not being questioned by the heirs in this protest because they have a right to their respective portions either as legal heirs or vendees;

10. That, the subdivision survey was executed without the knowledge and consent of the heirs of *Santiago*. In fact, the one who gave conformity to the survey was Feguracion Dalabajan who signed the survey as the land owner. Dalabajan has no right whatsoever to initiate the subdivision survey or to sign the conformity to the survey because she was not in any way authorize by the heirs.

PROTESTEE'S ANSWER

On May 25, 2019, Hon. Jhony Fabrigas submitted a verified answer to the the protest filed by the heirs of *Santiago* which was duly received by DENR CENRO Taytay on May 31, 2019 and on September 11, 2019 Mrs Belen S. Cabutihan, Head Teacher of Villa Libertad Elementary also submitted her answer received by the Office on September 16, 2019 . Hon. Fabrigas and Mrs Cabutihan both deny the allegations contained in the Verified Protest/Complaint for lack of basis in fact and in law.

1. That, Protestant just anchored their claims on the Bacuit (El Nido) Public Land Subdivision (Case 2), Pls-31 (PHILCUSA-FOA) sometime in the year 1955 as stated in their complaint. It is not sufficient basis to establish legal right.
2. That, the subject property was never covered by a Title under their name, so much so that the right of the Protestant over the said property in merely inchoate, a mere privilege granted by the State subject to their continuous possession of the property.
3. That, based on evidence presented, *Santiago* and his heirs have lost their possession of the property, as such they have also lost their right over the property in favor of present occupants, In order to perfect their rights, the possession should have been in the continuous, adverse and exclusive. Protestants failed to prove this.
4. That, in fact, Villa Elementary School and the Barangay Government are the actual occupant of the said property for a long period of time.
5. That, Paragraph 7 of the Protest (see Annex "A) stated "*Sometime in 1996, the heirs questioned the occupation by the Villa Libertad Elementary School of a portion of about five thousand (5,000) square meters of Lot 928. It is the portion where the school buildings and other facilities are located. The heirs were told that the said portion was allegedly sold or donated by Santiago Pacaña but no document of conveyance was ever shown to them. At any rate, even if assuming the portion was truly sold or donated to the school, the same*

was made by Santiago without the consent of his wife, thus, the portion legally conveyed was only one half of the five thousand (5,000) square meters”

This argument is simply misplaced. *Santiago* and his heirs never regained ownership over the property. It is therefore not material on whether or not *Santiago* made conveyances during his lifetime. Simply put, one cannot sell or convey what one does not own.

6. That, Protestants failed to present evidence to overcome the presumption of regulatory, subdivision plan of Lot 1115, Cad 1037-D in the name of Barangay Government of Villa Libertad made by DENR is presumed valid and regular unless proven otherwise.
7. That, to prove occupancy and continuous possession for a better right over the property, other Protestee such as the representative of Villa Libertad Elementary School and Head Teacher, Belen S. Cabutihan, former Barangay Chairperson and member of Barangay Council, Feguracion C, Dalabajan and Pablito Tumbokon provided their *Sinumpaang Salaysay* (Annexes “D” to “D₃”) and other pertinent documents Tax Declaration 18-13-017-0584 issued to Barangay Government of Villa Libertad (Annex “E”) and Land Tax Verification Slip (Annex “F”).

ISSUE/S

1. Partially cancel the approved subdivision plan **Csd-04-025364-D** of Lot 1115, Cad 1037-D insofar as Lot 1115-A and Lot 1115-D are concerned; and
2. Reconvey the questioned portions in favor of the heir of Santiago Pacaña.

RECORDS VERIFICATION

Per records verification, the subject area of the case is portion of **Lot 928, Pls-31** containing an area of **7.1332 hectares** and surveyed for **Santiago Pacaña**. Based on the Allocation Book kept on Records, portion of this lot covering six (6) hectares is covered by **Homestead Patent Application 2-1582** of **Pacifico Orense** filed on April 19, 1955. However, the carpeta/folder containing the application of Orense was not found on file. Further, Lot 928, Pls-31 was resurveyed under El Nido Cadastre and in this lot are Cadastral Lots No. 1113, 1114, 1115, 1116, 1188 and 1189, Cad 1037-D (Annex “G”).



Lot No.	Survey Claimant	Area	Remarks
1113	Pls-31 (Lot 928, Pls-31 Portion)	23,881	•claimed by Cristituto Valdez •covered by various isolated surveys
1114	Ten Knots Philippines, Inc.	4,358	•claimed by Cristituto Valdez •covered by isolated surveys
1115	Ten Knots Philippines, Inc.	4,082	•claimed by the Hrs. of Santiago Pacaña •occupied by the Barangay Local Government of Villa Libertad •subdivided under Csd-04-025364-D in favor of the Barangay Local Government of Villa Libertad, et.al.
1116	School Site vs C. Valdez	4,358	•occupied by Villa Libertad Elelemntary School
1188	Road	9,567	•Provincial Road
1189	Santiago Pacaña	24,632	•claimed by Cristituto Valdez •covered by isolated surveys

Lot subject of this case is Lot 1115, Cad 1037-D containing an area of Four Thousand Eighty-two (4,082) square meters and surveyed for Ten Knots Philippines, Inc. However, Alberto A. Lim –President of Ten Knots Philippines, Inc. executed an affidavit dated August 21, 2002 stating that Lot 1115, Cad 1037-D was not one of the property of TKPI, this was placed on the “Note” of the approved plan. It was subdivided under **Csd-04-025364-D** in favor of the Barangay Government, et.al. with six (6) resultant lots:

- Lot 1115-A Area: 737 sq.m. - surveyed for Villa Libertad Elementary School
- Lot 1115-B Area: 400 sq.m. - surveyed for Ma. Liberty Tumbokon and covered by Free Patent No. 045312-09-26030 of Maria Liberty C. Tumbokon issued on July 16, 2009
- Lot 1115-C Area: 400 sq.m. - surveyed for Gabina Pacaña and covered by Residential Free Patent Application No. 045312-230 of Gabina A. Pacaña filed on January 26, 2015
- Lot 1115-D Area: 1,813 sq.m. - surveyed for Barangay Government of Villa Libertad;
- Lot 1115-E Area: 133 sq.m. – surveyed for Benjamin Ramirez
- Lot 1115-F Area: 267 sq.m. – appeared **no name** on claimant is covered by Free Patent Application No. 045312-922-A of Manuel S. Valdez filed on April 29, 2013.

Further, Lot 1116, Cad 1037-D and Lot 1115-A, Csd-04-025364-D has a pending request for issuance for Special Patent as of May 18, 2011 (Annex “H”).

OCULAR INSPECTION

The first ocular inspection was headed by the RPS, OIC-Chief Cocjen on January 31, 2020 while the herein investigator together with the assistance from Records Officer Base and PMF Casel conducted an ocular inspection, investigation and verification of the subject area dated April 15, 2021.



First Ocular Inspection



Second Ocular Inspection

The Villa Libertad Elementary is already well established on Lot 1116, Cad 1037-D and the schools' claimed portion of Lot 1115 is kept vacant by the school and surrounded by fence



Lot claimed by the Villa Libertad Elementary School (Lot 115-A)

while there is an on-going issue here. However, there is a notable damaged part of the fence within the boundary of Lots 1115-A and 1115-F and an under construction of house within the part of Lot 1115-A which according

to the school’s representative belongs to the child of Samuel Pacaña (*Samuel*), one of the heirs of *Santiago* and among the Protestant.



On-going construction of house by Samuel’s child

Lot 1115-B is occupied by Liberty Tumbokon and family, evidenced by the established house and store within. Meanwhile, Lot 1115-C is being occupied by Gabina Pacaña and children, family of late Cesar Pacaña who is also one of the heirs of *Santiago* but not part of the Protest. Next to it is 1115-E being occupied by Mrs. Tita Ramirez, wife of Benjamin Ramirez, who bought the lot share of Oscar Pacaña prior to the subdivision of Lot 1115, Cad 1037-D. Mrs Ramirez also bought portion of Lot 1115-F containing an area of one hundred thirty-three (133) square meters, lot share of Edgar Pacaña, as evidenced by the *Deed of Conveyance and Waiver of Rights Over a Parcel of Land* executed by Edgar O. Pacaña in favor of Tita Novelo-Ramirez on November 12, 2010 (Annex “I”).



Lot Claimed by Tita Ramirez wife of Benjamin Ramirez on Lot 1115-E and portion of Lot 1115-F



Only one hundred thirty-four (134) square meters is left in Lot 1115-F which is lot share of *Samuel*. But according to Mrs Ramirez even this remaining portion has been sold as well. Lot 1115-D is being occupied by the Barangay Local Government Unit of Villa Libertad as market containing an area of one thousand eight hundred thirteen (1,813) square meters. This was traversed by the Barangay Road with approximate length of ten (10) meters from the Provincial Road



LEGAL BASIS

1. Republic Act No. 386 Civil Code of the Philippines
2. *Gadrinab vs. Salamanca et al.*, G.R. No. 194560, June 11, 2014
3. Section 50 of Department (DENR) Administrative Order 2007-29

DISCUSSION, OBSERVATION AND FINDINGS

On the foregoing premises, the claim of *Santiago* over Lot 928, Pls-31 rest solely on PLS-31 Survey in 1953-1954 indicating the name *Santiago Pacaña* as survey claimant (Annex “J”). There were no more details that will remark significantly on the claim and possession of *Santiago* after he was named as claimant. Merely being the listed claimant does not conclusively prove that *Santiago* owns Lot 928, Pls-31. It is noteworthy that in order to make a claim effective, the person claiming a real property adversely must be in actual possession of the property. In this instance, the heirs failed to present evidence/s such as intention of *Santiago* to apply for title and/or payment of annual tax to substantiate their claim that *Santiago* was indeed the processor of the land named after him.

Instead, one Pacifico Orense (*Orense*) bear out evidences of rights over the land via recorded Homestead Patent Application 2-1582 filed on April 19, 1955 covering 6 hectares. However, carpeta/folder containing his application is not found on file despite exhaustive search.

Handwritten signature or mark.

Hence, herein investigator cannot determine how *Santiago's* right was waived in favor of *Orense*. But nonetheless, *Orense's* succession over the land is valid since there is no recorded conflict between *Santiago* and *Orense*. Further, *Orense* was also issued with Tax Declaration in 1963 (Annex "K").

From this six (6) hectares claim of *Orense* where the claim of Cristituto Valdez was originated covering Cadastral Lots 1113, 1114, 1188 and 1189, Cad 1037-D. The remaining one (1) hectare more or less covering Lots 1115 and 1116, Cad 1037-D is what the Villa Libertad Elementary School allegedly purchased from *Santiago* and where the school itself has been built since 1969 and other part is being occupied by the barangay since 1980.

During the length of occupation and possession of the school and barangay in the portion of Lot 928, Pls-31 particularly on the area now covered by Lots 1115 and 1116, Cad 1037-D, the filing of the protest by the heirs is very surprising because they have entered into a compromise agreement with the school that they will drop their protest in 1996 with the same allegation with that filed on 2018. The said compromise agreement formed the basis for the subdivision of Lot 1115, Cad 1037-D under Csd-04-025364-D. The Supreme Court held that *"A judgment on compromise agreement is a judgment on the merits. It has the effect of res judicata, and is immediately final and executory unless set aside because of falsity or vices of consent."* (Gadrinab vs. Salamanca et al., G.R. No. 194560, June 11, 2014).

The Protestants' wish to partially invalidating the approved subdivision plan Csd-04-025364-D is not possible or even the complete cancellation of the said plan. Section 50 of DAO 2007-29 or otherwise known as Revised Regulations on Land Survey, *the cancellation of approved plan only occurs if it is proven to be erroneous and/or spuriously approved and not in accordance with the purpose for which it was authorized*. The Csd-04-025364-D was done according to the compromise agreement the heirs entered into with the school. Nothing has violated and it has been approved according to purpose.

RECOMMENDATION

The herein investigator give weight to the claims of the Barangay Local Government of Villa Libertad and Villa Libertad Elementary School. The length of their possession and occupation based on tax declaration presented prove that the school and the barangay government have the rightful claim over the lot subject of the protest.


JONES MANÓEL Y. LAFUENTE

Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

**EDGARI O. PACAÑA, SAMUEL O.
PACAÑA & OSCAR O. PACAÑA,**
Protestants/Complainants.

CASE NO. ____

-versus-

for:

BGY. GOVERNMENT OF VILLA LIBERTAD,
rep. by its Punong Barangay JHONY
FABREGAS & VILLA LIBERTAD ELEMEN-
TARY SCHOOL, rep. by its Head Teacher
BELEN S. CABUTIHAN,
Protestees/Respondents.

**"FOR CANCELLATION OF CSD-04-
025364-D (Lot 1115, Cad 1037-D,
EL NIDO, PALAWAN"**

X-----X

VERIFIED PROTEST/COMPLAINT

PROTESTANTS/COMPLAINANTS by themselves and unto this Honorable Office most respectfully file this protest on the approval of Csd-04-025363-D and hereby further state that:

1. They are all Filipino citizens and more than sixty (60) years old, farmers, married and residents of Bgy. Villa Libertad, El Nido, Palawan, where they may be served with notices and orders coming from this Honorable Office;
2. Protestees/respondents *Bgy. Government of Villa Libertad, El Nido, Palawan, and Villa Libertad Elementary School* are government entities represented herein by their respective heads that are all based in Bgy. Villa Libertad, El Nido, Palawan, where they may be served with summons, notices and orders of this Honorable Office;
3. Protestants Oscar O. Pacaña, Edgar O. Pacaña and Samuel O. Pacaña, together with their late brother, Cesar O. Pacaña, are the only legitimate and compulsory heirs of Santiago Pacaña, who died intestate on October 13, 1970 in Bgy. Villa Libertad, El Nido, Palawan;

4. During his lifetime, Santiago Pacaña was the legitimate and only claimant and possessor of Lot No. 928 with an area of more or less seven (7) hectares located in Bgy. Villa Libertad, El Nido, Palawan. Said property was surveyed in his name sometime in the year 1955 in the Bacuit (El Nido) Public Land Subdivision (Case -2), Pls-31 (PHILCUSA – FOA). As evidence we are submitting herewith as **Annex "A"** the said Bacuit Public Land Subdivision which is made as an integral part of this protest;
5. Over the years and during the lifetime of Santiago Pacaña, portions of Lot No. 928 were either sold or conveyed to several individuals such that only a little over one (1) hectare was left after the death of Santiago;
6. Of the more than one (1) hectare left after Santiago's death, about five thousand (5,000) square meters is being presently occupied by the *Villa Libertad Elementary School* while the remaining four thousand and eighty two (4,082) square meters, situated across the *barangay* road facing the elementary school, are being presently occupied by Benjamin Ramirez, Liberty Tumbokon, Samuel O. Pacaña and the heirs of Cesar O. Pacaña. A number of small market stalls (*talipapa*), facing the north national highway, are also inside which are being rented out by the *barangay* government to several vendors together with some small commercial structures occupied by some individuals. The remaining areas are now part of the road right of way (north national highway);
7. Sometime in 1996, the heirs questioned the occupation by the Villa Libertad Elementary School of a portion of about five thousand (5,000) square meters of Lot No. 928. It is the portion where the school buildings and other facilities are located. The heirs were told that the said portion was allegedly sold or donated by Santiago Pacaña but no document of conveyance was ever shown to them. At any rate, even if assuming the portion was truly sold or donated to the school, the same was made by Santiago without the consent of his wife, thus, the portion legally conveyed was only one half of the five thousand (5,000) square meters;
8. To solve the issue on the five thousand (5,000) square meters and as an act of generosity and for the community well being, the protestants, together with their mother and other co-heir, entered into a compromise agreement with the school authorities on May 8, 1996. In said compromise they agreed to drop their complaint on the school's occupation of the 5,000 square meters in exchange of the offer of the school to give them one hundred (100) square meters each to be taken from the area being claimed and occupied by the school. This promise was never complied with by the Villa Libertad Elementary School. We

are attaching hereto the compromise agreement dated May 8, 1996 as **Annex "B"** hereof;

9. Sometime in 2017, the heirs decided to have the remaining 4,082 square meters titled in their name but to their surprise they were informed by the CENRO personnel in Taytay, Palawan, that the area was already surveyed for the *barangay* government of Villa Libertad, the Villa Libertad Elementary School and Liberty Tumbokon, et al. They were given a copy of the subdivision plan of Lot 1115, Cad 1037-D, which was approved on August 31, 2004. A copy of said subdivision plan is hereto attached as **Annex "C"** and is made as an integral part of this protest;
10. In said approved subdivision survey, Villa Libertad Elementary School was given a portion of SEVEN HUNDRED THIRTY SEVEN (737) square meters while the *Barangay* Government of Villa Libertad was given ONE THOUSAND EIGHT HUNDRED THIRTEEN (1,813) square meters. The remaining portions were surveyed for Liberty Tumbokon (400 square meters), Gabina Pacaña (400 square meters), Benjamin Ramirez (133 square meters, and Samuel Pacaña (267 square meters);
11. The approved surveys for Villa Libertad Elementary School and the *Barangay* Government of Villa Libertad are patently illegal and thus void because the heirs of Santiago Pacaña never waived, donated or sold a portion of the property to them, and hence they have no right whatsoever to the areas allotted to them. The remaining portions allotted to Liberty Tumbokon, et al. are not being questioned by the heirs in this protest because they have a right to their respective portions either as legal heirs or vendees;
12. The subdivision survey was likewise made without the knowledge and consent of the Heirs of Santiago Pacana. In fact, the one who gave conformity to the survey was Feguracion Dalabajan who signed the survey as the land owner. Dalabajan has no right whatsoever to initiate the subdivision survey or to sign the conformity to the survey because she was not in any way authorize by the heirs.

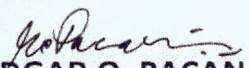
WHEREFORE, PREMISES CONSIDERED, it is most respectfully prayed of this Honorable Office to render judgment in favour of the protestants/complainants and against the protestees/respondents –

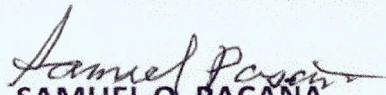
1. by partially invalidating the approval of CSD-4-025364-D (Subdivision Plan of Lot 1115, Cad 1037-D, El Nido) insofar as Lot 1115-A (Area=737 square meters Villa Libertad Elementary School) and Lot 1115-D (Area=1,813 square meters *Barangay* Government of Villa Libertad, El Nido), are concerned; and

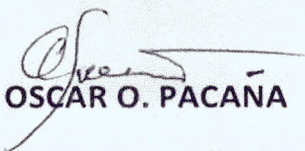
2. to reconvey the said questioned portions to the Heirs of Santiago Pacaña.

Other reliefs and remedies just and equitable under the circumstances are likewise prayed for.

Puerto Princesa City for El Nido, Palawan, September 10, 2018.


EDGAR O. PACANA


SAMUEL O. PACANA

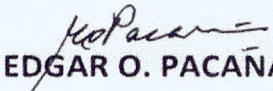

OSCAR O. PACANA

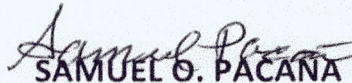
VERIFICATION WITH CERTIFICATION OF
NON-FORUM SHOPPING


We, **EDGAR O. PACAÑA**, **OSCAR O. PACAÑA** and **SAMUEL O. PACAÑA**, all of legal age (senior citizens), Filipinos, with address at Bgy. Villa Libertad, El Nido, Palawan, after having been sworn to in accordance with law, hereby depose and state:

1. We are the protestants/complainants in the case on which this verification with certification of non-forum shopping is attached;
2. We have caused the preparation and filing of this protest as Heirs of Santiago Pacaña;
3. We have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other lower court, tribunal or agency,
4. To our knowledge, no other such action or proceeding is pending in any judicial court or other tribunal or agency in the Philippines involving the same issues, claims or parties;
5. Should it come to our knowledge that a similar action or proceeding has been filed or is pending before any court, tribunal or agency in the Philippines, we hereby undertake to notify this Office within five days from receipt of such knowledge.

Puerto Princesa City, September 10, 2018.



EDGAR O. PACAÑA


SAMUEL O. PACAÑA


OSCAR O. PACAÑA

SUBSCRIBED AND SWORN to before me this SEP 10 2018 day of September 2018 in Puerto Princesa City, by **Edgar O. Pacana with OSCA ID No. 2679; Samuel O. Pacaña with OSCA ID No. 0185 and Oscar O. Pacaña with OSCA ID No. 2295**, containing their respective name, picture and signature as competent proof of their identity.

Doc. No. 185;
Page No. 38;
Book No. LXII;
Series of 2018.


ATTY. MARTINE RUELO
NOTARY PUBLIC
UNTIL DECEMBER 31, 2019
PTR NO. 4960333 R-12/19-2017-P.P.C.
IBP NO. 1028688-12/11/2017-P.P.C.
RM. 18 2/F CAPITOL COMMERCIAL COMPLEX
FERNANDEZ ST., PUERTO PRINCESA CITY

COMPROMISE AGREEMENT

ANNEX C

KNOW ALL MEN BY THESE PRESENTS:

This agreement entered into by and between the HEIRS of the late SANTIAGO PACARA, all of legal age, Filipino, all residing at the Municipality of El Nido, Palawan herein referred to as the PARTY OF THE FIRST PART;

-and-

The Villa Libertad Elementary School of Bgy. Villa Libertad, El Nido, Palawan as represented by Mrs. BELEN S. CABUTIHAN, Teacher-In-Charge and MS. ALFONSO MASURA, PTA President, also of legal ages, both residing and with post office address at Bgy. Villa Libertad, El Nido, Palawan, herein referred to as the PARTY OF THE SECOND PART;

WITNESSETH

That the PARTY OF THE FIRST PART are the HEIRS of the late SANTIAGO PACARA and his successor-in-interest over a certain parcel of public land known and designated as Lot 928 PLS-31 situated at Bgy. Villa Libertad, El Nido, Palawan, containing an area of SEVENTY ONE THOUSAND THREE HUNDRED THIRTY-FIVE (71,335) Square Meters;

That the PARTY OF THE SECOND PART contends that they had illegitimately bought one (1) hectare portion, excluding road-right-of-way now established thereat, of above Lot 928, PLS-31 from the late SANTIAGO PACARA;

That the PARTY OF THE FIRST PART asserts that the sale and conveyance is questionable and devoid of proper order arguing that the transaction was not duly concurred in by the spouse of said SANTIAGO PACARA;

That upon and after civil confrontation, argument, and mutual concession, both PARTIES arrived at a compromise agreement as follows:

"That the HEIRS shall WITHDRAW and QUIT their claim in the contested portion of the one (1) hectare School site in exchange of below concessions:

1. SAMUEL, OSCAR and EDGAR, all surnamed PACARA shall be given, free from any remuneration, a 10 x 10-meters residential lot each;
2. GABINA ARZAGA-PACARA, wife of the heir OSCAR PACARA shall be accorded property rights over her present residential occupancy."

That a subsequent Survey Order shall be requested to the Project Management Office, Survey and Land Titling Component, Second Palawan Integrated Area Development Project (SLT-SPIADP) thru the DENR-Community Environment and Natural Resources Office (DENR-CENRO) of Taytay, Palawan to effect and finalize above compromise.

IN TESTIMONY WHEREOF, PARTIES have hereunto set hands this 8th day of May 1996 at Villa Libertad, El Nido, Palawan.

SAMUEL O. PACARA

Immediate Heir

CIC # 8403078

Issued On 5-7-96 at E Nido

BELEN S. CABUTIHAN

Teacher-In-Charge

CIC # 8187422

Issued On 5-7-96 at E Nido, Pal

EDGAR O. PACANA

Immediate Heir

CTC # 8387448

Issued on 03-04-96 at El Nido

OSCAR O. PACANA

Immediate Heir

CTC # 8387420

Issued on 04-04-96 at El Nido

CARMEN O. PACANA

Spouse

CTC # 8387419

Issued on 04-04-96 at El Nido

HELENA O. PACANA

Wife of Deceased Heir

CTC # 8387431

Issued on 04-15-96 at El Nido

SIGNED IN THE PRESENCE OF:

JAIME P. CABUTANON

Bgy. Captain

ALFONSO MASULA

PTCA Pres.

CTC # 8387442

Issued on 05-05-96 at Villa Libertad, El Nido

PABLO S. TUMBOKON

Bgy. Kagawad

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of Palawan)
Municipality of El Nido)

BEFORE ME, this 8th day of May 1996 at El Nido, Palawan, personally appeared the above-signed individuals very known to me to be the same individuals who executed the foregoing instrument affecting Lot No. 928, PLS-31, which document consist of two (2) pages including this page wherein the acknowledgement is written. The same persons exhibited to me their respective Community Tax Certificates as written below their names and signatures above.

ALEJANDRO P. GALASINAO, JR.
Land Management Officer-I
SLT-UPLADP

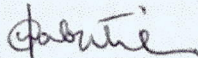
Republic of the Philippines)
Puerto Princesa City) S.S.

SINUMPAANG SALAYSAY

Ako si **Gng. BELEN S. CABUTHAN**, nasa tamang edad, Pilipino, may asawa at naninirahan sa Barangay Villa Libertad El Nido, Palawan, matapos manumpa ng naayon sa batas ay malayang isinasaad ang mga sumusunod:

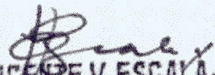
1. Na ako ay nagtuturo bilang guro sa Paaralang Elementarya ng Barangay Villa Libertad;
2. Na noong 1996 nagkasundo ang mga miyembro ng Parents Teachers Association ng Paaralang Elementarya ng Villa Libertad na bakurin ang school site, ngunit hinaharang po kami ni Gng. Gabina Pacaña dahil ito daw ay lupa nila, at matagal na silang naninirahan dito. Kung kaya idinulog ko ito sa Barangay dahil sa pagkaalam ko na-survey na ito ng Cadastral sa school (Lot 1115);
3. Na nakarating ang problemang ito sa CENRO kung kaya nagkaroon ng imbestigasyon at nangyari ang Compromise Agreement. Agad kaming nagrequest ng survey order, ngunit hindi ito nabigyan agad ng kasagutan.
4. Nagrequest na naman kami ng survey order ngunit ayon sa kanila ito ay pag-aari ng 10 Knots Phil.. Kung kaya nagkaroon nanaman ng imbestigasyon. Ayon kay Mr. Lim ng 10 Knots, hindi nila ito pag-aari, kaya nagrequest uli kami ng survey.
5. Noong 2004 nais ng PTA na bakurin na ang kabuoang area ng school, ngunit patuloy paring hinaharangan ni Gng. Gabina Pacaña, dahil doon siya nakatira sa area Lot 1115 na pag-aari ng school. Kaya idinulog uli namin sa Barangay. Para matapos na ang problemang ito, nagkasundo ang dalawang partido na bigyan ng tig 1000 sq. meter ang school at Pacaña at ang remaining area ay napunta sa barangay. Ito ay sa pamumuno ni Ex-Kapitan Feguracion Dalabajan.
6. Sa Pacaña Family nagkasundo na bibigyan ng 10 x 10 sina Edgar, Oscar, at Samuel, (300 sq. m) at ang remaining area ay kay Gng. Gabina Pacaña. Ito ay ayon din sa Compromise Agreement noong 1996, kaya na survey ito.
7. Aking pinapatunayan na ang nakasaad sa salaysay na ito ay pawang katotohanan.

Nilagdaan ko sa ngayong Mayo 28 2019 sa lungsod ng Puerto Princesa


Gng. BELEN S. CABUTIHAN
May Salaysay

SUBSCRIBED AND SWORN TO before me this MAY 28 2019 at Puerto Princesa
City, Philippines, affiant exhibited to me her ID No. _____.

Doc No. 271
Page No. 56
Book No. VIII
Series of 2019


ATTY. VICENTE V. ESCALA, JR.
NOTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
UNTIL DECEMBER 31, 2019
PTR NO. 5111375 03-30-16 PALAWAN
JEP NO. 1041469 06-14-16 PALAWAN
ROLL NO. 65032

Republic of the Philippines)
Puerto Princesa City) S.S.

SINUMPAANG SALAYSAY

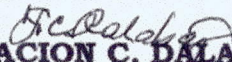
Ako si Gng. **FEguracion C. DALABAJAN**, nasa tamang edad, Pilipino, biyudo at naninirahan sa Barangay Villa Libertad El Nido, Palawan, matapos manumpa ng naayon sa batas ay malayang isinasaad ang mga sumusunod:

1. Na ako ay naging Bgy. Kagawad ng Barangay Villa Libertad, El Nido, Palawan noong July 1997- May 2001, ang aming Punong Barangay ay si Diosdado B. Villanueva ng Barangay Villa Libertad, El Nido, Palawan.
2. Na ako ay naging Punong Barangay mula June 2001- November 2010 ng Barangay Villa Libertad, El Nido, Palawan;
3. Na noong ako ay Punong Barangay sa nasabing Barangay, kami ng Villa Libertad Elementary School Site at Bgy. Villa Libertad Government Site ay nagpasukat ng lupa at ito ay napapaloob sa Tax Declaration No.13-017-0473 dahil may request sa CENRO-DENR-Taytay, Palawan, ng authority to survey.
4. Na nagkaroon ng kasunduan or Agreement sa pagitan ng heirs of Santiago Pacaña & family sa nasabing lupa, at Mrs. Belen S. Cabutihan, Teacher-in-charge of Villa Libertad Elementary School. Ang bawat heir of Santiago Pacaña ay mayroon kaparti sina, Edgar Pacaña, Oscar Pacaña, Samuel Pacaña, Crisencia Pacaña asawa ni Santiago Pacaña at Gabina A. Pacaña, asawa ni Cesar Pacaña, na sila ay naka pirma sa nasabing agreement noong May 6, 1996. Pinatunayan ni P/B Jaime P. Cabutihan at Brgy. Kagawad Pablito Tumbokon.
5. Na ako po ay nakapirma sa subdivision survey conformity dahil ako ay Punong Barangay ng Bgy. Villa Libertad, El Nido, Palawan nang dumating ang approved subdivision survey, ng Villa Libertad

Government Site at Villa Libertad Elementary School
Site. Lot No. 1115

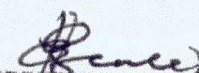
6. Aking pinapatunayan na ang nakasaad sa salaysay na
ito ay pawang katotohanan.

Nilagdaan ko sa ngayong Mayo 28 2019 sa lungsod ng Puerto Princesa


FEGRACION C. DALABAJAN
May Salaysay

SUBSCRIBED AND SWORN TO before me this **MAY 28 2019** at Puerto
Princesa City, Philippines, affiant exhibited to me her ID No. _____.

Doc No. 270
Page No. 55
Book No. VIII
Series of 2019


ATTY. VICENTE V. ESCALA, JR.
NOTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
UNTIL DECEMBER 31, 2019
PTR NO. 511375 03-30-18 PALAWAN
IBP NO. 1041459 05-14-16 PALAWAN
RULL NO. 65032

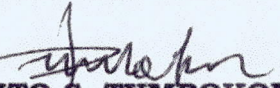
Republic of the Philippines)
Puerto Princesa City) S.S.

SINUMPAANG SALAYSAY

Ako si **PABLITO S. TUMBOKON** , nasa tamang edad, Pilipino, at naninirahan sa Barangay Villa Libertad El Nido, Palawan, matapos manumpa ng naayon sa batas ay malayang isinasaad ang mga sumusunod:

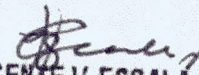
1. Na ako ay nagging membro ng Barangay Council ng Barangay Villa Libertad, El Nido, Palawan noong taong 1994-97 sa pamumuno ng aming Punong Barangay Hon. Jaime P. Cabutihan.
2. Na noong kasalukuyang opisyaes kami ng nasabing Barangay ay nagkaroon ng imbestigasyon sa lupang kinatatayuan ng barangay Government at School Site- VS. PACAÑA FAMILY
3. NA: Noong nagkaroon ng imbestigasyon ang CENRO-Taytay, hindi ako nakipag participate sa kadahilanang isa ako sa nag occupy ng 20 x 20 sq.m. sa nasabing lupa, na kung saan ay titulado na sa pangalan ng aking anak na si Maria Liberty C. Tumbokon;
4. Na pagkatapos ng imbestigasyon ng CENRO-Taytay ay nagkaroon ng kasunduan o document ang school authorities at Pacaña Family;
5. NA: Ayon sa kanilang kasunduan o document ay bahagihan ng lupa na may sukat na 10 x 10 sq.m. sina Samuel Pacaña, Oscar Pacaña, Edgar Pacaña at Gabina Uda de Pacaña ay mananatili sa kanyang kinatatayuan ng kanyang bahay na sukat na 20 x 20 sq.m.
6. NA: Bilang isang membro ng konseho, kung kaya't isa ako sa witness ng nasabing kasunduan o documneto ng school authorities at PACAÑA FAMILY
7. Aking pinapatunayan na ang nakasaad sa salaysay na ito ay pawang katotohanan.

Nilagdaan ko sa ngayong Mayo 28 2019 sa lungsod ng Puerto Princesa


FABLITO S. TUMBOKON
May Salaysay

SUBSCRIBED AND SWORN TO before me this MAY 28 2019 at Puerto
Princesa City, Philippines, affiant exhibited to me her ID No. _____.

Doc No. 272
Page No. 56
Book No. VIII
Series of 2019


ATTY. VICENTE V. ESCALA, JR.
NOTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
UNTIL DECEMBER 31, 2019
PTR NO. 511375 03-30-18 PALAWAN
I&P NO. 1041459 06-14-15 PALAWAN
ROLL NO. 65032

TAX DECLARATION OF REAL PROPERTY

ANNEX E

T.D. No.: 18-13-017-0584

Property Identification No.: 066-13-017-09-168

Owner: BARANGAY GOVERNMENT OF VILLA LIBERTAD
Address: VILLA LIBERTAD, EL NIDO, PALAWAN
Administrator/Beneficial User: C/O BARANGAY CAPTAIN
Address: VILLA LIBERTAD, EL NIDO, PALAWAN
Location of Property: VILLA LIBERTAD EL NIDO, PALAWAN
(Number and Street) (Barangay/District) (Municipality & Province)

OCT/TCT/CLOA No. Survey No. CSD-04-025364-D, IDEN. TO LOT 11171, CAD-1037-DF
CCT: Lot No. 1115-D
Date: Block No.
Boundaries: North: ALN 162, 163, 164 South: ALN 044, 045
East: ALN 165, 167 West: PROV'L ROAD

KIND OF PROPERTY ASSESSED:

[X] LAND [] MACHINERY
[] BUILDING Brief Description:
No. of Storeys: Others:
Brief Description: Specify:

Classification	Area	Unit Value	Market Value	Actual Use	Assessment Level	Assessed Value	Taxability
RESIDENTIAL (R-1)	1,813.00 sq.m	1,100 Php	1,994,300.00	RESIDENTIAL (Brgy. Site (Plaza))	10 % Php	199,430.00	EXEMPT
Total	1,813.00 sq.m	Php	1,994,300.00		Php	199,430.00	

Total Assessed Value ONE HUNDRED NINETY-NINE THOUSAND FOUR HUNDRED THIRTY PESOS
(Amount in Words)

Taxable [] Exempt [X] Effectivity of Assessment/Reassessment: 2019 YEAR

Approved by: By Authority of the Provincial Assessor:

(SGD) MA. CRESENCIA A. FERNANDEZ, REA
MUNICIPAL ASSESSOR

8/9/2018
Date

This declaration cancels TD No. 13-017-0473 Previous A.V. Php. 130,540.00 Previous PIN: 066-13-017-09-168
Previous Owner: BARANGAY GOVERNMENT OF VILLA LIBERTAD; Prev. Admin: C/O BARANGAY CAPTAIN Previous Area: 1813 sq.m.

Memoranda:

REVISED PURSUANT TO SECTION 219 OF R. A. 7160 AND SECTION 24 OF PROVINCIAL ORDINANCE NO. 1914-2018, SERIES OF 2018.

Note: This declaration is for real property taxation purposes only and the valuation indicated herein are based on the schedule of unit market values prepared for the purpose and duly enacted into an Ordinance by the Sangguniang Panlalawigan under Ordinance No. 1914-2018 dated March 26, 2018. It does not and cannot by itself alone confer any ownership or legal title to the property.

SWORN STATEMENT No.: - NONE -

SWORN STATEMENT Date:

Machine Validation: Printed by Abencio Jr. C. Gabayan/ 8:40:03 AM/ 5/6/2019

CERTIFIED COMPUTER GENERATED COPY
By Authority of the Provincial Assessor:
ABENCIO C. GABAYAN, JR.
DATE: 5/6/2019
Sec. Fee: 50
O.R. No.: 1207183
O.R. Date: 5/6/2019
Place: PPCity

LAND TAX VERIFICATION SLIP
Current Tax Dec. No. 13-017-0473

016-13-017-09-168
PIN

Barangay Villa Libertad

Municipality Elnido Pal.

Declared Owner	T.D. Number	Taxable Year	Assessed Value	Realty	Tax Due	Penalty	O.R.	Date
		1945						
		1946						
		1947						
		1948						
		1949						
		1950						
		1951						
		1952						
		1953						
		1954						
		1955						
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		1973						
		1974						
		1975						
		1976						
		1977						
		1978						
		1979						
<u>Barrio Govt.</u>	<u>0116</u>	1980	<u>8,750.00</u>	<u>new</u>				
		1981						
		1982						
		1983						
		1984						
<u>Barrio Government</u>	<u>0095</u>	1985	<u>26,240.00</u>					

Declared Owner	T.D. Number	Taxable Year	Assessed Value	Realty	Tax Due	Penalty	O.R.	Date
		1986						
		1987						
		1988						
		1989						
		1990						
		1991						
		1992						
		1993						
Barrio Government of Villa Libertad	007-0155-R	1994	21,100.00					
		1995						
		1996						
		1997						
		1998						
		1999						
Barrio Gov't of Villa Libertad C/o of Bgy. Captain	017-0316-R	2000	42,910.00					
		2001						
		2002						
		2003						
		2004						
Republic of Phil Bgy. Gov't of Villa Libertad C/o of Bgy. Captain	017-0294-R	2005	6,872.00					
		2006	160,920.00					
		2007						
		2008						
		2009						
		2010						
Bgy. Gov't of Villa Libertad	017-1013-R	2011	108,780.00					
		2012						
		2013						
Bgy. Gov't of Villa Libertad	13-017-0479	2014	130,540.00					
		2015						
		2016						
		2017						
		2018						
		2019						
		2020						

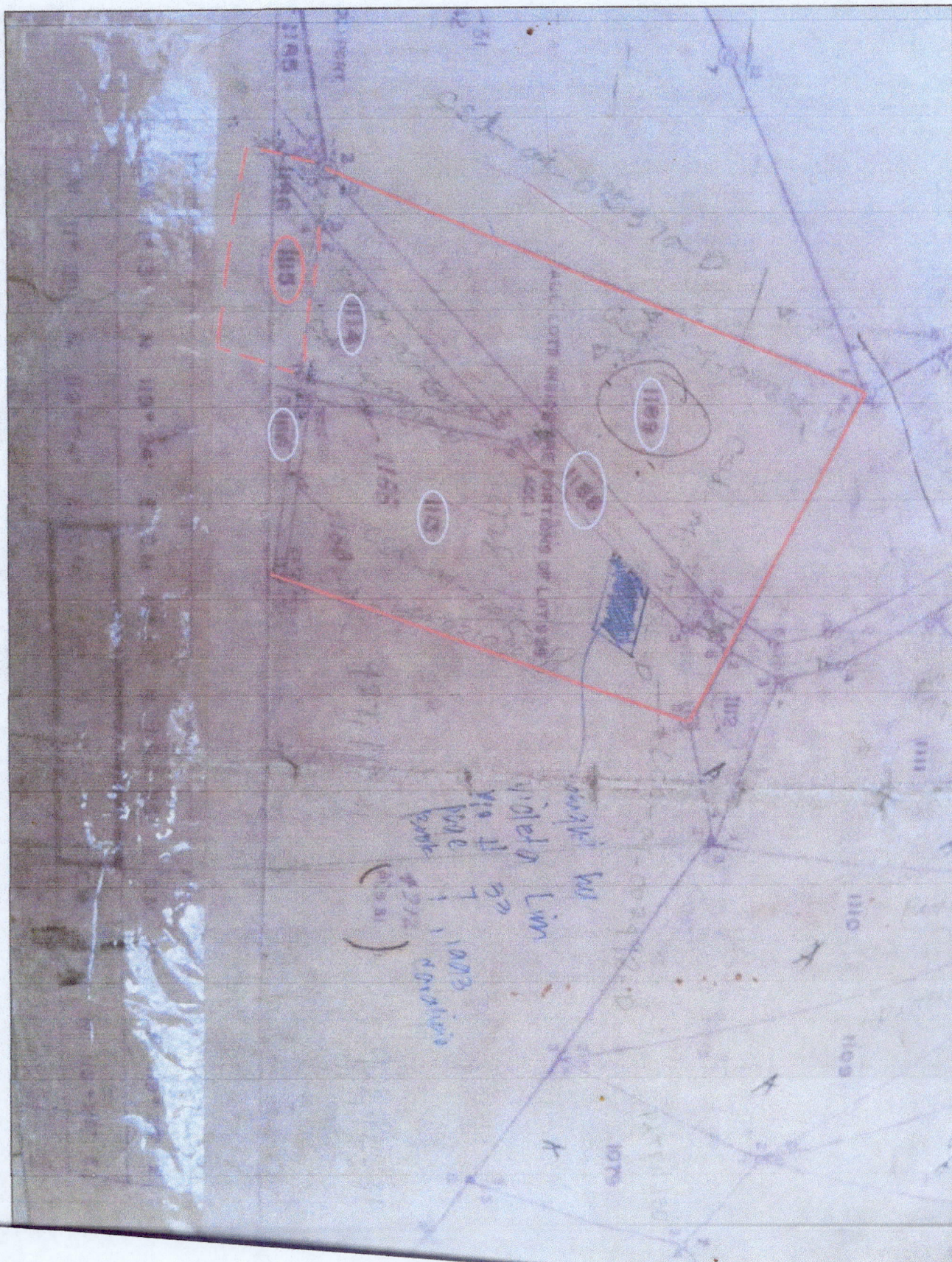
Prepared by: NORMA SALLA SAVAREZ

Certified by:

EUUVICA M. COLBE, REA
Provincial Assessor

Sec Fee : 100.00
O.R. No. : 2984863
Issued On : February 28, 2018
Puerto Princesa City

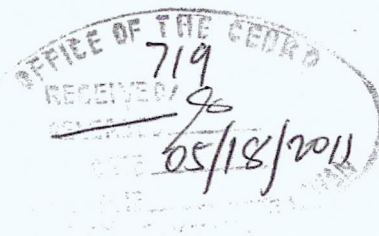
ANNEX G



Republic of the Philippines
 Department of Education
 Region IV-MIMAROPA
 Schools Division of Palawan
 District of El Nido del Sur
VILLA LIBERTAD ELEMENTARY SCHOOL
 Villa Libertad, El Nido, Palawan

May 18, 2011

The Commissioner, Bureau of Environment and Natural Resources Officer
 Tertiary Palawan



This pertains to the land occupied by Villa Libertad Elementary School composed of Lots 1116, Csd-03-01 and Lot 1115-A, Csd-04-01/02/03/04/05 respectively containing four thousand, seven hundred sixty-five (4,765) square meters and seven hundred thirty-seven (737) square meters.

Our institution has been in peaceful occupation of these lots since 1969 and we are hereby filing our request and request for the issuance of Special Patent covering said land for and the use of Dep Ed Villa Libertad Elementary School. The institution has thirteen buildings with six rooms and it has a student/pupil population last school year of two hundred eighty-nine attended to by seven teachers.

Please consider this petition and request. Thank you.

Very truly yours,

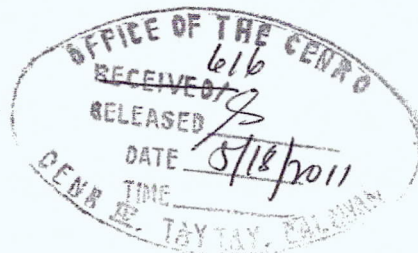
MRS. DOLENCAN-ARCE CARUTHAN
 Head Teacher



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

May 18, 2011

MRS MYRNA H. GRIPON
Municipal Planning and Development Coordinator
El Nido, Palawan



Sir

We bring you the greetings of blissful days.

This pertains to the documentation to the issuance of special patent over the land occupied by DepEd-Villa Libertad Elementary School surveyed as Lot 1116, Cad 1037-D with an area of four thousand, seven hundred sixty-five (4,765) square meters and Lot No. 1115-A, Csd-04-025364-D with an area of seven hundred thirty-seven (737) square meters.

With due respect, w request your precious clearance and endorsement on the issuance of special patent to the land in favor of Department of Education-Villa Libertad Elementary School.

Thank you for the usual accommodation.

Very truly yours,

MARIANO P. LILANG, JR.
Chief Land Management Services
Focal person on Special Patents documentation

Attached: Draft Clearance

Attached: Draft Clearance

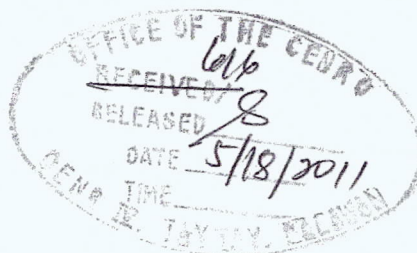
lands, the essence of life..... Tracking 430051811



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

MAY 18, 2011

HON RUBEN V. ARZAGA
Barangay Captain
Villa Libertad, El Nido, Palawan



Madam,

We bring you the greetings of blissful days.

This pertains to the documentation to the issuance of special patent over the land occupied by DepEd-Villa Libertad Elementary School surveyed as Lot 1116, Cad 1037-D with an area of four thousand, seven hundred sixty-five (4,765) square meters and Lot No. 1115-A, Csd-04-025364-D with an area of seven hundred thirty-seven (737) square meters.

With due respect, we request your precious clearance and endorsement on the issuance of special patent to the land in favor of Department of Education-Villa Libertad Elementary School.

Thank you for the usual accommodation.

Very truly yours,

MARIANO P. LILANG, JR.
Chief Land Management Services
Focal person on Special Patents documentation

Attached: Draft Clearance

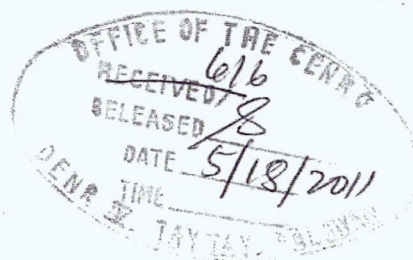
and, the essence of life..... Tracking 429051811



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

May 18, 2011

The District Engineer
Palawan 1st Engineering District
Barangay 3, Roxas, Palawan



Sir,

We bring you the greetings of blissful days.

This pertains to the documentation to the issuance of special patent over the land occupied by DepEd-Villa Libertad Elementary School surveyed as Lot 1116, Cad 1037-D with an area of four thousand, seven hundred sixty-five (4,765) square meters and Lot No. 1115-A, Csd-04-025364-D with an area of seven hundred thirty-seven (737) square meters.

With due respect, we request your precious clearance and endorsement on the issuance of special patent to the land in favor of Department of Education-Villa Libertad Elementary School.

Thank you for the usual accommodation.

Very truly yours,

MARIANO P. LILANG, JR.
Chief Land Management Services
Focal person on Special Patents documentation

Attached: Draft Clearance

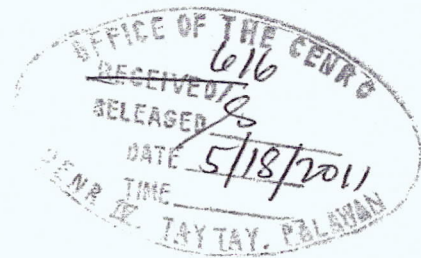
lands, the essence of life..... Tracking 428051811



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

May 18, 2011

DR. CESAR G. RIVERA, M.D.
Municipal Health Officer
El Nido, Palawan



Dear Doctor,

We bring you the greetings of blissful days.

This pertains to the documentation to the issuance of special patent over the land occupied by DepEd-Villa Libertad Elementary School surveyed as Lot 1116, Cad 1037-D with an area of four thousand, seven hundred sixty-five (4,765) square meters and Lot No. 1115-A, Csd-04-025364-D with an area of seven hundred thirty-seven (737) square meters.

With due respect, w request your precious clearance and endorsement on the issuance of special patent to the land in favor of Department of Education-Villa Libertad Elementary School.

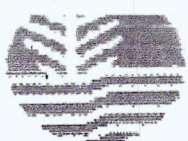
Thank you for the usual accommodation.

Very truly yours,

MARIANO P. LILANG, JR.
Chief Land Management Services
Focal person on Special Patents documentation

Attached: Draft Clearance

and, the essence of life..... Tracking 427051811



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
REGION IV - MIMAROPA

DENR by the Bay, 1515 Roxas Boulevard, Ermita, Manila

SUBJECT :

Request for the issuance of Special Patent covering
Lot No. 1116, 1115-D Cad. 1037-D, Csd-04-0253664-D

TO: The CENR Officer
El Nido, Palawan

SEP 17 2012

DENR CENRO
TAYTAY, PALAWAN
RECEIVED
BY: *[Signature]*
DATE: 12/07/12 CN 1980

SIR/MADAM :

In order that further appropriate action on the above-cited Request/Petition/Resolution can be taken leading to the issuance of a Presidential Proclamation over a parcel of land identified as (Lot/s and Survey Nos.)

to be reserved (purpose of Special Patent) as site for Villa Libertad Elementary School, as situated in Brgy. Villa Libertad, Municipality El Nido, Province of Palawan.

In this regard, please comply with the mandates/requirements prescribed under the following memoranda, to wit:

1. DENR Memorandum Circular No. 97-02, dated 08 January 1997, requires the comments/recommendation of the following concerned government agencies (NOTE: Please comply only on item with marked "X")

- X 1.1 Provincial Health Officer duly concurred or recommended by the Regional Health Director and Secretary of Health;
- X 1.2 District Engineer of DPWH, duly concurred or recommended by the Regional Director and Secretary of DPWH ;
- 1.3 District City/Superintendent of the School in case of School Site Reservation duly concurred or recommended by the Secretary of Department of Education ;
- 1.4 Philippine Port Authority in case of the land abuts on the sea, lake or navigable river duly concurred or recommended by the Secretary of DOTC.

X 2. Approved Plan of the land to be reserved verified and certified correct technical description.

2.1 Certification as to whether the land is within the Alienable and Disposable (A&D) Lands.

3. Certified photographs (or visual documentation) showing panoramic view of the area subject of the proposed Special Patent;

4. Report pursuant to Presidential Proclamation Memorandum Circular No. 24 dated 07 August 2002 following the tenets of Completed Staff Work (CSW). Draft memorandum should incorporate the (1.) Justification (2.) Legal Basis (3.) Agencies Involved (4.) Coordination with concerned agencies and their comments and (5.) Potential Problem, if any.

X 5. Narrative Report of Investigation with recommendation officially indorsed to the Regional Executive Director. (ATTN: RTD for Lands)

THEREFORE, it is requested that you coordinate with the proponent of the proposed Proclamation/Special Patent so that the "Completed Staff Work (CSW)" a designed standard operating procedure in the processing of all requests for proclamation can be accomplished.

Please be guided accordingly.

Very truly yours,

[Signature]
OSCAR C. DOMINGUEZ
Regional Technical Director
For Lands, DENR IV-B, MIMAROPA

Copy Furnished :

The DENR Officer
Sta. Monica, Pto., Princessa City

[Handwritten notes:]
Records, safe filing phase
insert this to the folder of
the Villa Libertad Elem School

[Handwritten notes:]
Special Patent documentation.

[Handwritten notes:]
12/17/12 *[Signature]*
referred to *[Signature]*

Republic of the Philippines
PROVINCE OF PALAWAN
Municipality of El Nido
Barangay Villa Libertad

OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BARANGAY OF
BARANGAY VILLA LIBERTAD, EL NIDO, PALAWAN HELD AT BARANGAY SESSION HALL ON MAY
2, 2011.

Present:

HON. RICHIE V. ARSAC
HON. EUGURACION C. DALABAJAN
HON. JOHNNY M. FABREGAS
HON. FRANKLIN C. BRAVANTE
HON. ILSTOR S. MANGA
HON. COLUMBUS G. MANGA
HON. RAFAEL M. MAGSLOHA
HON. BLINDA D. THOMSON

Junong Barangay/10

Kagawad

-do-

-do-

-do-

-do-

-do-

-do-

Absent:

HON. FRANKLIN C. BRAVANTE

XX

XX

XX

XX

RESOLUTION NO. 10
Series 2011

ENDORSE THE DRAFTED MEMORANDUM OF AGREEMENT ON THE TITLING
OF LOT NO. 1116 CAD NO. 1037-D AREA 4,765 SQUARE METER LOT NO. 1115-A
CAD NO. 04-025364-D, AREA 737 SQUARE METER, IN THE NAME OF VILLA
LIBERTAD ELEMENTARY SCHOOL EL NIDO, PALAWAN.

WHEREAS, the land consisting Five Thousand Five Hundred Two Square
meters has been occupied by the Villa Libertad, elementary school for 52 years,
prioritizing the basic education in the community;

WHEREAS, a part from the mandated of the system stressing the legal-
ization of school properties, particularly the school site, it is indeed a need
for the school to have legal documents which will stave its security;

WHEREAS, in concurrence with his endeavor, this body believes that
this earnest effort will bring greater good not only to the people in the community
as well as they hold to a lawful and an official declaration/proclamation that
will convey ascertain over something that would hinder the rendering of service
of this institution to our children and the future generation.

NOW THEREFORE, on motion of Hon. Blinda D. Thomson, duly second-
ed by Hon. Euguracion C. Dalabajan, it be;

RESOLVED AS IT HEREBY RESOLVED, endorsing the DRAFTED Memorandum
of Agreement on the titling of Lot No. 1116 Cad. 1037-D area 4,765 Sq. Meter, Lot
No. 1115-A CAD 04-025364-D, area 737 Sq. meter, Total area of 5,502 Sq. meters,
In the name of Villa Libertad, elementary School, El Nido, Palawan, Office of the
Municipal Local Government Cooperation Officer, both El Nido, Palawan.

RESOLVED FURTHER, that copies of this resolution be furnished to
the following to wit: Office of the principal Villa Libertad

CERTIFY to the authenticity of the above-quoted resolution.

FILED CORRECT:

[Signature]
ANA T. VALDESPIÑA
Barangay Secretary

[Signature]
RUBEN V. ARZAGA
Presiding Officer

CONFORMS:

[Signature]
FIGURACION G. DELA CRUZ
Kagawad

[Signature]
JOHNNY M. FABREGAS
Kagawad

FRANKLIN C. BRAVANTE
Kagawad

[Signature]
HILTON S. MORA
Kagawad

[Signature]
COLUMBUS M. MARIJA
Kagawad

[Signature]
RAFAEL M. MAGALONA
Kagawad

[Signature]
LILINDA M. THOMSON
Kagawad

[Signature]
RAY B. MANLANGIT
Kagawad

APPROVED:

[Signature]
RUBEN V. ARZAGA
Lunong Barangay

**DEED OF CONVEYANCE AND WAIVER OF RIGHTS
OVER A PARCEL OF LAND**

KNOW ALL MEN BY THESE PRESENTS:

This Deed of Conveyance and Waiver of Rights Over a Parcel of Land made and executed in El Nido, Palawan, Philippines by:

EDGAR O. PACAÑA, of legal age, Filipino, married to **LINA PACAÑA**, with residence and postal address at Brgy. Masagana, El Nido, Palawan, hereinafter referred to as the **TRANSFEROR-WAIVOR**;

- and -

TITA NOVELO-RAMIREZ, of legal age, Filipino, widow, with residence and postal address at Brgy. Villa Libertad, El Nido, Palawan, hereinafter referred to as the **TRANSFEE-EE-WAIVEE**;

WITNESSETH:

That the **TRANSFEROR-WAIVOR** is the claimant and possessor of the following parcel of land:

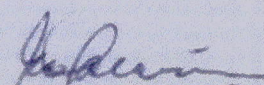
A parcel of land situated in Brgy. Villa Libertad, El Nido, Palawan, designated as Lot No. 1115-F, containing an area of **ONE HUNDRED THIRTY-THREE (133) SQUARE METERS**. A photocopy of the Certification of the Office of the Punong Barangay dated October 16, 2007 to the effect that the transferor-waivor is the actual occupant is hereto attached as Annex A to form an integral part hereof.

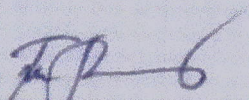
That the **TRANSFEROR-WAIVOR** agreed to relinquish his rights over the above-mentioned parcel of land for a consideration, which the **TRANSFEE-EE-WAIVEE** agreed.

NOW THEREFORE, for and in consideration of amount of **THIRTY-NINE THOUSAND (P39,900.00) PESOS**, Philippine Currency, in hand paid by the **TRANSFEE-EE-WAIVEE**, receipt of which is hereby acknowledged to the entire satisfaction of the herein **transferor-waivor EDGAR O. PACAÑA** who by these presents **CEDES, WAIVES, TRANSFERS and CONVEYS**, in a manner absolute and irrevocable, all his rights, claims and interests over the above-mentioned parcels of land, together with all the improvements found and existing therein, in favor of the **transferee-waivee TITA NOVELO-RAMIREZ**, her heirs, successors-in-interests, and assigns.


That the **TRANSFEROR-WAIVOR** hereby covenants and agrees with the **TRANSFEE-EE-WAIVEE** that he has a perfect right to waive and dispose all his rights over the above-described portion of a parcel of land; that the same is free from all liens and encumbrances; and that he will forever defend the rights of the **TRANSFEE-EE-WAIVEE** by virtue hereof, against any and all lawful claims of any person whomsoever;

IN WITNESS WHEREOF, we have hereunto set our hands this 12th day of November, 2010 at El Nido, Palawan, Philippines.


EDGAR O. PACAÑA
Transferor-Waivor


TITA NOVELO-RAMIREZ
Transferee-Waivee

With my marital consent:


LINA PACAÑA
Wife of the Transferor-Waivor

Signed In The Presence Of:

- | | |
|---|---|
| 1. ARYEL L. ABARIL
Brgy. Barotuan,
El Nido, Palawan | 2. MAGELYN B. ULTRA
Brgy. Maligaya
El Nido, Palawan |
|---|---|

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN) S.S.
CITY OF PUERTO PRINCESA)

BEFORE ME, Notary Public for and in the Province of Palawan, Philippines,
this 12th day of November, 2010 personally appeared exhibiting their respective
Community Tax Certificates, as follows:

Name	CTC NO.	DATE ISSUED	PLACE ISSUED
EDGAR O. PACANA			
LINA PACANA			
TITA N RAMIREZ	12811473	Jan. 6, 2010	El Nido, Palawan

known to me to be the same persons who executed and signed the foregoing Deed of
Conveyance and Waiver of Rights Over a Parcel of Land consisting of two (2) pages
including this page, signed by the parties and the instrumental witnesses on each and
every page thereof, and the parties acknowledged to me that the same are their free
and voluntary act

Atty. OLEGARIO S. CAYETANO JR.
Notary Public
Until December 31, 2011
PTR No. 5281653, 04/01/2010, PALAWAN
IBP No. 777307, 29/12/2009, PALAWAN
ATTORNEY'S ROLL NO. 41250
MCLE Compliance No. III - 0015735, May 26, 2010

Doc. No. _____
Page No. _____
Book No. IV
Series of 2010

Classification of Survey

ANNEX J

[illegible]

TOTALS

Third

Sixth

Ninth

General Land Registration Office No.

[illegible]

Iteration	By	Date	Compared and Final Check.
nth	By	Date	
eventh	Area of Lot	71.334	Square Meters.
elfth	Remarks		

[illegible]

III (a) BUILDING AND OTHER IMPROVEMENTS

1. OWNER'S DECLARATION

1. OWNERS' DECLARATION						
Description	Floor Area	Construction Materials			Roof	Market Value
		1st Story	2nd Story	3rd Story		
						₹
						₹
						₹
					Total	₹

2. ASSESSORS FINDINGS

Description	Floor Area	Construction Materials			Roof	Market Value
		1st Story	2nd Story	3rd Story		
					Total	

III (b) MACHINERY

[illegible]

2. ASSESSOR'S FINDINGS

[illegible]

SWORN STATEMENT OF OWNER

Under the provisions of Presidential Decree No. 404, I HEREBY CERTIFY that the current and fair market Value (x) of the foregoing described property of which I am the owner/administrator, is to the best of my Knowledge and belief, as follows:

Knowledge and belief, as follows:

Land

Improvements

TOTAL VALUE

(Signature)

TAN

Subscribed and sworn to before me this _____ day of _____, 19____, the person taking
oath presenting Res Cert No. _____ issued on _____, 19____, at _____

(x) State in nearest multiple of 10, as P950 instead of P948; P1,000 instead of P1,004.
(Signature of official administering oath)

(Signature of official administering oath)

(Official Title)

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
Industrial	22/200	22,798.00	4.0%	911.92
		538.00	4.0%	21.52
Total			Total	933.44

TOTAL ASSESSED VALUE

(Amount in Words)

APPROVED:

LAHO C AND AYA

CONSTANTINE P. EOSAS

Asst. Regional Counsel/Asst. Dir.

By:

Deputy Provincial/Municipal

This declaration cancels Tax Nos. 100-1000000000; is cancelled by Tax Nos. 100-1000000000
Tax under this declaration begins with the year 1922; ceases with the year 1922
Entered in the Real Property Assessment Roll for 1922 by 100-1000000000
Previous owner 100-1000000000 Previous assessed value: Land 100-1000000000

Previous owner.

Previous assessed value: Land \$100,000; Improvement \$100,000

MEMORANDA:



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

ATTENDANCE

Edgat Pacaña, Samuel Pacaña, and Oscar Pacaña

versus

Villa Libertad Elementary School & BLGU of Villa Libertad
January 31, 2020 (Inspection)

No.	NAME	SEX (M/F)	ADDRESS	CONTACT NUMBER	SIGNATURE
1	ROBERT Y. MEMORA	M	Ph. Prtg. City	0911 3076516	
2	PACANA MERENARIO	M	VILLA LIBERTAD	0939 2550080	
3	PACANA EDGAR	M	VILLA LIBERTAD	0907 749232	
4	Pacana Samuel		"		
5	Daguer Dumlali	F	"	0955 4324092	
6	ERNESTO H. DUMALIN	F	Villa Libertad, EL NIDO	0910/348482	
7	VICENTE V. ESCALAN	M	VILLA LIBERTAD	0917-575300	
8	JOHNNY M. FABIANOS	M	Villa Libertad	0946 2009351	
9	GIL P. PADUL	M	EL NIDO	0918 3791917	
10	Prozda B. J. Manzano	M	Bgy Villa Libertad		
11	Marissa C. Borbon	F	- do		
12	Marcelino O. Pascual	M	Bgy	0945 2681921	
13	Adelita V. Arzaga	F	Bgy Villa Libertad		
14	Tonamir D. G. Khan	F	Bgy. Kail	0948 4328600	
15	Nector S. Mangal	M	Bgy. R. Libertad		
16	EMEGELINE V. GUTIEREZ	F	VILLA LIBERTAD, EL NIDO		
17					
18					
19					
20					
21					
22					
23					
24					
25					



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

January 15, 2020

EDGAR O. PACAÑA
SAMUEL O. PACAÑA and
OSCAR O. PACAÑA
Brgy. Villa Libertad, El Nido, Palawan

Versus

VILLA LIBERTAD ELEMENTARY SCHOOL
Rep. by **Head Teacher Belen S. Cabutihan**
Brgy. Villa Libertad, El Nido, Palawan

and

BLGU OF VILLA LIBERTAD
Rep. by **Hon. Johny Fabregas**
Brgy. Villa Libertad, El Nido, Palawan

Dear Sir/ Ma'am,

Environmental greetings!

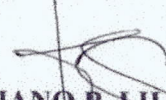
This is in relation to the second formal hearing on your conflict conducted dated September 17, 2019 that did not result to amicable settlement. As per DAO No. 2016-31 (Procedure in the Investigation and Resolution on Land Claims and Conflicts Cases), cases that did not reach settlement during the second hearing will be subjected to a mandatory ocular inspection in the subject area.


Hence, representative from this office will be conducting an ocular inspection on January 31, 2020 at 10:30 o'clock in the morning.

Your presence is highly needed then. Thank you.

Very truly yours,

For and in the absence of the CENRO


MARIANO P. LILANG, JR.
Development Management Officer IV
In Charge, Office of the CENRO

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: 
DATE: 01/16/2020 CN 0120



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

January 15, 2020

EDGAR O. PACAÑA
SAMUEL O. PACAÑA and
OSCAR O. PACAÑA
Brgy. Villa Libertad, El Nido, Palawan

Versus

VILLA LIBERTAD ELEMENTARY SCHOOL
Rep. by **Head Teacher Belen S. Cabutihan**
Brgy. Villa Libertad, El Nido, Palawan

and

BLGU OF VILLA LIBERTAD
Rep. by **Hon. Johny Fabregas**
Brgy. Villa Libertad, El Nido, Palawan

Dear Sir/ Ma'am,

Environmental greetings!

This is in relation to the second formal hearing on your conflict conducted dated September 17, 2019 that did not result to amicable settlement. As per DAO No. 2016-31 (Procedure in the Investigation and Resolution on Land Claims and Conflicts Cases), cases that did not reach settlement during the second hearing will be subjected to a mandatory ocular inspection in the subject area.

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Very truly yours,

For and in the absence of the CENRO

MARIANO P. LILANG, JR.
Development Management Officer IV
In Charge, Office of the CENRO

by the National Highway, Poblacion, Taytay, Palawan 5312
emailadd: cenrotaytaypal@yahoo.com.ph

Recd by: **MANISSA C. BORDON**
Brgy. Secretary
1-22-2020 @ 10:00 am

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: fu
DATE: 01/16/2020 CN 0120



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

October 10, 2019


MR. EDGAR PACAÑA
MR. SAMUEL PACAÑA
MR. OSCAR PACAÑA

Barangay Villa Libertad, El Nido, Palawan
Barangay Villa Libertad, El Nido, Palawan

- VERSUS -

HON. JHONY FABREGAS
Punong Barangay
Villa Libertad, El Nido, Palawan

MS. BELEN S. CABUTIHAN
Head Teacher
Villa Libertad Elementary School
Barangay Vila Libertad, El Nido, Palawan

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: 
DATE: 10-10-2019 CN: 267

Sir/ Ma'am,

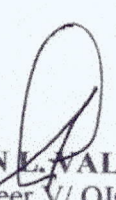
Greetings!

This pertains to scheduled ocular inspection tomorrow, October 11, 2019 at 2:00 o'clock in the afternoon on the area subject of claims and conflicts between the parties.

Please be informed that Atty. Robert Peneyra, counsel of Pacaña, sent a letter to this Office thru e-mail today, October 10, 2019, requesting for cancellation and resetting of the said inspection due to an important matter to be attended in the City of Manila, hence, he will be available on the said date. The request is considerable and hereby granted.

Please be informed further that Land Management Officer III David Dalino, the hearing officer in this case, is now officially transferred to the Provincial Environment and Natural Resources Office (PENRO) in Puerto Princesa City; hence, the schedule of ocular inspection will be set upon designation of succeeding Hearing Officer and you will be notified.

Please bear with us on this. Thank you.


ALAN L. VALLE
Engineer V/ OIC, CENRO

Request/motion for cancellation and resetting of ocular inspection scheduled on October 11

Yahoo/Inbox

Robert Peneyra <bobpen07@icloud.com>

To: cenrotaytaypal@yahoo.com.ph

10 Oct at 8:47 am

To the Honorable Hearing Officer

CENRO Taytay Palawan

10-10-19 Jmt 4127

SIR:

May I respectfully request for the cancellation and resetting of the ocular inspection at Villa Libertad, El Nido, scheduled on October 11.

Due to a very important matter to be attended by this representation in the City of Manila, I would not available on said date.

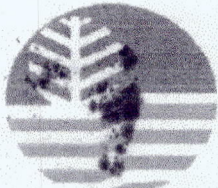
Thus, I am respectfully praying for its cancellation and resetting.

This request for resetting is not in anyway intended to delay the proceedings in this case.

I am hoping for your kind understanding. Thank very much.

Very truly yours,

Atty. ROBERT Y. PENEYRA



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Receiving Copy

September 19, 2019

Subject: OCULAR INSPECTION ON LOT PLAN CSD-04-025364-D
(LOT 1115-A & LOT 1115-B, CAD 1037-D) INVOLVED ON
THE CASE AMONG EDGAR PACANA, ET.AL. -VS-BARANGAY
LOCAL GOVT. UNIT AND VILLA LIBERTAD ELEMENTARY
SCHOOL

DMO IV P. Pacana
MR. EDGAR PACANA

Villa Libertad, El Nido, Palawan

HON. JOHNY FABRICAS

Punong Barangay

Villa Libertad, El Nido, Palawan

MRS. BELEN CABUTIHAN

Head Teacher

Villa Libertad, El Nido, Palawan

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: *CA*
DATE: *09-20-2019* CN *2570*

Please be informed that the ocular inspection on September 27, 2019 is reset to October 11, 2019 at 2:00 o' clock in the afternoon. The resetting is due to mandatory attendance of Land Management Officer III David F. Dalino in the training on September 25-28, 2019; the notice thereof having just received yesterday.

Please be guided. Thank you.

Very truly yours,
For and in the absence of the CENRO

MARIANO P. LILANG, JR.
DMO IV/In charge, Office of the CENRO



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

September 19, 2019

Subject: OCULAR INSPECTION ON LOT PLAN CSD-04-025364-D
(LOT 1115-A & LOT 1115-B, CAD 1037-D) INVOLVED ON
THE CASE AMONG EDGAR PACANA, ET.AL. -VS-BARANGAY
LOCAL GOVT. UNIT AND VILLA LIBERTAD ELEMENTARY
SCHOOL

MR. EDGAR PACANA

Villa Libertad, El Nido, Palawan

HON. JOHNY FABRIGAS

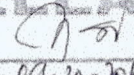
Punong Barangay

Villa Libertad, El Nido, Palawan

MRS. BELEN CABUTIHAN

Head Teacher

Villa Libertad, El Nido, Palawan

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: 
DATE: 09-20-2019 CN 2570

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Please be guided. Thank you.

Very truly yours,
For and in the absence of the CENRO


MARIANO P. LILANG, JR.

DMO IV/In charge, Office of the CENRO



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

September 17, 2019

EDGAR O. PACAÑA
SAMUEL O. PACAÑA and
OSCAR O. PACAÑA
Brgy. Villa Libertad, El Nido, Palawan

DENR CENRO
TAYTAY, PALAWAN
RELEASED

BY: [Signature]
DATE: 09-17-2019 CN 247

BLGU OF VILLA LIBERTAD
Rep. by **Hon. Johny Fabregas**
Brgy. Villa Libertad, El Nido, Palawan

and

VILLA LIBERTAD ELEMENTARY SCHOOL
Rep. by **Head Teacher Belen S. Cabutihan**
Brgy. Villa Libertad, El Nido, Palawan

Dear Sir/ Ma'am,

Environmental greetings!

This is in relation to the 2nd formal hearing on your conflict conducted today that did not result to amicable settlement. As per DAO No. 2016-31 (Procedure in the Investigation and Resolution on Land Claims and Conflicts Cases), cases that did not reach settlement during the second hearing will be subjected to a mandatory ocular inspection in the subject area.

Hence, please be reminded of the schedule of ocular inspection as agreed on September 27, 2019 at 2:00 o'clock in the afternoon.

Your presence is highly needed then. Thank you.

Very truly yours,

For and in the absence of the CENRO

MARIANO P. LILANG, JR.
Development Management Officer IV
In Charge, Office of the CENRO

by the National Highway, Poblacion, Taytay, Palawan 5312
emailadd: cenrotaytaypal@yahoo.com.ph



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

ATTENDANCE

CENRO Taytay

Edgar Pacaña, Samuel Pacaña, & Oscar Pacaña

VS.

BLGU of Villa Libertad and Villa Libertad Elementary School

September 17, 2019- 2:00 PM (2nd Formal Hearing)

NO.	NAME	CONTACT NUMBER	SIGNATURE
1	JOHNY M. FABRICIA	0946200354	[Signature]
2	BELEN S. CABUTIHAN	09997655306	[Signature]
3	JONAMIE D. CABUTIHAN	09489432860	[Signature]
4	Fegunacion C. Dalabayan		[Signature]
5	Nestor S. Manga	09464364030	[Signature]
6	MARISA C. MONROE	09481090268	[Signature]
7	MARCELO D. PANANGUE JR		[Signature]
8	ADELITA V. ARZAGA	0959432324	[Signature]
9	Am P. Valdespin	09561121868	[Signature]
10	OSCAR O. PACANA		[Signature]
11	Emelda P. Daguer	0954329092	[Signature]
12	Samuel O. Pacaña		[Signature]
13	EDGAR O. PACANA		[Signature]
14	MERCENARIO D. PACANA	09392558080	[Signature]
15	VICENTE V. ESCALANTE	0917-575-575	[Signature]
16	Romer Simbulan Jr.	09260896728	[Signature]
17	Lina S. Pacano	09300309881	[Signature]
18	Am Daguer		[Signature]
19	RENIE VAIDESPINO		[Signature]
20	Atty. REMERIA	09153076516	[Signature]
21			
22			
23			
24			
25			



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

DENR CENRO
TAYTAY, PALAWAN
RELEASED

August 27, 2019

EDGAR O. PACAÑA
SAMUEL O. PACAÑA and
OSCAR O. PACAÑA
Brgy. Villa Libertad, El Nido, Palawan
Protestant

-versus-

THE CLAIM OF BARANGAY GOVERNMENT
OF VILLA LIBERTAD rep. by PUNONG BARANGAY
JOHNY FABREGAS and VILLA LIBERTAD
ELEMENTARY SCHOOL rep. by HEAD TEACHER
BELEN S. CABUTIHAN
Brgy. Villa Libertad, El Nido, Palawan
Respondents

For cancellation of Plan CSD-04-
025364-D (Lot 1115-A & Lot
Re: 1115-B, Cad 1037-D) in Brgy.
Villa Libertad, El Nido, Palawan

Received by: Kgd.
Angay
Received by: Fabrice
9/16/19

INVITATION

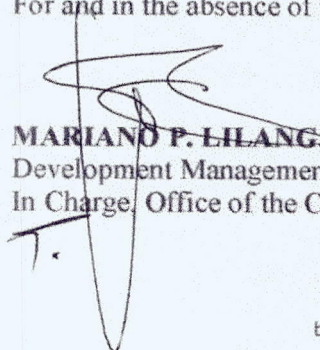
This is in continuation of the proceedings conducted on July 25, 2019 relative to the above-captioned case subject for formal investigation and hearing of this Office in compliance to the **ORDER OF INVESTIGATION** issued by the Provincial Environment and Natural Resources Office (PENRO) in Sta. Monica, Puerto Princesa City dated February 28, 2019 and received by this Office dated March 11, 2019.

In view thereof, you are invited to appear in this Office before Land Management Officer III/Chief, RPS David F. Dalino for the 2nd hearing on **September 17, 2019 at 2:00 o'clock** in the afternoon to shed light on the matter. Please bring with you any additional proof of ownership documents concerning the land subject of the case.

Fail not to come.

Very truly yours,

For and in the absence of the CENRO


MARIANO P. LILANG, JR.
Development Management Officer IV
In Charge, Office of the CENRO

by the National Highway, Poblacion, Taytay, Palawan 5312
emailadd: cenrotaytaypal@yahoo.com.ph



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan


August 28, 2019

BLGU OF VILLA LIBERTAD

Rep. by **Hon. Johny Fabregas**
Brgy. Villa Libertad, El Nido, Palawan

VILLA LIBERTAD ELEMENTARY SCHOOL

Rep. by **Head Teacher Belen S. Cabutihan**
Brgy. Villa Libertad, El Nido, Palawan

**DENR CENRO
TAYTAY, PALAWAN**
RELEASED
BY: 
DATE: 08-28-2019 CN 2958

Dear Sir/ Ma'am,

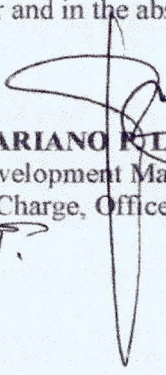
Environmental greetings!

This is to furnish you the copy of *Reply with motion to declare protestees Brgy. Government of Villa Libertad and Villa Libertad Elementary School as in default* submitted by the protestants/ complainants dated July 25, 2019.

You may submit your comment. Thank you.

Very truly yours,

For and in the absence of the CENRO


MARIANO KILILANG, JR.
Development Management Officer IV
In Charge, Office of the CENRO



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Receiving Copy

August 27, 2019

EDGAR O. PACAÑA
SAMUEL O. PACAÑA and
OSCAR O. PACAÑA
Brgy. Villa Libertad, El Nido, Palawan
Protestant

-versus-

THE CLAIM OF BARANGAY GOVERNMENT
OF VILLA LIBERTAD rep. by **PUNONG BARANGAY**
JOHNY FABREGAS and **VILLA LIBERTAD**
ELEMENTARY SCHOOL rep. by **HEAD TEACHER**
BELEN S. CABUTIHAN
Brgy. Villa Libertad, El Nido, Palawan
Respondents

DENR CENRO
TAYTAY, PALAWAN
RELEASED

BY: [Signature]
DATE: 08-27-2019 CN 2325

For cancellation of Plan CSD-04-
025364-D (Lot 1115-A & Lot
Re: 1115-B, Cad 1037-D) in Brgy.
Villa Libertad, El Nido, Palawan

INVITATION

This is in continuation of the proceedings conducted on July 25, 2019 relative to the above-captioned case subject for formal investigation and hearing of this Office in compliance to the **ORDER OF INVESTIGATION** issued by the Provincial Environment and Natural Resources Office (PENRO) in Sta. Monica, Puerto Princesa City dated February 28, 2019 and received by this Office dated March 11, 2019.

In view thereof, you are invited to appear in this Office before Land Management Officer III/Chief, RPS David F. Dalino for the 2nd hearing on **September 17, 2019 at 2:00 o'clock** in the afternoon to shed light on the matter. Please bring with you any additional proof of ownership documents concerning the land subject of the case.

Fail not to come.

Very truly yours,

For and in the absence of the CENRO

MARIANO P. LILANG, JR.
Development Management Officer IV
In Charge, Office of the CENRO

by the National Highway, Poblacion, Taytay, Palawan 5312
emailadd: cenrotaytaypal@yahoo.com.ph

[Signature]
Oscar Pacana

Sept 9 2019
3:25 pm
Received by [Signature] Fabregas
and by BELEN S. CABUTIHAN - 9/9/19



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Receiving Copy

August 27, 2019

EDGAR O. PACAÑA
SAMUEL O. PACAÑA and
OSCAR O. PACAÑA
Brgy. Villa Libertad, El Nido, Palawan
Protestant

-versus-

THE CLAIM OF BARANGAY GOVERNMENT
OF VILLA LIBERTAD rep. by **PUNONG BARANGAY**
JOHNY FABREGAS and **VILLA LIBERTAD**
ELEMENTARY SCHOOL rep. by **HEAD TEACHER**
BELEN S. CABUTIHAN
Brgy. Villa Libertad, El Nido, Palawan
Respondents

DENR CENRO
TAYTAY, PALAWAN
RELEASED

BY: [Signature]
DATE: 08-27-2019 CN 2728

For cancellation of Plan CSD-04-
025364-D (Lot 1115-A & Lot
Re: 1115-B, Cad 1037-D) in Brgy.
Villa Libertad, El Nido, Palawan

INVITATION

This is in continuation of the proceedings conducted on July 25, 2019 relative to the above-captioned case subject for formal investigation and hearing of this Office in compliance to the **ORDER OF INVESTIGATION** issued by the Provincial Environment and Natural Resources Office (PENRO) in Sta. Monica, Puerto Princesa City dated February 28, 2019 and received by this Office dated March 11, 2019.

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Fail not to come.

Very truly yours,

For and in the absence of the CENRO

MARIANO P. LILANG, JR.
Development Management Officer IV
In Charge, Office of the CENRO

by the National Highway, Poblacion, Taytay, Palawan 5312
emailadd: cenrotaytaypal@yahoo.com.ph

Paca vs. BLGU of Elem. School of Libertad
July 25, 2019 (2PM) 1st HEARING

Sir Dave - as per verified protest na sinubmit particular kayo sa lot 1115-A & 1115-D na ~~cancel~~ gusto ninyong icancel.

- sangkot na lupa is Lot 928, ~~Lot 1037-D~~ PLS-31 identical to 1115, Cad 1037-D
- ~~para~~ 928, PLS - 6 ha.

SC: Santiago Pacaña

Applied Pacifico Orense (Homestead) ~~XXXXXXXXXX~~

approved - Aug. 31, 1954

Imelda Daguer - Pamangkin ni Santiago si Pacifico Orense

Subject of conflict
1115, Cad-1037-D, 4,082 sq. m.

SC: Ten knots

1116 - School

Cabutihan - yung 1115, nag request kami sa CENAO ng surong para doon, nakamam na ~~surong~~ ^{ten knots ang claimant} ~~surong~~

- ~~aprobado~~ sinabi ng ~~claimant~~ Ten knots na hindi sa kamila gum kanya nakapag request ulit ng surong ~~para~~ kanya ~~na~~ approved para sa School.

Sir Dave - reading of Compromise Agreement

Cabutihan - sinumad ang nakalagay sa compromise agreement

Imelda -

Sept. 17, 2019 2PM

Atty. Robert - walang authority ^{personality} si Mam Cabutihan to represent in behalf of Villa Libertad Elem. School. from the Dep Ed.

History of Contested Lot

Lot No. 928, Pls 31

Area: 6,000 Hectares

Survey Claimant: Santiago Pacaña

Applied by: Pacifico Dranse

HA-2-1482

Date Filed: 4-14-55

Date Approved 8-31-56

Lot IIII, Lot 1037-D

Portion of Lot 928, Pls 31

Area: 4,082 Sq. M.

Listed Survey Claimant: Ten knots Vm'l. Inc.

Date of Survey - June 2 - August 6, 1991 - Engr. Rolando C. Siccione

Date approved: Oct. 22, 1996 - Engr. Eusebio P. Tolafino

Subdivided

Lot IIII-A, Ud - 04-025364-D

Area: 737 Sq. M.

SC: Villa Libertad Elem. School

Lot IIII-F

Area: 267 Sq. M.

SC: No name

Applied by: Manuela C. Valdez

Lot IIII-B

Area: 400 Sq. M.

SC: Ma Liberty Tumbokon

Lot IIII-G

Area: 332 Sq. M.

SC: Road

Lot IIII-C

Area: 400 Sq. M.

SC: Gabina Pacaña

Bo. Goot Area was tax declared
year 1980 - 2014

Lot IIII-D

Area: 1,813 Sq. M.

SC: Barangay Goot.

Lot IIII-D

Lot IIII-E

Area: 133 Sq. M.

SC: Benjamin Ramirez



Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

ATTENDANCE

CENRO Taytay

Edgar Pacaña, Samuel Pacaña, & Oscar Pacaña

vs.

BLGU and Elementary School of Villa Libertad

July 25, 2019- 2:00 PM (1st FORMAL HEARING)

NO.	NAME	CONTACT NUMBER	SIGNATURE
1	Imelda P. Daquer	09559324092	Daquer
2	MERCENARIO D. PACAÑA	09567209418	Mercenario
3	OSCAR O. PACAÑA		Oscar Pacaña
4	EDGAR O. PACAÑA		Edgar Pacaña
5	SAMUEL O. PACAÑA		Samuel Pacaña
6	Anastacia Bacalla		Bacalla
7	Isolina V. Aragon		Aragon
8	Johny M. Fabron	0946209354	Fabron
9	Maria P. Parangal	09309532900	Parangal
10	Ronald N. Foracao	09124796563	Foracao
11	BELEN S. CABUTIHAN	09999655308	Cabutihan
12	Atty. ROBERT Y. PENEYRA	09153076516	Peneyra
13	Rommel Simbulan Jr		Simbulan
14			
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25			



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

July 9, 2019

EDGAR O. PACAÑA
SAMUEL O. PACAÑA and
OSCAR O. PACAÑA
Brgy. Villa Libertad, El Nido, Palawan
Protestant

-versus-

THE CLAIM OF BARANGAY GOVERNMENT
OF VILLA LIBERTAD rep. by PUNONG BARANGAY
JOHNY FABREGAS and VILLA LIBERTAD
ELEMENTARY SCHOOL rep. by HEAD TEACHER
BELEN S. CABUTIHAN
Brgy. Villa Libertad, El Nido, Palawan
Respondents

DENR CENRO
TAYTAY, PALAWAN
RELEASED

BY: JN
DATE: 07-11-2019 CN 1931

For cancellation of Plan CSD-04-
025364-D (Lot 1115-A & Lot
1115-B, Cad 1037-D) in Brgy.
Villa Libertad, El Nido, Palawan

Re: 1115-B, Cad 1037-D) in Brgy.
Villa Libertad, El Nido, Palawan

INVITATION

The above-captioned case is now for formal investigation and hearing of this Office in compliance to the **ORDER OF INVESTIGATION** issued by the Provincial Environment and Natural Resources Office (PENRO) in Sta. Monica, Puerto Princesa City dated February 28, 2019 and received by this Office dated March 11, 2019

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Fail not to come.

Very truly yours,


ENGR. ALAN L. VALLE
OIC, CENRO

by the National Highway, Poblacion, Taytay, Palawan 5312
emailadd: cenrotaytaypal@yahoo.com.ph



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

July 9, 2019

Receiving Copy
DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: Jm
DATE: 07-11-2019 CN 1931

clo PAO

EDGAR O. PACAÑA
SAMUEL O. PACAÑA and
OSCAR O. PACAÑA
Brgy. Villa Libertad, El Nido, Palawan

Protestant

-versus-

For cancellation of Plan CSD-04-
025364-D (Lot 1115-A & Lot
Re: 1115-B, Cad 1037-D) in Brgy.
Villa Libertad, El Nido, Palawan

clo Joann
for

THE CLAIM OF BARANGAY GOVERNMENT
OF VILLA LIBERTAD rep. by PUNONG BARANGAY
JOHNY FABREGAS and VILLA LIBERTAD
ELEMENTARY SCHOOL rep. by HEAD TEACHER
BELEN S. CABUTIHAN
Brgy. Villa Libertad, El Nido, Palawan

Respondents

INVITATION

The above-captioned case is now for formal investigation and hearing of this Office in compliance to the **ORDER OF INVESTIGATION** issued by the Provincial Environment and Natural Resources Office (PENRO) in Sta. Monica, Puerto Princesa City dated February 28, 2019 and received by this Office dated March 11, 2019

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Fail not to come.

Very truly yours,

ENGR. ALAN V. VALLE
OIC, CENRO

T.

Samuel Pacana

JULY 15-19



Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

July 9, 2019

EDGAR O. PACAÑA
SAMUEL O. PACAÑA and
OSCAR O. PACAÑA
Brgy. Villa Libertad, El Nido, Palawan

Protestant

-versus-

THE CLAIM OF BARANGAY GOVERNMENT
OF VILLA LIBERTAD rep. by PUNONG BARANGAY
JOHNY FABREGAS and VILLA LIBERTAD
ELEMENTARY SCHOOL rep. by HEAD TEACHER
BELEN S. CABUTIHAN

Brgy. Villa Libertad, El Nido, Palawan

Respondents

Receiving Copy
DENR CENRO
TAYTAY, PALAWAN
RELEASED

BY: *[Signature]*
DATE: 07-11-2019 CN 1931

For cancellation of Plan CSD-04-
025364-D (Lot 1115-A & Lot
Re: 1115-B, Cad 1037-D) in Brgy.
Villa Libertad, El Nido, Palawan

delivered on 7-11-19

INVITATION

The above-captioned case is now for formal investigation and hearing of this Office in compliance to the **ORDER OF INVESTIGATION** issued by the Provincial Environment and Natural Resources Office (PENRO) in Sta. Monica, Puerto Princesa City dated February 28, 2019 and received by this Office dated March 11, 2019

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Fail not to come.

Very truly yours,

[Signature]
ENGR. ALAN V. VALLE
OIC, CENRO

by the National Highway, Poblacion, Taytay, Palawan 5312
emailadd: cenrotaytaypal@yahoo.com.ph

Gmae Duly: Araya
7-11-19
4:10-pm

Recd. by:
Belen S. Cabutihan
7/11/19



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

DENR CENRO
TAYTAY, PALAWAN
RELEASED

EDGAR O. PACAÑA, SAMUEL O.
PACANA and OSCAR O. PACANA
Protestant

BY: JW
DATE: 03-12-2019 CN 0694

Land Case No. 0510

-versus-

FOR CANCELLATION OF PLAN
CSD-04-025364-D (Lot 1115-A &
Lot 1115-B, CAD 1037-D)
VILLA LIBERTAD, EL NIDO
PALAWAN

THE CLAIM OF BARANGAY GOVERNMENT OF
VILLA LIBERTAD rep. by PUNONG BARANGAY
JHONY FABREGAS and VILLA LIBERTAD
ELEMENTARY SCHOOL rep. by HEAD TEACHER
BELEN S. CABUTIHAN
Protestee

X ----- X

March 12, 2019

Hon. Jhony Fabregas - Angga - S-2-1a
Punong Barangay
Ms. Belen S. Cabutihan - Cabutihan
Head Teacher
Bgy. Villa Libertad, El Nido
Palawan

Dear Sir/madam,

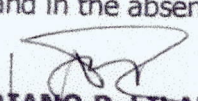
Greetings!

Attached is a copy of the Protest consisting eight (8) pages including the annexes of Edgar O. Pacaña, Samuel O. Pacaña and Oscar O. Pacaña against you concerning Plan Csd-040025364-D (Lot Nos. 1115-A and 1115-B all of Cad 1037-D) in Bgy. Tiniguiban, El Nido, Palawan. This case has already attained an Order of Investigation issued by the Provincial Environment and Natural Resources Officer on February 28, 2019 (copy attached).

Pursuant to Section 7 and 8 of Department (DENR) Administrative Order 2016-31, you are hereby advised to file your Verified Answer to the Protest within fifteen (15) days from your receipt hereof, containing the material facts supported by documentary evidences, including an enumeration of Maximum of three (3) witnesses with the respective addresses. The Answer must be submitted to this Office in three (3) copies with the proof of service of a copy to the Protestant.

Failure to do so shall mean a waiver in your part and the case shall be submitted for resolution.

Very truly yours,
For and in the absence of the CENRO:


MARIANO P. LILANG, JR.
DMO IV/In charge of Office

Copy furnished:
The Protestant (this letter only)
The PENRO-Palawan



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

See Map of the copy of Main Army

DENR CENRO
TAYTAY, PALAWAN
RELEASED

EDGAR O. PACAÑA, SAMUEL O.
PACANA and OSCAR O. PACANA
Protestant

BY: JS
DATE: 03-12-2019 CN 0694

Land Case No. 0510

-versus-

FOR CANCELLATION OF PLAN
CSD-04-025364-D (Lot 1115-A &
Lot 1115-B, CAD 1037-D)
VILLA LIBERTAD, EL NIDO
PALAWAN

THE CLAIM OF BARANGAY GOVERNMENT OF
VILLA LIBERTAD rep. by PUNONG BARANGAY
JHONY FABREGAS and VILLA LIBERTAD
ELEMENTARY SCHOOL rep. by HEAD TEACHER
BELEN S. CABUTIHAN

Protestee

x ----- x

March 12, 2019

Hon. Jhony Fabregas - Avaya - S-2-10
Punong Barangay
Ms. Belen S. Cabutihan - Cabutihan
Head Teacher
Bgy. Villa Libertad, El Nido
Palawan

Dear Sir/madam,

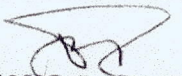
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For and in the absence of the CENRO:


MARIANO P. LILANG, JR.
DMO IV/In charge of Office

Copy furnished:
The Protestant (this letter only)
The PENRO-Palawan



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

EDGAR O. PACAÑA, SAMUEL O.
PACAÑA, and OSCAR O. PACAÑA
Protestant,

Land Case No. 0510

ppr for action plan 2-11-19
-versus-

THE CLAIM OF BARANGAY GOVERNMENT OF
VILLA LIBERTAD rep. by PUNONG BARANGAY
JHONY FABREGAS and VILLA LIBERTAD
ELEMENTARY SCHOOL rep. by HEAD TEACHER
BELEN S. CABUTIHAN
Protestee

X-----X

FOR CANCELLATION OF
PLAN CSD-04-025364-D
(Lot 1115-A & Lot 1115-B,
CAD 1037-D)
Villa Libertad, El Nido,
Palawan

**DENR CENRO
TAYTAY, PALAWAN**
RECEIVED
BY: *[Signature]*
DATE: 02-11-2019 CN 984

ORDER OF INVESTIGATION

A protest was filed by Edgar O. Pacaña, Samuel O. Pacaña and Oscar O. Pacaña against the approval of CSD-04-025363-D situated in Barangay Villa Libertad, El Nido, Palawan.

The Protestants are the surviving children and compulsory heirs of Santiago Pacaña, who died intestate on October 13, 1970; that during his lifetime, Santiago Pacaña is the legitimate and only claimant of Lot No. 928 with an area of more or less seven hectares located in Barangay Villa Libertad, El Nido, Palawan wherein it was surveyed in his name under Bacuit (El Nido) Public Land Subdivision (Case-2) PLS-31; that portions of Lot No. 928 were either sold or conveyed to other individuals wherein only a little over one hectare was left after the death of Santiago; on May 8, 1996, the heirs of Santiago Pacaña entered into a compromised agreement with Villa Libertad Elementary School covering 5000 square meters of Lot No. 928 but the said school never complied with the said agreement; in 2017, the heirs decided to apply for titling for the remaining 4,082 square meters of the subject lot but surprised when they were informed that it has already an approved subdivision survey for Villa Libertad Elementary School, Barangay Government of Villa Libertad and other individuals; the heirs contested that the patents issued to Villa Libertad Elementary School and Barangay Government of Villa Libertad were illegally obtained since they never waived, donated nor sold a portion of the said property to them.

Per verification, the protest is sufficient in form and substance and the required protest fee has been paid under OR Number 0134494-T dated September 14, 2018.

WHEREFORE, CENRO Taytay, Palawan thru its designated LIO is directed to conduct investigation and to submit report and recommendation pursuant to DAO 2016-31 dated December 29, 2016.

SO ORDERED, 28 FEBRUARY 2019.

[Signature]
ERIBERTO B. SAÑOS, CESE
OIC- PENRO
/kkva*2019-1432

**DENR CENRO
PALAWAN RECORDS
FILED**
[Signature]
DATE 3-06-19 CH 19-1432

Barangay Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 433-5638
Email Address: denrpalawan@yahoo.com



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

February 14, 2019

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Officer
Santa Monica, Puerto Princesa City

FROM : The Community Environment and Natural Resources Officer
Poblacion, Taytay, Palawan

SUBJECT : **VERIFIED PROTEST LETTER FILED OF EDGAR O. PACANA
SAMUEL O. PACANA AND OSCAR PACANA VS. BARANGAY
GOVERNMENT OF VILLA LIBERTAD REP. BY JOHNY
FABRIGAS (PUNONG BARANGAY) AND VILLA LIBERTAD
ELEMENTARY SCHOOL REP. BY BELEN S. CABUTIHAN (HEAD
TEACHER) FOR CANCELLATION OF LOT CSD-04-025364-D**

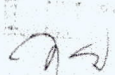
Respectfully forwarded is the above protest with attachments consistent with the requirements under Sec. 4, Chapter II of Dao 2016-13 filed by Edgar O. Pacana, Samuel O. Pacana and Oscar O. Pacana versus Bgy. Government of Villa Libertad rep. by Johnny Fabregas (Punong Barangay) and Libertad Elem. School rep. by Belen S. Cabutihan (Head Teacher) for cancellation of Lot Csd-04-025364-D identical to Lot No. 1115, Cad 1037-D located at Barangay Villa Libertad, El Nido, Palawan.

Please be informed that the case did not go through conciliation proceedings in the barangay because the respondent is the Punong Barangay Johnny Fabrigas himself representing the Barangay Government of Villa Libertad.

Preliminary conference (copy of report hereto-attached) among the contending parties was held but did not result to amicable settlement. Hence, issuance of Order of Investigation is hereby recommended.

For your reference and approval.


ALAN L. VALLE

**DENR CENRO
TAYTAY, PALAWAN**
RECEIVED
BY: 
DATE: 02-18-2019 11:04:47



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

Subject: **VERIFIED PROTEST/COMPLAINT FILED BY EDGAR O. PACANA
SAMUEL O. PACANA AND OSCAR O. PACANA (PROTESTANTS)
AGAINST BGY. GOVT. OF VILLA LIBERTAD, REP. BY PUNONG
BARANGAY JHONY FABREGAS AND VILLA LIBERTAD ELEM.
SCHOOL, REP. BY HEAD TEACHER BELEN S. CABUTIHAN
(PROTESTEES) FOR CANCELLATION OF CSD-04-025364-D,
LOCATED AT BGY. LIBERTAD, EL NIDO, PALAWAN**

February 11, 2019

**The Community Environment and
Natural Resources Officer**
Poblacion, Taytay, Palawan

**DENR CENRO
TAYTAY, PALAWAN
RECEIVED**
CI *gms*
DATE: 2-14-19 *CN659*

Sir:

Relative to above verified protest/complaint submitted through undated letter of above **Protestants** received by this office dated September 30, 2018, against **Protesteers** seeking for appropriate action on cancellation of Csd-04-025364-D identical to Lot No. 1115, Cad 1037-D as surveyed for Barangay Government, et. al., the hereto undersigned is pleased to give his preliminary report on the matter, as follows:

That parcel of land directly involved in the case/issue was identified as approved Subdivision Plan of Lot 1115, Cad 1037-D, consisting Four Thousand and Eighty Two (4,082) square meters with six (6) resultant lots Lot 1115-A to Lot 1115-F under Plan Csd-04-025364, surveyed in the name of Barangay Government, et. al., situated at Barangay Villa Libertad, El Nido, Palawan.

That on April 23, 2018 prior to formal submission of the verified protest/complaint by the above Protestants, Edgar Pacana (one of the Protestants), previously wrote a letter dated March 10, 2018 received by this office dated March 14, 2018 copy furnished the PENRO requesting for cancellation or disapproval of Survey Plan of Survey Plan Csd-04-025364-D.

That on April 23, 2018, this office received a PENRO Memo brought about by the said letter request of one of the Protestants, Edgar O. Pacana with instructions to conduct immediate in-depth verification and investigation on the issue.

That on May 15, 2018, Engineer II Marian B. Lachica of this office rendered her report of findings in compliance to PENRO Memo. The same report was forwarded to PENRO and a return MEMO dated June 5, 2018, received by this office on 20 of June 2018, per their evaluation of the report, consequently, the request for cancellation of Plan Csd-04-025364-D cannot be granted due to lack of basis.

That embedded on the same PENRO Memo was an instructions to initiate efforts for a dialogue with Mr. Pacana and affected lot claimants for possible amicable settlement and to require complaining party to file protest/petition pursuant to DAO 2016-31.

That on July 31, 2018 both opposing parties in response to notice of invitation (copy attached), have shown up for an amicable settlement proceedings (photo and copy of attendance hereto-attached) initiated by the undersigned, unfortunately, no settlement agreement have been reached by both opposing parties, however, after the amicable settlement ended an advise was made by the hereto undersigned to let Protestants file a formal protest.

That on September 14, 2018 this office has received an undated letter filed by Protestants Edgar O. Pacana, Samuel O. Pacana and Oscar O. Pacana against Barangay Government of Villa Libertad represented by Punong Barangay Jhony M. Fabrigas and Villa Libertad Elementary School represented by Belen S. Cabutihan for cancellation of Plan Csd-04-025364-D.

I view of the foregoing, the hereto undersigned hereby recommends that above verified protest/complaint be issued an ORDER OF INVESTIGATION leading to resolution of the instant case/issue.

Very truly yours,



DAVID F. DALINO
LMO III/RPS-Chief



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Mr. Edgardo O. Pacana
Protestant

Vs

Belen S. Cabutihan
Head Teacher, Villa Libertad
Elementary School
Respondent

Jhony Fabregas
Hon. Punong Barangay,
Bgy. Villa Libertad, El Nido
Palawan
Respondent

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: *[Signature]*
DATE: 07-11-2018 CN 1206

Re: in the Case of Cancellation
of Csd-04-025364-D

NOTICE OF INVITATION

Above-captioned case is for action of this Office brought about by the protest letter dated March 10, 2018 of Edgar O. Pacana and received by this Office dated March 14, 2018 for the cancellation of Plan Csd-040025364-D involving the lot area of Villa Libertad Elementary School and the site of Barangay Hall of Villa Libertad, El Nido, Palawan.

In view thereof, you are invited to appear before Land Management Officer III David F. Dalino of this office for a conference/ dialogue on dated July 31, 2018 at 2:00 pm to shed light on the matter. Please bring with you any proof of ownership document as evidence of your lawful claim of the land.

Fail not to come.

Very truly yours,

For and in the Absence of the CENRO:

[Signature]
MARIANO P. LILANG, JR.
DMO IV/Office-in- Charge

[Signature]
Edgar Pacana will file a final protest to this
Office.

For Delivery of Kuya Jinvel

July 17, 2018



PHOTO SHOWING THE AMICABLE SETTLEMENT PROCEEDINGS
OF THE OPPOSING PARTIES CONDUCTED DATED JULY 31, 2018

7



Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

ATTENDANCE

CENRO Taytay, Conference Room
Edgardo Pacana

VS.

Belel Cabutihan & Jhonny Fabregas
July 31, 2018 (2:00 PM) - 1st Hearing

NO.	NAME	CONTACT NUMBER	SIGNATURE
1	JONNY M. FABREGAS	0946 2009354	
2	Bernie P. Gutierrez	09152003529	
3	Disodado B. Villanueva	09093501275	
4	ROSALIE A. ALISING	09301235814	
5	ERENE H. DUMALISIN	09101948482	
6	BELEN S. CABUTIHAN	09997655308	
7	Sherryll F. Pacana	0917 9959120	
8	Imelda B. Daguerre	09071863876	
9	ADELITA V. ARAGA		
10	MARISA C. PORBOL	09481090268	
11	RONALD N. TORACAS		
12	Jonanie D. Cabutihan		
13	PACANA, MERCENARIO	0939 2558080	
14	NESTOR S. MANUA		
15	DONIE M. PACANA		
16	EDGAR O. PACANA		
17	(Belel Cabutihan)		
18			
19			
20			

Mr. PABLO I. CRUZ
OIC-CENRO
Taytay, Palawan

SIR:

DEPT. OF LAND
MANAGEMENT

9-14-18 3-918

We are submitting for your appropriate action our protest/complaint over the approval of the subdivision plan survey of Lot 1115, Cad 1037-D, El Nido, Palawan, under Csd-04-025364-D. The survey was conducted for the Barangay Government of Villa Libertad, El Nido, Palawan, et al. A certain Feguracion Dalabajan signed in the conformity clause as the land owner.

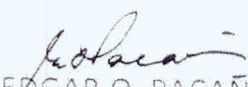
As stated in our protest, the property surveyed was Lot No. 928 which was surveyed for our late father, Santiago Pacana, in 1955 in the Bacuit Public Land Subdivision (Case-2), Pls 31 (PHILCUSA-FOA), as the legitimate claimant and owner.

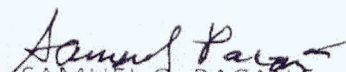
We have not given any authority to Feguracion Dalabajan to have our inherited property surveyed for the barangay government of Villa Libertad and the Villa Libertad Elementary School, hence, our protest.

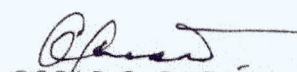
We are anticipating your immediate action in this regard.

Thank you and more power.


Sincerely yours,


EDGAR O. PACAÑA


SAMUEL O. PACAÑA


OSCAR O. PACAÑA

National Highway, Villa Libertad
El Nido, Palawan

	Official Receipt of the Republic of the Philippines		
	Nº 0134494 T		
	Date 9-14-18		
Agency DENR CENRO TAYTAY, PALAWAN	Fund		
Payor <i>Edgar / Samuel / Brian / Maria</i>			
Nature of Collection	Account Code	Amount	
<i>Project - Lu</i>		P 100	
TOTAL		P 100	
Amount in Words <i>One hundred pesos only</i>			
<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			
Received the amount stated above: <i>[Signature]</i> ROSE D. VERA CRUZ Collecting Officer			
NOTE: Write the number and date of this receipt on the back of check or money order received.			

Mr. PABLO I. CRUZ
OIC-CENRO
Taytay, Palawan

DENR CENRO
TAYTAY PALAWAN
RECEIVED
BY: *gnt*
DATE: 9/14/18 VN 3958

SIR:

We are submitting for your appropriate action our protest/complaint over the approval of the subdivision plan survey of Lot 1115, Cad 1037-D, El Nido, Palawan, under Csd-04-025364-D. The survey was conducted for the Barangay Government of Villa Libertad, El Nido, Palawan, et al. A certain Feguracion Dalabajan signed in the conformity clause as the land owner.

As stated in our protest, the property surveyed was Lot No. 928 which was surveyed for our late father, Santiago Pacaña, in 1955 in the Bacuit Public Land Subdivision (Case-2), Pls 31 (PHILCUSA-FOA), as the legitimate claimant and owner.

We have not given any authority to Feguracion Dalabajan to have our inherited property surveyed for the barangay government of Villa Libertad and the Villa Libertad Elementary School, hence, our protest.

We are anticipating your immediate action in this regard.

Thank you and more power.


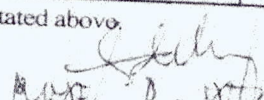
Sincerely yours,

Edgar O. Pacaña
EDGAR O. PACAÑA

National Highway, Villa Libertad
El Nido, Palawan

Samuel O. Pacaña
SAMUEL O. PACAÑA

Oscar O. Pacaña
OSCAR O. PACAÑA

	Official Receipt of the Republic of the Philippines		
	Nº 0134494 T		
	Date 9-14-18		
Agency	FUND		
DENR CENRO TAYTAY, PALAWAN			
Payor	Edgar / Samuel / Cesar Jacinto		
Nature of Collection	Account Code	Amount	
Protect Fee		P 100	
TOTAL		P 100	
Amount in Words		One hundred pesos only	
<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			
Received the amount stated above.			
 ROSE P. VERA CRUZ Collecting Officer			
NOTE: Write the number and date of this receipt on the back of check or money order received.			

Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

**EDGARI O. PACAÑA, SAMUEL O.
PACAÑA & OSCAR O. PACAÑA,**
Protestants/Complainants.

CASE NO. _____

-versus-

for:

BGY. GOVERNMENT OF VILLA LIBERTAD,
rep. by its Punong Barangay JHONY
FABREGAS & VILLA LIBERTAD ELEMEN-
TARY SCHOOL, rep. by its Head Teacher
BELEN S. CABUTIHAN,
Protestees/Respondents.

**"FOR CANCELLATION OF CSD-04-
025364-D (Lot 1115, Cad 1037-D,
EL NIDO, PALAWAN"**

X- - - - - X

VERIFIED PROTEST/COMPLAINT

PROTESTANTS/COMPLAINANTS by themselves and unto this Honorable Office most respectfully file this protest on the approval of Csd-04-025363-D and hereby further state that:

1. They are all Filipino citizens and more than sixty (60) years old, farmers, married and residents of Bgy. Villa Libertad, El Nido, Palawan, where they may be served with notices and orders coming from this Honorable Office;
2. Protestees/respondents *Bgy. Government of Villa Libertad, El Nido, Palawan, and Villa Libertad Elementary School* are government entities represented herein by their respective heads that are all based in Bgy. Villa Libertad, El Nido, Palawan, where they may be served with summons, notices and orders of this Honorable Office;
3. Protestants Oscar O. Pacaña, Edgar O. Pacaña and Samuel O. Pacaña, together with their late brother, Cesar O. Pacaña, are the only legitimate and compulsory heirs of Santiago Pacaña, who died intestate on October 13, 1970 in Bgy. Villa Libertad, El Nido, Palawan;

4. During his lifetime, Santiago Pacaña was the legitimate and only claimant and possessor of Lot No. 928 with an area of more or less seven (7) hectares located in Bgy. Villa Libertad, El Nido, Palawan. Said property was surveyed in his name sometime in the year 1955 in the Bacuit (El Nido) Public Land Subdivision (Case -2), Pls-31 (PHILCUSA – FOA). As evidence we are submitting herewith as **Annex "A"** the said Bacuit Public Land Subdivision which is made as an integral part of this protest;
5. Over the years and during the lifetime of Santiago Pacaña, portions of Lot No. 928 were either sold or conveyed to several individuals such that only a little over one (1) hectare was left after the death of Santiago;
6. Of the more than one (1) hectare left after Santiago's death, about five thousand (5,000) square meters is being presently occupied by the *Villa Libertad Elementary School* while the remaining four thousand and eighty two (4,082) square meters, situated across the *barangay* road facing the elementary school, are being presently occupied by Benjamin Ramirez, Liberty Tumbokon, Samuel O. Pacaña and the heirs of Cesar O. Pacaña. A number of small market stalls (*talipapa*), facing the north national highway, are also inside which are being rented out by the *barangay* government to several vendors together with some small commercial structures occupied by some individuals. The remaining areas are now part of the road right of way (north national highway);
7. Sometime in 1996, the heirs questioned the occupation by the Villa Libertad Elementary School of a portion of about five thousand (5,000) square meters of Lot No. 928. It is the portion where the school buildings and other facilities are located. The heirs were told that the said portion was allegedly sold or donated by Santiago Pacaña but no document of conveyance was ever shown to them. At any rate, even if assuming the portion was truly sold or donated to the school, the same was made by Santiago without the consent of his wife, thus, the portion legally conveyed was only one half of the five thousand (5,000) square meters;
8. To solve the issue on the five thousand (5,000) square meters and as an act of generosity and for the community well being, the protestants, together with their mother and other co-heir, entered into a compromise agreement with the school authorities on May 8, 1996. In said compromise they agreed to drop their complaint on the school's occupation of the 5,000 square meters in exchange of the offer of the school to give them one hundred (100) square meters each to be taken from the area being claimed and occupied by the school. This promise was never complied with by the Villa Libertad Elementary School. We

are attaching hereto the compromise agreement dated May 8, 1996 as **Annex "B"** hereof;

9. Sometime in 2017, the heirs decided to have the remaining 4,082 square meters titled in their name but to their surprise they were informed by the CENRO personnel in Taytay, Palawan, that the area was already surveyed for the *barangay* government of Villa Libertad, the Villa Libertad Elementary School and Liberty Tumbokon, et al. They were given a copy of the subdivision plan of Lot 1115, Cad 1037-D, which was approved on August 31, 2004. A copy of said subdivision plan is hereto attached as **Annex "C"** and is made as an integral part of this protest;
10. In said approved subdivision survey, Villa Libertad Elementary School was given a portion of SEVEN HUNDRED THIRTY SEVEN (737) square meters while the *Barangay* Government of Villa Libertad was given ONE THOUSAND EIGHT HUNDRED THIRTEEN (1,813) square meters. The remaining portions were surveyed for Liberty Tumbokon (400 square meters), Gabina Pacaña (400 square meters), Benjamin Ramirez (133 square meters, and Samuel Pacaña (267 square meters);
11. The approved surveys for Villa Libertad Elementary School and the *Barangay* Government of Villa Libertad are patently illegal and thus void because the heirs of Santiago Pacaña never waived, donated or sold a portion of the property to them, and hence they have no right whatsoever to the areas allotted to them. The remaining portions allotted to Liberty Tumbokon, et al. are not being questioned by the heirs in this protest because they have a right to their respective portions either as legal heirs or vendees;
12. The subdivision survey was likewise made without the knowledge and consent of the Heirs of Santiago Pacana. In fact, the one who gave conformity to the survey was Feguracion Dalabajan who signed the survey as the land owner. Dalabajan has no right whatsoever to initiate the subdivision survey or to sign the conformity to the survey because she was not in any way authorize by the heirs.

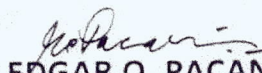
WHEREFORE, PREMISES CONSIDERED, it is most respectfully prayed of this Honorable Office to render judgment in favour of the protestants/complainants and against the protestees/respondents –

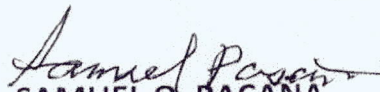
1. by partially invalidating the approval of CSD-4-025364-D (Subdivision Plan of Lot 1115, Cad 1037-D, El Nido) insofar as Lot 1115-A (Area=737 square meters Villa Libertad Elementary School) and Lot 1115-D (Area=1,813 square meters *Barangay* Government of Villa Libertad, El Nido), are concerned; and

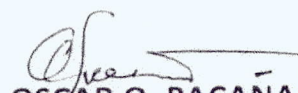
2. to reconvey the said questioned portions to the Heirs of Santiago Pacaña.

Other reliefs and remedies just and equitable under the circumstances are likewise prayed for.

Puerto Princesa City for El Nido, Palawan, September 10, 2018.


EDGAR O. PACANA


SAMUEL O. PACANA

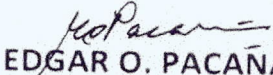

OSCAR O. PACANA

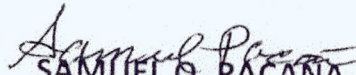
VERIFICATION WITH CERTIFICATION OF
NON-FORUM SHOPPING

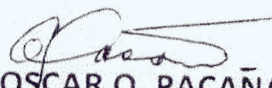
We, **EDGAR O. PACAÑA**, **OSCAR O. PACAÑA** and **SAMUEL O. PACAÑA**, all of legal age (senior citizens), Filipinos, with address at Bgy. Villa Libertad, El Nido, Palawan, after having been sworn to in accordance with law, hereby depose and state:

1. We are the protestants/complainants in the case on which this verification with certification of non-forum shopping is attached;
2. We have caused the preparation and filing of this protest as Heirs of Santiago Pacaña;
3. We have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other lower court, tribunal or agency,
4. To our knowledge, no other such action or proceeding is pending in any judicial court or other tribunal or agency in the Philippines involving the same issues, claims or parties;
5. Should it come to our knowledge that a similar action or proceeding has been filed or is pending before any court, tribunal or agency in the Philippines, we hereby undertake to notify this Office within five days from receipt of such knowledge.

Puerto Princesa City, September 10, 2018.

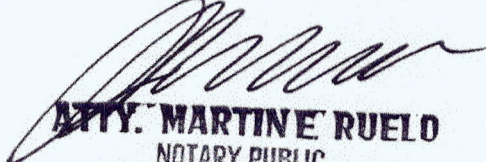

EDGAR O. PACAÑA


SAMUEL O. PACAÑA


OSCAR O. PACAÑA

SUBSCRIBED AND SWORN to before me this SEP 10 2018 day of September 2018 in Puerto Princesa City, by **Edgar O. Pacana** with **OSCA ID No. 2679**; **Samuel O. Pacaña** with **OSCA ID No. 0185** and **Oscar O. Pacaña** with **OSCA ID No. 2295**, containing their respective name, picture and signature as competent proof of their identity.

Doc. No. 185;
Page No. 38;
Book No. LXII;
Series of 2018.


ATTY. MARTINE RUELO
NOTARY PUBLIC
UNTIL DECEMBER 31, 2019
PTR NO. 4960333 R-12/19-2017-P.P.C.
IBP NO. 1028688-12/11/2017-P.P.C.
RM. 18 2/F CAPITOL COMMERCIAL COMPLEX
FERNANDEZ ST., PUERTO PRINCESA CITY

COMPROMISE AGREEMENT

Annex B

KNOW ALL MEN BY THESE PRESENTS:

This agreement entered into by and between the HEIRS of the late SANTIAGO PACANA, all of legal age, Filipino, all residing at the Municipality of El Nido, Palawan herein referred to as the PARTY OF THE FIRST PART;

-and-

The Villa Libertad Elementary School of Bgy. Villa Libertad, El Nido, Palawan as represented by MRS. BELEN S. CABUTIHAN, Teacher-in-Charge and MR. ALFONSO MASILA, PTA President, also of legal ages, both residing and with post office address at Bgy. Villa Libertad, El Nido, Palawan, herein referred to as the PARTY OF THE SECOND PART;

WITNESSETH

That the PARTY OF THE FIRST PART are the HEIRS of the late SANTIAGO PACANA and his successor-in-interest over a certain parcel of public land known and designated as Lot 928 PLS-31 situated at Bgy. Villa Libertad, El Nido, Palawan, containing an area of SEVENTY ONE THOUSAND THREE HUNDRED THIRTYTWO (71,332) Square Meters;

That the PARTY OF THE SECOND PART contends that they had illegitimately bought one (1) hectare portion, excluding road-right-of-way now established thereat, of above Lot 928, PLS-31 from the late SANTIAGO PACANA;

That the PARTY OF THE FIRST PART asserts that the sale and conveyance is questionable and devoid of proper order arguing that the transaction was not duly concurred in by the spouse of said SANTIAGO PACANA;

That upon and after civil confrontation, argument, and mutual concession, both PARTIES arrived at a compromise agreement as follows:

"That the HEIRS shall WITHDRAW and QUIT their claim in the contested portion of the one (1) hectare School site in exchange of below concessions:

1. SAMUEL, OSCAR and EDGAR, all surnamed PACANA shall be given, free from any remuneration, a 10 x 10-meters residential lot each;
2. GABINA ARZAGA-PACANA, wife of the heir CESAR PACANA shall be accorded property rights over her present residential occupancy".

That a subsequent Survey Order shall be requested to the Project Management Office, Survey and Land Titling Component, Second Palawan Integrated Area Development Project (SLP-SPIADP) thru the DENR-Community Environment and Natural Resources Office (DENR-CENRO) of Taytay, Palawan to effect and finalize above compromise.

IN TESTIMONY WHEREOF, PARTIES have hereunto set hands this 8th day of May 1996 at Villa Libertad, El Nido, Palawan.

Samuel O. Pacana
SAMUEL O. PACANA

Immediate Heir

CIN # 8403078

Issued On 5-7-96 at El Nido

Belen S. Cabutihan

BELEN S. CABUTIHAN

Teacher-in-Charge

CIC # 8987922

Issued On 5-7-96 at El Nido, Pal

EDGAR C. PACANA

Immediate Heir

CTC # 8387998

Issued on 03-04-96 at El Nido

ALFONSO MASULA

PTCA Pres.

CTC # 8387442

Issued on 05-05-96
at Villa Libertad, El Nido

OSCAR C. PACANA

Immediate Heir

CTC # 8387420

Issued on 04-04-96 at El Nido

CRISTINA O. PACANA

Spouse

CTC # 8387419

Issued on 4-4-96 at El Nido

Galina A. Pacana

Wife of Deceased Heir

CTC # 8387431

Issued on 4-15-96 at El Nido

SIGNED IN THE PRESENCE OF:

JAIME P. CABATIAN

Bgy. Captain

PABLO S. TUMBOKON

Bgy. Kagawad

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of Palawan) S. S.
Municipality of El Nido)

BEFORE ME, this 8th day of May 1996 at El Nido, Palawan, personally appeared the above-signed individuals very known to me to be the same individuals who executed the foregoing instrument affecting Lot No. 928, PLS-31, which document consist of two (2) pages including this page wherein the acknowledgement is written. The same persons exhibited to me their respective Community Tax Certificates as written below their names and signatures above.

ALFREDO P. GALASINAO, JR.
Land Management Officer-I
SLT-UPRAB

EDUARDO C. PACANA

Immediate Heir

CTC # 8387448

Issued on 03-04-96 at El Nido

ALFONSO MASULA

PTCA Pres.

CTC # 8387442

Issued on 05-05-96
at Villa Libertad, El Nido

EDUARDO C. PACANA

Immediate Heir

CTC # 8387420

Issued on 04-04-96 at El Nido

CRISTINA O. PACANA

Spouse

CTC # 8387419

Issued on 4-4-96 at El Nido

Salome A. Pacana

Wife of Deceased Heir

CTC # 8387431

Issued on 4-15-96 at El Nido

SIGNED IN THE PRESENCE OF:

JAIME P. CABUTINAN
Psy. Captain

PABLO S. TUMBOKON
Psy. Kagawad

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of Palawan : S. S.
Municipality of El Nido)

BEFORE ME, this 8th day of May 1996 at El Nido, Palawan, personally appeared the above-signed individuals very known to me to be the same individuals who executed the foregoing instrument affecting Lot No. 928, PLS-31, which document consist of two (2) pages including this page wherein the acknowledgement is written. The same persons exhibited to me their respective Community Tax Certificates as written below their names and signatures above.

ALFREDO P. GALASINAO, JR.
Land Management Officer-I
SLT-SPIADE

/abb



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

EDGAR O. PACAÑA, SAMUEL O.
PACAÑA, and OSCAR O. PACAÑA
Protestant,

Land Case No. 0510

PPV for action 13.11.19
-versus-

THE CLAIM OF BARANGAY GOVERNMENT OF
VILLA LIBERTAD rep. by PUNONG BARANGAY
JHONY FABREGAS and VILLA LIBERTAD
ELEMENTARY SCHOOL rep. by HEAD TEACHER
BELEN S. CABUTIHAN

Protestee

X-----X

FOR CANCELLATION OF
PLAN CSD-04-025364-D
(Lot 1115-A & Lot 1115-B,
CAD 1037-D)
Villa Libertad, El Nido,
Palawan

**DENR CENRO
TAYTAY, PALAWAN
RECEIVED**

BY: *[Signature]*

DATE: 09-1-2019 CM 984

ORDER OF INVESTIGATION

A protest was filed by Edgar O. Pacaña, Samuel O. Pacaña and Oscar O. Pacaña against the approval of CSD-04-025363-D situated in Barangay Villa Libertad, El Nido, Palawan.

The Protestants are the surviving children and compulsory heirs of Santiago Pacaña, who died intestate on October 13, 1970; that during his lifetime, Santiago Pacaña is the legitimate and only claimant of Lot No. 928 with an area of more or less seven hectares located in Barangay Villa Libertad, El Nido, Palawan wherein it was surveyed in his name under Bacuit (El Nido) Public Land Subdivision (Case-2) PLS-31; that portions of Lot No. 928 were either sold or conveyed to other individuals wherein only a little over one hectare was left after the death of Santiago; on May 8, 1996, the heirs of Santiago Pacaña entered into a compromised agreement with Villa Libertad Elementary School covering 5000 square meters of Lot No. 928 but the said school never complied with the said agreement; in 2017, the heirs decided to apply for titling for the remaining 4,082 square meters of the subject lot but surprised when they were informed that it has already an approved subdivision survey for Villa Libertad Elementary School, Barangay Government of Villa Libertad and other individuals; the heirs contested that the patents issued to Villa Libertad Elementary School and Barangay Government of Villa Libertad were illegally obtained since they never waived, donated nor sold a portion of the said property to them.

Per verification, the protest is sufficient in form and substance and the required protest fee has been paid under OR Number 0134494-T dated September 14, 2018.

WHEREFORE, CENRO Taytay, Palawan thru its designated LIO is directed to conduct investigation and to submit report and recommendation pursuant to DAO 2016-31 dated December 29, 2016.

SO ORDERED, 28 FEBRUARY 2019.

**DENR PENRO
PALAWAN RECORDS
RELEASED**

BY: *[Signature]*

DATE: 3-06-19 CH 19-1432

[Signature]
ERIBERTO B. SAÑOS, CESE
OIC- PENRO
/kkva*2019-1432

Barangay Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 433-5638
Email Address: denrpalawan@yahoo.com



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Mam Amy's Copy

February 14, 2019

Ale Elvie, kinuha ko po ang map nito (Annex A). Pero
merong copy ng mapa sa CN 06941 (releasing).
Salamat 😊

— Joanna 😊

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Officer
Santa Monica, Puerto Princesa City

FROM : The Community Environment and Natural Resources Officer
Poblacion, Taytay, Palawan

SUBJECT : VERIFIED PROTEST LETTER FILED OF EDGAR O. PACANA
SAMUEL O. PACANA AND OSCAR PACANA VS. BARANGAY
GOVERNMENT OF VILLA LIBERTAD REP. BY JOHNY
FABRIGAS (PUNONG BARANGAY) AND VILLA LIBERTAD
ELEMENTARY SCHOOL REP. BY BELEN S. CABUTIHAN (HEAD
TEACHER) FOR CANCELLATION OF LOT CSD-04-025364-D

Respectfully forwarded is the above protest with attachments consistent with the requirements under Sec. 4, Chapter II of Dao 2016-13 filed by Edgar O. Pacana, Samuel O Pacana and Oscar O. Pacana versus Bgy. Government of Villa Libertad rep. by Jhony Fabregas (Punong Barangay) and Libertad Elem. School rep. by Belen S. Cabutihan (Head Teacher) for cancellation of Lot Csd-04-025364-D identical to Lot No. 1115, Cad 1037-D located at Barangay Villa Libertad, El Nido, Palawan.


Please be informed that the case did not go through conciliation proceedings in the barangay because the respondent is the Punong Barangay Jhony Fabrigas himself representing the Barangay Government of Villa Libertad.

Preliminary conference (copy of report hereto-attached) among the contending parties was held but did not result to amicable settlement. Hence, issuance of Order of Investigation is hereby recommended.

For your reference and approval.

ALAN L. VALLE

T. 

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: 
DATE: 02-15-2019 CN 0467



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

Subject: **VERIFIED PROTEST/COMPLAINT FILED BY EDGAR O. PACANA
SAMUEL O. PACANA AND OSCAR O. PACANA (PROTESTANTS)
AGAINST BGY. GOVT. OF VILLA LIBERTAD, REP. BY PUNONG
BARANGAY JHONY FABREGAS AND VILLA LIBERTAD ELEM.
SCHOOL, REP. BY HEAD TEACHER BELEN S. CABUTIHAN
(PROTESTEES) FOR CANCELLATION OF CSD-04-025364-D,
LOCATED AT BGY. LIBERTAD, EL NIDO, PALAWAN**

February 11, 2019

**The Community Environment and
Natural Resources Officer**
Poblacion, Taytay, Palawan

**PENRO CENTRO
TAYTAY, PALAWAN
RECEIVED**
BY: *[Signature]*
DATE: 2-14-19 *[Initials]*

Sir:

Relative to above verified protest/complaint submitted through undated letter of above **Protestants** received by this office dated September 30, 2018, against **Protesteers** seeking for appropriate action on cancellation of Csd-04-025364-D identical to Lot No. 1115, Cad 1037-D as surveyed for Barangay Government, et. al., the hereto undersigned is pleased to give his preliminary report on the matter, as follows:

That parcel of land directly involved in the case/issue was identified as approved Subdivision Plan of Lot 1115, Cad 1037-D, consisting Four Thousand and Eighty Two (4,082) square meters with six (6) resultant lots Lot 1115-A to Lot 1115-F under Plan Csd-04-025364, surveyed in the name of Barangay Government, et. al., situated at Barangay Villa Libertad, El Nido, Palawan.

That on April 23, 2018 prior to formal submission of the verified protest/complaint by the above Protestants, Edgar Pacana (one of the Protestants), previously wrote a letter dated March 10, 2018 received by this office dated March 14, 2018 copy furnished the PENRO requesting for cancellation or disapproval of Survey Plan of Survey Plan Csd-04-025364-D.

That on April 23, 2018, this office received a PENRO Memo brought about by the said letter request of one of the Protestants, Edgar O. Pacana with instructions to conduct immediate in-depth verification and investigation on the issue.

That on May 15, 2018, Engineer II Marian B. Lachica of this office rendered her report of findings in compliance to PENRO Memo. The same report was forwarded to PENRO and a return MEMO dated June 5, 2018, received by this office on 20 of June 2018, per their evaluation of the report, consequently, the request for cancellation of Plan Csd-04-025364-D cannot be granted due to lack of basis.

That embedded on the same PENRO Memo was an instructions to initiate efforts for a dialogue with Mr. Pacana and affected lot claimants for possible amicable settlement and to require complaining party to file protest/petition pursuant to DAO 2016-31.

That on July^T 31, 2018 both opposing parties in response to notice of invitation (copy attached), have shown up for an amicable settlement proceedings (photo and copy of attendance hereto-attached) initiated by the undersigned, unfortunately, no settlement agreement have been reached by both opposing parties, however, after the amicable settlement ended an advise was made by the hereto undersigned to let Protestants file a formal protest.

That on September 14, 2018 this office has received an undated letter filed by Protestants Edgar O. Pacana, Samuel O. Pacana and Oscar O. Pacana against Barangay Government of Villa Libertad represented by Punong Barangay Jhony M. Fabrigas and Villa Libertad Elementary School represented by Belen S. Cabutihan for cancellation of Plan Csd-04-025364-D.

I view of the foregoing, the hereto undersigned hereby recommends that above verified protest/complaint be issued an ORDER OF INVESTIGATION leading to resolution of the instant case/issue.

Very truly yours,


DAVID F. DALINO
LMO III/RPS-Chief



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Mr. Edgardo O. Pacana
Protestant

Vs

Belen S. Cabutihan
Head Teacher, Villa Libertad
Elementary School
Respondent

Jhony Fabregas
Hon. Punong Barangay,
Bgy. Villa Libertad, El Nido
Palawan
Respondent

**DENR CENRO
TAYTAY, PALAWAN**
RELEASED
BY: *[Signature]*
DATE: 07-11-2018 CN 1206

Re: in the Case of Cancellation
of Csd-04-025364-D

NOTICE OF INVITATION

Above-captioned case is for action of this Office brought about by the protest letter dated March 10, 2018 of Edgar O. Pacana and received by this Office dated March 14, 2018 for the cancellation of Plan Csd-040025364-D involving the lot area of Villa Libertad Elementary School and the site of Barangay Hall of Villa Libertad, El Nido, Palawan.

In view thereof, you are invited to appear before Land Management Officer III David F. Dalino of this office for a conference/ dialogue on dated July 31, 2018 at 2:00 pm to shed light on the matter. Please bring with you any proof of ownership document as evidence of your lawful claim of the land.

Fail not to come.

Very truly yours,

For and in the Absence of the CENRO:

Aug. 31, 2018

2pm

[Signature]
MARIANO P. LILANG, JR.
DMO IV/Office-in- Charge

T.
Edgar Pacana will file a final protest to this Office.

For Delivery of Kuya Jinvel
July 17, 2018



**PHOTO SHOWING THE AMICABLE SETTLEMENT PROCEEDINGS
OF THE OPPOSING PARTIES CONDUCTED DATED JULY 31, 2018**

T.



Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

ATTENDANCE
CENRO Taytay, Conference Room
Edgardo Pacaña

vs.

Belen Cabutihan & Jhonny Fabregas
July 31, 2018 (2:00 PM) - 1st Hearing

NO.	NAME	CONTACT NUMBER	SIGNATURE
1	JOHNNY M. FABREGAS	0946 2007354	
2	Bernie P. Gutierrez	0915 2003529	
3	Diordado B. Villanueva	09093501275	
4	ROSALIE A. ALISING	09301235814	
5	ERENE H. DUMALSIN	09101948482	
6	BELEN C. CABUTIHAN	09997655308	
7	Sherryll F. Pacaña	0917 9959120	
8	Imelda D. Daguer	09071869876	
9	ANGELITA V. ARAGA		
10	MARISA C. BORBO	09481090268	
11	RONALD N. TORACAO		
12	Jonanie D. Cabutihan		
13	PACANA, MERCENARIO	0939 2558080	
14	NESTOR S. MANDA		
15	NONIE M. PACANA		
16	EDGAR D. PACANA		
17	(Belen Cabutihan)		
18			
19			
20			

T.

Mr. PABLO I. CRUZ
OIC-CENRO
Taytay, Palawan

**DENR CENRO
TAYTAY, PALAWAN**
RECEIVED
BY: *Qut*
DATE: 9-14-11 CM 3913

S I R:

We are submitting for your appropriate action our protest/complaint over the approval of the subdivision plan survey of Lot 1115, Cad 1037-D, El Nido, Palawan, under Csd-04-025364-D. The survey was conducted for the Barangay Government of Villa Libertad, El Nido, Palawan, et al. A certain Feguracion Dalabajan signed in the conformity clause as the land owner.

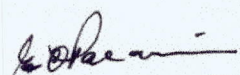
As stated in our protest, the property surveyed was Lot No. 928 which was surveyed for our late father, Santiago Pacana, in 1955 in the Bacuit Public Land Subdivision (Case-2), Pls 31 (PHILCUSA-FOA), as the legitimate claimant and owner.

We have not given any authority to Feguracion Dalabajan to have our inherited property surveyed for the barangay government of Villa Libertad and the Villa Libertad Elementary School, hence, our protest.

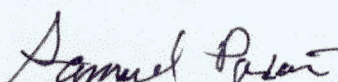
We are anticipating your immediate action in this regard.

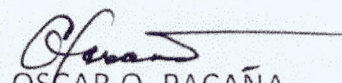
Thank you and more power.


Sincerely yours,


EDGAR O. PACAÑA

National Highway, Villa Libertad
El Nido, Palawan


SAMUEL O. PACAÑA


OSCAR O. PACAÑA

	Official Receipt of the Republic of the Philippines		
	Nº 0134494 T		
	Date <u>9-14-18</u>		
Agency DELR CENTRO TAYTAY, PALAWAN		Fund	
Payor <u>Edgar / Samuel / Cesar / Maria</u>			
Nature of Collection	Account Code	Amount	
<u>Protect - Ly</u>		<u>P 100</u>	
TOTAL		<u>P 100</u>	
Amount in Words <u>One hundred pesos only</u>			
<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			
Received the amount stated above.			
<u>Rose P. Vega Cruz</u> Collecting Officer			
NOTE: Write the number and date of this receipt on the back of check or money order received.			

Republic of the Philippines
Department of Environment and Natural Resources
Region IV – MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

**EDGAR O. PACAÑA, SAMUEL O.
PACAÑA & OSCAR O. PACAÑA,**
Protestants/Complainants.

CASE NO. ____

-versus-

for:

BGY. GOVERNMENT OF VILLA LIBERTAD,
rep. by its Punong Barangay JHONY
FABREGAS & VILLA LIBERTAD ELEMEN-
TARY SCHOOL, rep. by its Head Teacher
BELEN S. CABUTIHAN,
Protestees/Respondents.

**"FOR CANCELLATION OF CSD-04-
025364-D (Lot 1115, Cad 1037-D,
EL NIDO, PALAWAN"**

X-----X

VERIFIED PROTEST/COMPLAINT

PROTESTANTS/COMPLAINANTS by themselves and unto this Honorable Office most respectfully file this protest on the approval of Csd-04-025363-D and hereby further state that:

1. They are all Filipino citizens and more than sixty (60) years old, farmers, married and residents of Bgy. Villa Libertad, El Nido, Palawan, where they may be served with notices and orders coming from this Honorable Office;
2. Protestees/respondents *Bgy. Government of Villa Libertad*, El Nido, Palawan, and *Villa Libertad Elementary School* are government entities represented herein by their respective heads that are all based in Bgy. Villa Libertad, El Nido, Palawan, where they may be served with summons, notices and orders of this Honorable Office;
3. Protestants Oscar O. Pacaña, Edgar O. Pacaña and Samuel O. Pacaña, together with their late brother, Cesar O. Pacaña, are the only legitimate and compulsory heirs of Santiago Pacaña, who died intestate on October 13, 1970 in Bgy. Villa Libertad, El Nido, Palawan;

4. During his lifetime, Santiago Pacaña was the legitimate and only claimant and possessor of Lot No. 928 with an area of more or less seven (7) hectares located in Bgy. Villa Libertad, El Nido, Palawan. Said property was surveyed in his name sometime in the year 1955 in the Bacuit (El Nido) Public Land Subdivision (Case -2), Pls-31 (PHILCUSA – FOA). As evidence we are submitting herewith as **Annex "A"** the said Bacuit Public Land Subdivision which is made as an integral part of this protest;
5. Over the years and during the lifetime of Santiago Pacaña, portions of Lot No. 928 were either sold or conveyed to several individuals such that only a little over one (1) hectare was left after the death of Santiago;
6. Of the more than one (1) hectare left after Santiago's death, about five thousand (5,000) square meters is being presently occupied by the *Villa Libertad Elementary School* while the remaining four thousand and eighty two (4,082) square meters, situated across the *barangay* road facing the elementary school, are being presently occupied by Benjamin Ramirez, Liberty Tumbokon, Samuel O. Pacaña and the heirs of Cesar O. Pacaña. A number of small market stalls (*talipapa*), facing the north national highway, are also inside which are being rented out by the *barangay* government to several vendors together with some small commercial structures occupied by some individuals. The remaining areas are now part of the road right of way (north national highway);
7. Sometime in 1996, the heirs questioned the occupation by the Villa Libertad Elementary School of a portion of about five thousand (5,000) square meters of Lot No. 928. It is the portion where the school buildings and other facilities are located. The heirs were told that the said portion was allegedly sold or donated by Santiago Pacaña but no document of conveyance was ever shown to them. At any rate, even if assuming the portion was truly sold or donated to the school, the same was made by Santiago without the consent of his wife, thus, the portion legally conveyed was only one half of the five thousand (5,000) square meters;
8. To solve the issue on the five thousand (5,000) square meters and as an act of generosity and for the community well being, the protestants, together with their mother and other co-heir, entered into a compromise agreement with the school authorities on May 8, 1996. In said compromise they agreed to drop their complaint on the school's occupation of the 5,000 square meters in exchange of the offer of the school to give them one hundred (100) square meters each to be taken from the area being claimed and occupied by the school. This promise was never complied with by the Villa Libertad Elementary School. We

are attaching hereto the compromise agreement dated May 8, 1996 as **Annex "B"** hereof;

9. Sometime in 2017, the heirs decided to have the remaining 4,082 square meters titled in their name but to their surprise they were informed by the CENRO personnel in Taytay, Palawan, that the area was already surveyed for the *barangay* government of Villa Libertad, the Villa Libertad Elementary School and Liberty Tumbokon, et al. They were given a copy of the subdivision plan of Lot 1115, Cad 1037-D, which was approved on August 31, 2004. A copy of said subdivision plan is hereto attached as **Annex "C"** and is made as an integral part of this protest;
10. In said approved subdivision survey, Villa Libertad Elementary School was given a portion of SEVEN HUNDRED THIRTY SEVEN (737) square meters while the *Barangay* Government of Villa Libertad was given ONE THOUSAND EIGHT HUNDRED THIRTEEN (1,813) square meters. The remaining portions were surveyed for Liberty Tumbokon (400 square meters), Gabina Pacaña (400 square meters), Benjamin Ramirez (133 square meters, and Samuel Pacaña (267 square meters);
11. The approved surveys for Villa Libertad Elementary School and the *Barangay* Government of Villa Libertad are patently illegal and thus void because the heirs of Santiago Pacaña never waived, donated or sold a portion of the property to them, and hence they have no right whatsoever to the areas allotted to them. The remaining portions allotted to Liberty Tumbokon, et al. are not being questioned by the heirs in this protest because they have a right to their respective portions either as legal heirs or vendees;
12. The subdivision survey was likewise made without the knowledge and consent of the Heirs of Santiago Pacaña. In fact, the one who gave conformity to the survey was Feguracion Dalabajan who signed the survey as the land owner. Dalabajan has no right whatsoever to initiate the subdivision survey or to sign the conformity to the survey because she was not in any way authorize by the heirs.

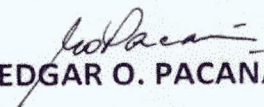
WHEREFORE, PREMISES CONSIDERED, it is most respectfully prayed of this Honorable Office to render judgment in favour of the protestants/complainants and against the protestees/respondents –

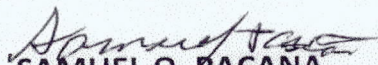
1. by partially invalidating the approval of CSD-4-025364-D (Subdivision Plan of Lot 1115, Cad 1037-D, El Nido) insofar as Lot 1115-A (Area=737 square meters Villa Libertad Elementary School) and Lot 1115-D (Area=1,813 square meters *Barangay* Government of Villa Libertad, El Nido), are concerned; and

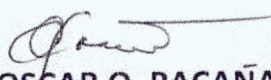
2. to reconvey the said questioned portions to the Heirs of Santiago Pacaña.

Other reliefs and remedies just and equitable under the circumstances are likewise prayed for.

Puerto Princesa City for El Nido, Palawan, September 10, 2018.


EDGAR O. PACANA


SAMUEL O. PACANA

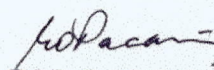

OSCAR O. PACAÑA

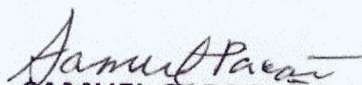
VERIFICATION WITH CERTIFICATION OF
NON-FORUM SHOPPING

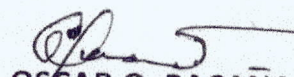
We, **EDGAR O. PACAÑA**, **OSCAR O. PACAÑA** and **SAMUEL O. PACAÑA**, all of legal age (senior citizens), Filipinos, with address at Bgy. Villa Libertad, El Nido, Palawan, after having been sworn to in accordance with law, hereby depose and state:

1. We are the protestants/complainants in the case on which this verification with certification of non-forum shopping is attached;
2. We have caused the preparation and filing of this protest as Heirs of Santiago Pacaña;
3. We have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other lower court, tribunal or agency,
4. To our knowledge, no other such action or proceeding is pending in any judicial court or other tribunal or agency in the Philippines involving the same issues, claims or parties;
5. Should it come to our knowledge that a similar action or proceeding has been filed or is pending before any court, tribunal or agency in the Philippines, we hereby undertake to notify this Office within five days from receipt of such knowledge.

Puerto Princesa City, September 10, 2018.

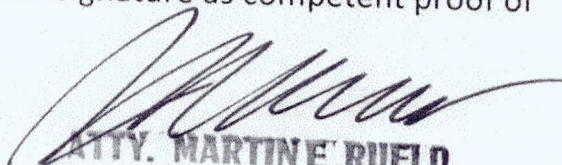

EDGAR O. PACAÑA


SAMUEL O. PACAÑA


OSCAR O. PACAÑA

SUBSCRIBED AND SWORN to before me this SEP 10 2018 day of September 2018 in Puerto Princesa City, by **Edgar O. Pacaña with OSCA ID No. 2679; Samuel O. Pacaña with OSCA ID No. 0185 and Oscar O. Pacaña with OSCA ID No. 2295**, containing their respective name, picture and signature as competent proof of their identity.

Doc. No. 185 ;
Page No. 38 ;
Book No. LXI ;
Series of 2018.


ATTY. MARTINE RUELO
NOTARY PUBLIC
UNTIL DECEMBER 31, 2019
PTR NO. 4260333 R-12/19-2017-P.P.C.
IDP NO. 1028668-12/11/2017-P.P.C.
RM. 13 2/F CAPITOL COMMERCIAL COMPLEX
FERNANDEZ ST., PUERTO PRINCESA CITY

COMPROMISE AGREEMENT

Annex B

KNOW ALL MEN BY THESE PRESENTS:

This agreement entered into by and between the HEIRS of the late SANTIAGO PACANA, all of legal age, Filipino, all residing at the Municipality of El Nido, Palawan herein referred to as the PARTY OF THE FIRST PART;

-and-

The Villa Libertad Elementary School of Bgy. Villa Libertad, El Nido, Palawan as represented by MRS. BELEN S. CASUTIHAN, Teacher-in-Charge and MR. ALFONSO MASULA, PTGA President, also of legal ages, both residing and with post office address at Bgy. Villa Libertad, El Nido, Palawan, herein referred to as the PARTY OF THE SECOND PART;

WITNESSETH

That the PARTY OF THE FIRST PART are the HEIRS of the late SANTIAGO PACANA and his successor-in-interest over a certain parcel of public land known and designated as Lot 928 PLS-31 situated at Bgy. Villa Libertad, El Nido, Palawan, containing an area of SEVENTY ONE THOUSAND THREE HUNDRED THIRTYTWO (71,352) Square Meters;

That the PARTY OF THE SECOND PART contends that they had illegitimately bought one (1) hectare portion, excluding road-right-of-way now established thereat, of above Lot 928, PLS-31 from the late SANTIAGO PACANA;

That the PARTY OF THE FIRST PART asserts that the sale and conveyance is questionable and devoid of proper order arguing that the transaction was not duly concurred in by the spouse of said SANTIAGO PACANA;

That upon and after civil confrontation, argument, and mutual concession, both PARTIES arrived at a compromise agreement as follows:

"That the HEIRS shall WITHDRAW and QUIT their claim in the contested portion of the one (1) hectare School site in exchange of below concessions:

1. SAMUEL, OSCAR and EDGAR, all surnamed PACANA shall be given, free from any remuneration, a 10 x 10 meters residential lot each;

2. GABINA ARZAGA-PACANA, wife of the heir CESAR PACANA shall be accorded property rights over her present residential occupancy.

That a subsequent Survey Order shall be requested to the Project Management Office, Survey and Land Titling Component, Second Palawan Integrated Area Development Project (SLP-SPIADP) thru the DENR-Community Environment and Natural Resources Office (DENR-CENRO) of Taytay, Palawan to effect and finalize above compromise.

IN TESTIMONY WHEREOF, PARTIES have hereunto set hands this 8th day of May 1996 at Villa Libertad, El Nido, Palawan.

Samuel O. Pacana
SAMUEL O. PACANA

Immediate Heir

CTC # 8403078

Issued On 5-9-96 at El Nido

Belen S. Casutihan
BELEN S. CASUTIHAN

Teacher-in-Charge

CTC # 8787422

Issued On 5-9-96 at El Nido, Pal

OSCAR C. PACARA

Immediate Heir

CTC # 8387998

Issued on 03-04-96 at El Nido

OSCAR C. PACARA

Immediate Heir

CTC # 8387420

Issued on 04-04-96 at El Nido

CRESENCIA O. PACARA

Spouse

CTC # 8387419

Issued on 4-4-96 at El Nido

GABRIELA ANZAGA PACARA

Wife of Deceased Heir

CTC # 8387431

Issued on 4-15-96 at El Nido

SIGNED IN THE PRESENCE OF:

JAIME P. CABATINON
Bgy. Captain

ALFONSO MASULA

PTCA Pres.

CTC # 8387442

Issued on 05-05-96
at Villa Libertad, El Nido

PABLO S. TUMBOKON
Bgy. Kagawad

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of Palawan) S. S.
Municipality of El Nido)

BEFORE ME, this 8th day of May 1996 at El Nido, Palawan, personally appeared the above-signed individuals very known to me to be the same individuals who executed the foregoing instrument affecting Lot No. 928, PLS-31, which document consist of two (2) pages including this page wherein the acknowledgement is written. The same persons exhibited to me their respective Community Tax Certificates as written below their names and signatures above.

ALFREDO P. GALASINAO, JR.
Land Management Officer-I
SLT-SPIADP

/abb



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

File Copy

February 14, 2019

attachment c/o Mam Amy

CN. 06941

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Officer
Santa Monica, Puerto Princesa City

FROM : The Community Environment and Natural Resources Officer
Poblacion, Taytay, Palawan

SUBJECT : **VERIFIED PROTEST LETTER FILED OF EDGAR O. PACANA
SAMUEL O. PACANA AND OSCAR PACANA VS. BARANGAY
GOVERNMENT OF VILLA LIBERTAD REP. BY JOHNY
FABRIGAS (PUNONG BARANGAY) AND VILLA LIBERTAD
ELEMENTARY SCHOOL REP. BY BELEN S. CABUTIHAN (HEAD
TEACHER) FOR CANCELLATION OF LOT CSD-04-025364-D**

Respectfully forwarded is the above protest with attachments consistent with the requirements under Sec. 4, Chapter II of Dao 2016-13 filed by Edgar O. Pacana, Samuel O. Pacana and Oscar O. Pacana versus Bgy. Government of Villa Libertad rep. by Jhony Fabregas (Punong Barangay) and Libertad Elem. School rep. by Belen S. Cabutihan (Head Teacher) for cancellation of Lot Csd-04-025364-D identical to Lot No. 1115, Cad 1037-D located at Barangay Villa Libertad, El Nido, Palawan.

Please be informed that the case did not go through conciliation proceedings in the barangay because the respondent is the Punong Barangay Jhony Fabrigas himself representing the Barangay Government of Villa Libertad.

Preliminary conference (copy of report hereto-attached) among the contending parties was held but did not result to amicable settlement. Hence, issuance of Order of Investigation is hereby recommended.

For your reference and approval.

ALAN L. VALLE

**DENR CENRO
TAYTAY, PALAWAN
RELEASED**
BY: 7-2
DATE: 02-18-2019 CN order



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

PENRO

February 14, 2019

MEMORANDUM

FOR : The Provincial Environment and Natural Resources Officer
Santa Monica, Puerto Princesa City

FROM : The Community Environment and Natural Resources Officer
Poblacion, Taytay, Palawan

SUBJECT : **VERIFIED PROTEST LETTER FILED OF EDGAR O. PACANA
SAMUEL O. PACANA AND OSCAR PACANA VS. BARANGAY
GOVERNMENT OF VILLA LIBERTAD REP. BY JOHNY
FABRIGAS (PUNONG BARANGAY) AND VILLA LIBERTAD
ELEMENTARY SCHOOL REP. BY BELEN S. CABUTIHAN (HEAD
TEACHER) FOR CANCELLATION OF LOT CSD-04-025364-D**

DENR PENRO
PALAWAN REGION
RECEIVED
BY: *Rm*
DATE: 02/20/19 CN 19-1482
8:14pm

Respectfully forwarded is the above protest with attachments consistent with the requirements under Sec. 4, Chapter II of Dao 2016-13 filed by Edgar O. Pacana, Samuel O Pacana and Oscar O. Pacana versus Bgy. Government of Villa Libertad rep. by Jhony Fabregas (Punong Barangay) and Libertad Elem. School rep. by Belen S. Cabutihan (Head Teacher) for cancellation of Lot Csd-04-025364-D identical to Lot No. 1115, Cad 1037-D located at Barangay Villa Libertad, El Nido, Palawan.

Please be informed that the case did not go through conciliation proceedings in the barangay because the respondent is the Punong Barangay Jhony Fabrigas himself representing the Barangay Government of Villa Libertad.

Preliminary conference (copy of report hereto-attached) among the contending parties was held but did not result to amicable settlement. Hence, issuance of Order of Investigation is hereby recommended.

For your reference and approval.

ALAN L. VALLE
T.

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: *AS*
DATE: 02-18-2019 CN 0467



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay, Palawan

Subject: **VERIFIED PROTEST/COMPLAINT FILED BY EDGAR O. PACANA
SAMUEL O. PACANA AND OSCAR O. PACANA (PROTESTANTS)
AGAINST BGY. GOVT. OF VILLA LIBERTAD, REP. BY PUNONG
BARANGAY JHONY FABREGAS AND VILLA LIBERTAD ELEM.
SCHOOL, REP. BY HEAD TEACHER BELEN S. CABUTIHAN
(PROTESTEES) FOR CANCELLATION OF CSD-04-025364-D,
LOCATED AT BGY. LIBERTAD, EL NIDO, PALAWAN**

February 11, 2019

**The Community Environment and
Natural Resources Officer**
Poblacion, Taytay, Palawan

**DENR CENRO
TAYTAY, PALAWAN
RECEIVED**

BY gms
DATE: 2.14.19 CN 659

Sir:

Relative to above verified protest/complaint submitted through undated letter of above **Protestants** received by this office dated September 30, 2018, against **Protesteers** seeking for appropriate action on cancellation of Csd-04-025364-D identical to Lot No. 1115, Cad 1037-D as surveyed for Barangay Government, et. al., the hereto undersigned is pleased to give his preliminary report on the matter, as follows:

That parcel of land directly involved in the case/issue was identified as approved Subdivision Plan of Lot 1115, Cad 1037-D, consisting Four Thousand and Eighty Two (4,082) square meters with six (6) resultant lots Lot 1115-A to Lot 1115-F under Plan Csd-04-025364, surveyed in the name of Barangay Government, et. al., situated at Barangay Villa Libertad, El Nido, Palawan.

That on April 23, 2018 prior to formal submission of the verified protest/complaint by the above Protestants, Edgar Pacana (one of the Protestants), previously wrote a letter dated March 10, 2018 received by this office dated March 14, 2018 copy furnished the PENRO requesting for cancellation or disapproval of Survey Plan of Survey Plan Csd-04-025364-D.

That on April 23, 2018, this office received a PENRO Memo brought about by the said letter request of one of the Protestants, Edgar O. Pacana with instructions to conduct immediate in-depth verification and investigation on the issue.

That on May 15, 2018, Engineer II Marian B. Lachica of this office rendered her report of findings in compliance to PENRO Memo. The same report was forwarded to PENRO and a return MEMO dated June 5, 2018, received by this office on 20 of June 2018, per their evaluation of the report, consequently, the request for cancellation of Plan Csd-04-025364-D cannot be granted due to lack of basis.

That embedded on the same PENRO Memo was an instructions to initiate efforts for a dialogue with Mr. Pacana and affected lot claimants for possible amicable settlement and to require complaining party to file protest/petition pursuant to DAO 2016-31.

That on July 31, 2018 both opposing parties in response to notice of invitation (copy attached), have shown up for an amicable settlement proceedings (photo and copy of attendance hereto-attached) initiated by the undersigned, unfortunately, no settlement agreement have been reached by both opposing parties, however, after the amicable settlement ended an advise was made by the hereto undersigned to let Protestants file a formal protest.

That on September 14, 2018 this office has received an undated letter filed by Protestants Edgar O. Pacana, Samuel O. Pacana and Oscar O. Pacana against Barangay Government of Villa Libertad represented by Punong Barangay Jhony M. Fabrigas and Villa Libertad Elementary School represented by Belen S. Cabutihan for cancellation of Plan Csd-04-025364-D.

I view of the foregoing, the hereto undersigned hereby recommends that above verified protest/complaint be issued an ORDER OF INVESTIGATION leading to resolution of the instant case/issue.

Very truly yours,


DAVID F. DALINO
LMO III/RPS-Chief



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Mr. Edgardo O. Pacana
Protestant

Vs

Belen S. Cabutihan
Head Teacher, Villa Libertad
Elementary School
Respondent

Jhony Fabregas
Hon. Punong Barangay,
Bgy. Villa Libertad, El Nido
Palawan
Respondent

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: *[Signature]*
DATE: 07-11-2018 CN 1206

Re: in the Case of Cancellation
of Csd-04-025364-D

NOTICE OF INVITATION

Above-captioned case is for action of this Office brought about by the protest letter dated March 10, 2018 of Edgar O. Pacana and received by this Office dated March 14, 2018 for the cancellation of Plan Csd-040025364-D involving the lot area of Villa Libertad Elementary School and the site of Barangay Hall of Villa Libertad, El Nido, Palawan.

In view thereof, you are invited to appear before Land Management Officer III David F. Dalino of this office for a conference/ dialogue on dated July 31, 2018 at 2:00 pm to shed light on the matter. Please bring with you any proof of ownership document as evidence of your lawful claim of the land.

Fail not to come.

Very truly yours,

For and in the Absence of the CENRO:

Aug. 31, 2018

2pm

MARIANO P. LILANG, JR.
DMO IV/Office-in-Charge

T.

Edgar Pacana will file a final protest to this Office.

For Delivery of Kuya Jinvel
July 17, 2018



**PHOTO SHOWING THE AMICABLE SETTLEMENT PROCEEDINGS
OF THE OPPOSING PARTIES CONDUCTED DATED JULY 31, 2018**

7



Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

ATTENDANCE
CENRO Taytay, Conference Room
Edgardo Pacaña

vs.

Belen Cabutihan & Jhonny Fabregas
July 31, 2018 (2:00 PM)- 1st Hearing

NO.	NAME	CONTACT NUMBER	SIGNATURE
1	JOHNNY M. FABREGAS	0946 2009354	
2	Bernie P. Gutierrez	09152003529	
3	Dionardo B. Villanueva	09093501275	
4	ROSALIE A. AUISING	09301235814	
5	ERENE H. DUMALSIN	09101948482	
6	BELEN C. CABUTIHAN	09997655308	
7	Sherryll F. Pacaña	0917 9959120	
8	Imelda B. Dagupan	09071863876	
9	ADELITA V. ARAGA		
10	MARISA C. BORRAN	09481090268	
11	Ronald N. Toracca		
12	Jonanie B. Cabutihan		
13	PACANA, MERCENARIO	0939 2558080	
14	NESTOR S. MANUA		
15	NONIE M. PACANA		
16	EDGAR D. PACANA		
17	(Belen Cabutihan)		
18			
19			
20			

Mr. PABLO I. CRUZ
OIC-CENRO
Taytay, Palawan

DEND CENRO
TAYTAY, PALAWAN
RECEIVED
BY: *[Signature]*
DATE: 9-14-18 ON 3918

S I R:

We are submitting for your appropriate action our protest/complaint over the approval of the subdivision plan survey of Lot 1115, Cad 1037-D, El Nido, Palawan, under Csd-04-025364-D. The survey was conducted for the Barangay Government of Villa Libertad, El Nido, Palawan, et al. A certain Feguracion Dalabajan signed in the conformity clause as the land owner.

As stated in our protest, the property surveyed was Lot No. 928 which was surveyed for our late father, Santiago Pacana, in 1955 in the Bacuit Public Land Subdivision (Case-2), Pls 31 (PHILCUSA-FOA), as the legitimate claimant and owner.

We have not given any authority to Feguracion Dalabajan to have our inherited property surveyed for the barangay government of Villa Libertad and the Villa Libertad Elementary School, hence, our protest.

We are anticipating your immediate action in this regard.

Thank you and more power.


Sincerely yours,

[Signature]
EDGAR O. PACAÑA

[Signature]
SAMUEL O. PACAÑA

[Signature]
OSCAR O. PACAÑA

National Highway, Villa Libertad
El Nido, Palawan

	Official Receipt of the Republic of the Philippines		
	Nº 0134494 T		
	Date <u>9-14-18</u>		
Agency <u>GENR CENRO TAYTAY, PALAWAN</u>		Fund	
Payor <u>Edgar / Samuel / Oscar / ...</u>			
Nature of Collection	Account Code	Amount	
<u>Protect - 24</u>		<u>P 100</u>	
TOTAL		<u>P 100</u>	
Amount in Words <u>One hundred pesos</u>			
<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			
Received the amount stated above.			
<u>[Signature]</u> <u>ROSE P. DE LA CRUZ</u> Collecting Officer			
NOTE: Write the number and date of this receipt on the back of check or money order received.			

Edgardo Pacaña
vs.
Belen Cabutihan & Jhonny Fabregas

July 31, 2018
2:00 PM

1115, Cad 1037-D

Edgardo Pacaña : Gusto ipacancel ang approve plan (portion)

Mercenario Pacaña :

School: 1996 binakod ang area (nabulok then binakod ng mga Pacaña)

Pacaña : Feb ^{14 March} 2018 nag batod

Mercenario :

Edgardo : ^{ang alam ko} 1,000 sq.m lang ang kinukuha nila.

— : Hindi daw legal ang pag pirma sa compromise agreement.

Suggestion for settlement:

Capitan: kung gusto nilang ipacancel ang Plan, dapat malaman din ng community. Magkaroon ng assembly w/ community. kung papayag din ba sila.

Mercenarian: ~~Bigay nating ng school ang area ^{nila} ^{sa} ~~kanila~~ ^{amin} at hindi na papalciatamaan ang sa Bgy.~~
→ Bigyan sila ng area.

Sir Dave to Pacaña: File a formal protest



Republic of the Philippines
Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

ATTENDANCE

CENRO Taytay, Conference Room

Edgardo Pacaña

VS.

Belen Cabutihan & Jhonny Fabregas

July 31, 2018 (2:00 PM) - 1st Hearing

NO.	NAME	CONTACT NUMBER	SIGNATURE
1	JOHNNY M. FABREGAS	0946 2007354	
2	Bernie P. Gutierrez	0915 2003529	
3	Dionisado B. Villanueva	09093501275	
4	ROSALIE A. ALISING	09301235814	
5	ERENE H. DUMALSIN	09101348482	
6	BELEN S. CABUTIHAN	09997655308	
7	Sherryll F. Pacaña	0917 9959120	
8	Imelda D. Daguer	09071863876	
9	ADELITA V. ARAGA		
10	MARISA C. PORBON	09481090268	
11	Ronald N. Toracao		
12	Jonanie D. Cabutihan		
13	PACANA, MERCENARIO	0939 2558080	
14	MASTOR S. MANUA		
15	NONIE M. PACANA		
16	EDGAR O. PACANA		
17	(Belen Cabutihan)		
18			
19			
20			



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Mr. Edgardo O. Pacana
Protestant

Vs

Belen S. Cabutihan
Head Teacher, Villa Libertad
Elementary School
Respondent

Jhony Fabregas
Hon. Punong Barangay,
Bgy. Villa Libertad, El Nido
Palawan
Respondent

DENR CENRO
TAYTAY, PALAWAN
RELEASED
BY: *[Signature]*
DATE: 07-11-2018 CN 1206

Re: in the Case of Cancellation
of Csd-04-025364-D

NOTICE OF INVITATION

Above-captioned case is for action of this Office brought about by the protest letter dated March 10, 2018 of Edgar O. Pacana and received by this Office dated March 14, 2018 for the cancellation of Plan Csd-040025364-D involving the lot area of Villa Libertad Elementary School and the site of Barangay Hall of Villa Libertad, El Nido, Palawan.

In view thereof, you are invited to appear before Land Management Officer III David F. Dalino of this office for a conference/ dialogue on dated July 31, 2018 at 2:00 pm to shed light on the matter. Please bring with you any proof of ownership document as evidence of your lawful claim of the land.

Fail not to come.

Very truly yours,

For and in the Absence of the CENRO:

Aug. 31, 2018

2pm

[Signature]
MARIANO P. LILANG, JR.
DMO IV/Office-in- Charge

Edgar Pacana will file a final protest to this Office.

*For Delivery of Kuya Jinvel
July 17, 2018*



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

05 June 2018

MEMORANDUM

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

FROM : The OIC-Provincial Environment and
Natural Resources Officer

SUBJECT : **MEMORANDUM DATED MAY 30, 2018 RE-INVESTIGATION
REPORT RELATIVE TO LETTER DATED MARCH 10, 2018 OF
MR. RICARDO O. PACANA REQUESTING FOR CANCELLATION
PLAN CSD-04-025364-D**

DENR CENRO
TAYTAY, PALAWAN
RECEIVED
BY: *[Signature]*
DATE: 6-20-18

Your Memorandum dated May 30, 2018 along with investigation report of Engineer II, Marian B. Lachica and its attachment has been received by this office on June 01, 2018.

That upon evaluation of the report, the request of Mr. Ricardo O. Pacana for cancellation of Plan CSD-04-025364-D cannot be granted due to lack of legal basis. Please initiate efforts to conduct a dialogue with the Mr. Pacana and affected lot claimants for possible amicable settlements and in the negative please require the complaining party to file a protest and or petition pursuant to DAO 2016-31 dated December 29, 2016

For immediate compliance.

[Signature]
FELIZARDO B. CAYATOC

Copy Furnished :

Mr. Ricardo O. Pacana
Villa Libertad, El Nido, Palawan

Sta. Monica, Puerto Princesa City
Telefax (048) 433-5638/email add:denrpalawan@yahoo.com

DENR DENRO
PALAWAN REGIONAL OFFICE
RECEIVED
BY: *[Signature]*
DATE: 6-06-18 18-6267



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

05 June 2018

MEMORANDUM

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

FROM : The OIC-Provincial Environment and
Natural Resources Officer

SUBJECT : **MEMORANDUM DATED MAY 30, 2018 RE-INVESTIGATION
REPORT RELATIVE TO LETTER DATED MARCH 10, 2018 OF
MR. RICARDO O. PACANA REQUESTING FOR CANCELLATION
PLAN CSD-04-025364-D**

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For immediate compliance.

FELIZARDO B. CAYATOC

Copy Furnished :

Mr. Ricardo O. Pacana
Villa Libertad, El Nido, Palawan

DENR PENRO
PALAWAN RECORDS
RELEASED

BY:

DATE: 6-06-18 CN 18-6267

Sta. Monica, Puerto Princesa City
Telefax (048) 433-5638/email add: denrpalawan@yahoo.com



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan
Email Address: cenrotaytaypal@yahoo.com.ph

May 30, 2018

MEMORANDUM

FOR : The Provincial Environment and
Natural Resources Officer – Palawan
Sta. Monica, Puerto, Princesa City

FROM : The Community Environment and
Natural Resources Office
Taytay-El Nido, Palawan

SUBJECT : 16 APRIL 2018 MEMORANDUM CF: LETTER DATED
MARCH 10, 2018 OF MR. EDGARDO O. PACANA TO CENRO
TAYTAY, REQUESTING FOR CANCELLATION OR
DISAPPROVAL OF SURVEY PLAN OF LOT NO. 928, PLS-31,
LOCATED AT BRGY. VILLA LIBERTAD, EL NIDO,
PALAWAN

DENR PENRO
PALAWAN RECORDS
RECEIVED

DATE: 05/01/18 CN 18-0267
11:08 AM

Respectfully forwarding is the report of Engr. Marian B. Lachica in the above subject. This report is in compliance to your memorandum dated April 16, 2018. (copy attached)

Please acknowledge receipt hereof through our email address below. Thank you.

For and in the absence of the CENRO:

DENR CENRO
TAYTAY, PALAWAN
RECEIVED

BY: 96
DATE: 05/30/2018 CN 0985

MARIANO P. LILANG JR.
Development Management Officer IV
Officer-In-Charge



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

May 15, 2018

MEMORANDUM

FOR : The Community Environment and Natural Resources Officer
DENR-CENRO, Taytay, Palawan

THRU : The Chief, LPDU
DENR-CENRO, Taytay, Palawan

FROM : Engineer II, Marian B. Lachica
DENR-CENRO, Taytay, Palawan

SUBJECT : **REPORT ON THE INVESTIGATION IN LETTER DATED MARCH 10, 2018 OF MR. EDGARDO O. PACANA REGARDING HIS REQUEST FOR CANCELLATION OR DISAPPROVAL OF SURVEY PLAN OF LOT NO. 928, PLS-31, LOCATED AT VILLA LIBERTAD, EL NIDO, PALAWAN**

**DENR CENRO
TAYTAY, PALAWAN
RECEIVED**
BY: *[Signature]*
DATE: 5-18-18 CN 2018

INVESTIGATION REPORT

Pursuant to a PENRO Memorandum dated 16 April 2018 and received by the Office of the CENRO Taytay on 23 April 2018 and endorsed to the undersigned on 02 May 2018, the undersigned proceeded to the area to conduct inspection/investigation on 09 May 2018. Hence, this report.

1. In accordance to the letter-protest dated 10 March 2018 by EDGAR O. PACAÑA, requesting for the cancellation or disapproval of the said survey plan. The PACAÑA's alleged that their late father SANTIAGO PACAÑA claimed and was in possession of a parcel of land in Bgy. Villa Libertad El Nido, Palawan identified as Lot 928, PLS-31 (Philcusa-Foa), Bacuit Public Land Subdivision.
2. As per records of this Office, LOT 928 of PLS-31, (Philcusa-Foa), Bacuit Public Land Subdivision is an **undecreed property**, which was later numbered into different lots during the cadastral survey (attached as **ANNEX A**), involving the protested survey plan of **LOT 1115 Cad. 1037-D, El Nido Cadastre** subdivided into seven (7) lots, including Road Right of Way, under (**SA No. 107-2004**) dated July 16, 2004.
3. During the inspection, the PACAÑA stated that the alleged subdivision survey of **LOT 1115 Cad. 1037-D, El Nido Cadastre** was without their knowledge and consent and thus protests the claims of **Villa Libertad Elem. School and Barangay Government over LOT 1115-A & LOT 1115-B, Csd-04-025364-D**. Thereafter, BELEN S. CABUTIHAN,



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Head Teacher of Villa Libertad Elem School, provided the undersigned a copy of some documents, including "**Compromise Agreement**" signed between Villa Libertad Elem. School and the HEIRS of late SANTIAGO PACAÑA (attached as **ANNEX B & C**), stating that the "HEIRS" shall withdraw and quit their claim in the contested portion of one (1) hectare school site in exchange of below concessions:

"1. SAMUEL, OSCAR and EDGAR, all surnamed PACAÑA shall be given, free from any remuneration, a 10 x 10 residential lot each; 2. GABINA ARZAGA- PACAÑA, wife of the heir CESAR PACAÑA shall be accorded property rights over her present residential occupation"

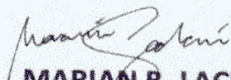
4. Nevertheless, **LOT 1115-B, Csd-04-025364-D** identical to LOT 1169, Cad. 1037-D, was already **patented/titled** to **Ma. Liberty Tumbokon** under **FP-045312-1027**; **LOT 1115-D, Csd-04-025364-D** identical to LOT 1171, Cad. 1037-D, with TD NO. 017-0316-R and PROPERTY INDEX NO. 066-13-017-09-043 owned by **Bo. Gov't. of Villa Libertad** (attached as **ANNEX D**); **LOT 1115-E, Csd-04-025364-D** identical to LOT 1172, Cad. 1037-D, on the other hand, was waived by EDGAR PACAÑA in favor of **Benjamin Ramirez**.
5. To temporarily settle the issue of the parties concerned, the Barangay together with representatives of Villa Libertad Elem. School and the Pacaña's came to an agreement last March 2018, not to alter and change their respective claims. However, the Pacaña allegedly force to barbed fence their boundaries including LOT 1115-A (claimed portion of Villa Libertad Elem. School) (see **Fig. 1**).

Recommendation/s:

From the foregoing, the undersigned hereby recommends to invite the said parties regarding their claims. Also note that **LOT 1115-B, Csd-04-025364-D** owned by Ma.Liberty Tumbokon has already been registered and covered by Certificate of Title.

Attached herewith is the photo documentation.

For information and compliance.


MARIAN B. LACHICA



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
5312 Taytay, Palawan

Photo Documentation



Fig. 1 Lot 1115-A to
Lot 1115-F Csd-
04-025364-D



Fig. 2 Portion of Lot
1115-D, Csd-04-
025364-D
showing
existing Villa
Libertad Bgy.
Hall.

"ANNEX B"

COMPROMISE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS;

This agreement entered into by and between the HEIRS of the late SANTIAGO PACANA, all of legal age, Filipino, all residing at the Municipality of El Nido, Palawan herein referred to as the PARTY OF THE FIRST PART;

-and-

The Villa Libertad Elementary School of Bgy. Villa Libertad, El Nido, Palawan as represented by MRS. BELEN S. CANTIHAN, Teacher-in-Charge and MR. ALFONSO MASULA, PICA President, also of legal ages, both residing and with post office address at Bgy. Villa Libertad, El Nido, Palawan, herein referred to as the PARTY OF THE SECOND PART;

WITNESSETH

That the PARTY OF THE FIRST PART are the HEIRS of the late SANTIAGO PACANA and his successor-in-interest over a certain parcel of public land known and designated as Lot 928 PLS-31 situated at Bgy. Villa Libertad, El Nido, Palawan, containing an area of SEVENTY ONE THOUSAND THREE HUNDRED THIRTYTWO (71,332) Square Meters;

That the PARTY OF THE SECOND PART contends that they had legitimately bought one (1) hectare portion, excluding road-right-of-way now established thereat, of above Lot 928, PLS-31 from the late SANTIAGO PACANA;

That the PARTY OF THE FIRST PART asserts that the sale and conveyance is questionable and devoid of proper order arguing that the transaction was not duly concurred in by the spouse of said SANTIAGO PACANA;

That upon and after civil confrontation, argument, and mutual concession, both PARTIES arrived at a compromise agreement as follows:

"That the HEIRS shall WITHDRAW and QUIT their claim in the contested portion of the one (1) hectare School site in exchange of below concessions;

1. SAMUEL, OSCAR and EDGAR, all surnamed PACANA shall be given, free from any remuneration, a 10 x 10 meters residential lot each;

2. GABINA ARZAGA-PACANA, wife of the heir CESAR PACANA shall be accorded property rights over her present residential occupation".

That a subsequent Survey Order shall be requested to the Project Management Office, Survey and Land Titling Component, Second Palawan Integrated Area Development Project (SLT-SPIADP) thru the DENR-Community Environment and Natural Resources Office (DENR-CENRO) of Taytay, Palawan to effect and finalize above compromise.

IN TESTIMONY WHEREOF, PARTIES have hereunto set hands this 8th day of May 1996 at Villa Libertad, El Nido, Palawan:

Samuel O. Pacana
SAMUEL O. PACANA
Immediate Heir

CTC # 8403078

Issued On 5-7-96 at El Nido

Belen S. Cantihan
BELEN S. CANTIHAN
Teacher-in-Charge

CTC # 8587022

Issued On 5-7-96 at El Nido, Pal

TO / FOR:

2000 / 1000

9/24/18

- ☒ For appropriate action
☒ For information and record
☒ For investigation and recommendation
☐ For inspection / verification and submission of report
☐ For review and evaluation
☐ For immediate / strict compliance *act fin*
☐ For assessment
☐ Other (Pls. Specify) *pls take note of the decision of our action*
7/5

he Philippines
 of Environment and Natural Resources
 Region
 ENVIRONMENT AND NATURAL RESOURCES OFFICE
 alawan

April 16, 2018

MEMORANDUM

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

FROM : The OIC-Provincial Environment and Natural Resources Officer

SUBJECT : CF: LETTER DATED MARCH 10, 2018 OF MR. EDGARDO O. PACANA TO CENRO TAYTAY, REQUESTING FOR CANCELLATION OR DISAPPROVAL OF SURVEY PLAN OF LOT NO. 928, PLS-31, LOCATED AT BRGY. VILLALIBERTAD, EL NIDO, PALAWAN (DOC. REF. NO. 2018-3096)

Referred herewith is the copy furnished letter dated March 10, 2018 of Mr. Edgar O. Pacana, requesting for the cancellation or disapproval of survey Plan of Lot No. 928, PLS-31, located at Barangay Villabertad, El Nido, Palawan.

Please conduct an immediate indepth verification and investigation of the involved lot and submit report within five (5) days upon receipt hereof. Directly inform the party concern of the action taken on the matter.

For immediate compliance

*Eng H. Mariano
 please conduct actual investigation*

For the OIC-PENRO:

Sonia M. Pascual
 SONIA M. PASCUAL
 Planning Officer III
 Office-In-Charge

Copy furnished:

- Ms. Edgar O. Palanca
 Brgy. Villa Libertad, El Nido, Palawan
- PENRO/file

DENR PENRO
 PALAWAN RECEIVED
 RELEASED

BY: *JS*
 DATE: 4-17-18 CH: 18-3096

Bgy. Villa Libertad
El Nido, Palawan
March 10, 2018

PALAWAN RECORDS
RECEIVED

BY: YAN
DATE 03-26-18 CN 18-3096

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES
TAYTAY

BY YAN
DATE 3-14-18 CN 1137

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region 1V Mimaropa
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Taytay 5312, Palawan

Dear Sir:

I am one of the children of the late SANTIAGO PACANA who died on October 13, 1970. During his lifetime, he claimed and was in possession of a parcel of land situated in Bgy. Villa Libertad, El Nido, Palawan identified as Lot No. 928, Pls 31 (PHILCUSA-FOA) Bacuit Public Land Subdivision (Case-2). Portions of this property have been sold to different persons. A portion of the property is now a school site of Villa Libertad Elementary School while another portion is now the site of the Barangay Hall of Bgy. Villa Libertad.

We came to know that another portion of Lot No. 928 was subdivided in Csd-04-025364-D. This portion is now occupied by the heirs of SANTIAGO PACANA. The survey was conducted at the instance of the school principal without the consent of any of the heirs.

We are writing this letter in order to protest the subdivision of the said portion of the property and we are respectfully requesting for the cancellation or disapproval of the said survey plan. As far as we know, no title has yet been issued to any portion of Lot No. 928.

Thank you very much for your kind consideration and approval.

Very truly yours,

Edgar O. Pacana
EDGAR O. PACANA
0907 692 3294
OSCO 2679

SUBSCRIBED AND SWORN to before me this 10th day of March 2018
in Puerto Princesa City.

Doc. No. 410
Page No. 83
Book No. XLII

JOSEPH M. AGUILAN
NOTARY PUBLIC
NOTED & ENTERED 21 2018
ROLL NO. 42233
NOTARY PUBLIC, PALAWAN DIVISION
NO. 1227-12 PSC, PALAWAN, 52-21-02
NOTARY DIVISION 1-601-14

CF 21187

DOCUMENT ACTION INFORMATION FORM

Document
Reference No.: 2018-3096

Date and Time received: 03/26/2018 1:34:57 PM

From: EDGAR O. PACANA

Document Type: Letters

BGY. VILLA LIBERTAD, EL NIDO, PALAWAN

Subject: CF: LETTER DATED MARCH 10, 2018 OF MR. EDGAR O. PACANA TO CENRO TAYTAY, REQUESTING FOR THE CANCELLATION OR DISAPPROVAL OF SURVEY PLAN OF LOT NO. 928, PLS-31 LOCATED BGY. VILLA LIBERTAD, EL NIDO, PAL.

ROUTE #	DATE	FROM	TO	ACTION REQUIRED	✓ IF URGENT
105 th	4-✓	DL P40	Sir MXP 9/11/2018	memo to Taylor to conduct invest, submit sep. & recomm. cc party	

Printed on 03/26/2018 1:35:04PM

Received at: ENCODING-OFFICE OF THE

DENR PALAWAN DOCUMENT ACTION TRACKING SYSTEM v.1

IMPORTANT: Issued for taxation purposes only and should not be considered as title to the property.

EDGAR O. PAGARA

Immediate Heir

CTC # 8387998

Issued on 03-04-96 at El Nido

OSCAR O. PAGARA

Immediate Heir

CTC # 8387420

Issued on 04-04-96 at El Nido

CRESENCIA O. PAGARA

Spouse

CTC # 8387419

Issued on 4-4-96 at El Nido

HALINA O. PAGARA

Wife of Deceased Heir

CTC # 8387431

Issued on 4-15-96 at El Nido

SIGNED IN THE PRESENCE OF:

JAMES P. CABUTIHAN

Reg. Captain

ALFONSO MASULA

PTCA Pres.

CTC # 8387442

Issued on 05-05-96 at Villa Libertad, El Nido

PABLO S. TUMBOKON

Reg. Kagawad

ACKNOWLEDGEMENT

Republic of the Philippines)
Province of Palawan) S. S.
Municipality of El Nido)

BEFORE ME, this 8th day of May 1996 at El Nido, Palawan, personally appeared the above-signed individuals very known to me to be the same individuals who executed the foregoing instrument affecting Lot No. 928, PL-51, which document consist of two (2) pages including this page wherein the acknowledgement is written. The same persons exhibited to me their respective Community Tax Certificates as written below their names and signatures above.

ALFREDO P. GALASINAO, JR.
Land Management Officer-I
SLT-SPIADP