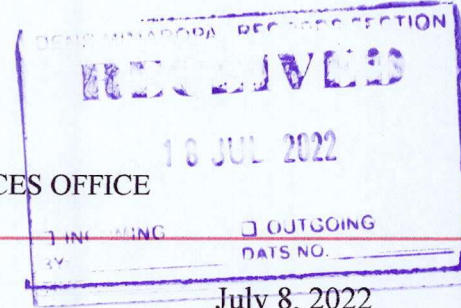




Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE



MEMORANDUM

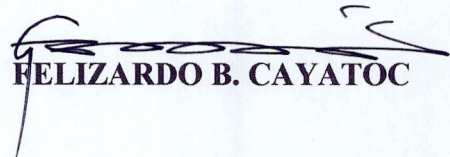
FOR : The Regional Executive Director
DENR-R4, MIMAROPA, 1515 L&S Building
Roxas, Blvd., Ermita, Manila

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **ORDER DATED OCTOBER 30, 2000 RE: DENR
CASE NO. IV-5719**

Forwarded for consideration is the memorandum of CENRO Puerto Princesa dated June 27, 2022 requesting for the issuance of an Order of Finality and the complete record of DENR Case No. IV-5719 docketed as Cesar Delfin, protestant versus Cipriano Infante involving Lot 5616, Cad 800-D situated at Barangay Sicsican, Puerto Princesa City.

The same Order is anchored based on the standing instruction of that Office to give due course to Miscellaneous Sales Application of the respondent.


FELIZARDO B. CAYATOC

Copy furnished:

The CENRO Puerto Princesa City
TSD-RPS DRN 2022-5725/lmo

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By _____
Date: 11 JUL 2022 22-1680



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES
PUERTO PRINCESA CITY
South National Highway, Bgy. Sta. Monica, Puerto Princesa City
TEL Fax No. (048) 717-0702
Email Address: cenropuertoprincesa@denr.gov.ph

June 27, 2022

MEMORANDUM

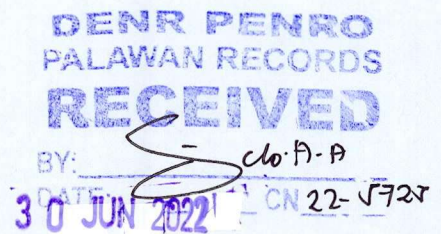
FOR : The Regional Executive Director
DENR-MIMAROPA Region
L & S Building, Roxas Boulevard
Ermita, Manila

Attention : The Chief, Legal Division

THRU : The Provincial Environment
and Natural Resources Officer
Puerto Princesa City

FROM : The Community Environment
and Natural Resources Officer
Puerto Princesa City

SUBJECT : **ORDER DATED OCTOBER 30, 2000**
RE: DENR CASE NO. 1V-5719

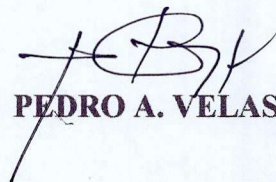


This has reference to the subject Order dated October 30, 2000 issued by the then Regional Executive Director Vicente S. Paragas, CESO III covered by DENR Case No. 1V-5719 between Cesar Delfin, Protestant –versus- Cipriano Infante involving Lot 5616, Cad 800-D containing an area of 589 square meters located in Barangay Sicsican, Puerto Princesa City.

Records of this Office shows that the above-subject case has not yet attained finality considering that no Order of Finality yet is issued in the said case. Likewise, the original records of the case was not yet returned to this Office.

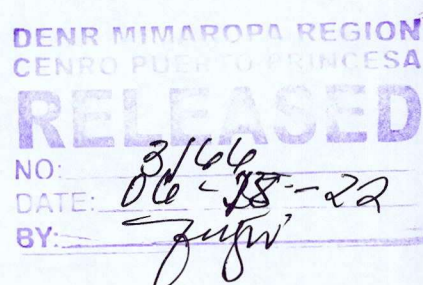
Relative thereto, this Office is requesting the issuance of Order of Finality in the above-subject case or if there is already an issued Order of Finality, this Office is requesting a certified copy of the same.

For his information, record and forward action.


PEDRO A. VELASCO

Copy Furnished:

1. **Ms. Lourdes Infante-Sahagun**
Bgy. Sicsican, Puerto Princesa City
2. **Mr. Leonardo Infante**
Purok Magsasaka, bgy. Irawan
Puerto Princesa City





REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
REGIONAL OFFICE NO. IV
1515 Roxas Blvd., Manila

Received December 11/2000

CESAR DELFIN

Protestant

x

- versus -

CIPRIANO INFANTE

Respondent

x

CENRO CASE NO. IV-5730

Lot 5616, CAD 800-D

Puerto Princesa City Cadastre

Area - 589 square meters

Sicsican, Puerto Princesa City

O R D E R

This case stemmed from the protest of Mr. Cesar Delfin filed with the CENRO Puerto Princesa City on June 1, 1993 against a certain Mr. Cipriano Infante, relative to the latter's Miscellaneous Sales Application (MSA) (unnumbered) covering a parcel of land and particularly identified as Lot No. 5616, CAD 800-D, Puerto Princesa City Cadastre located at Brgy. Sicsican, Puerto Princesa City, containing an area of 589 square meters, more or less.

Protestant alleged in substance that the original possessor/occupant of the questioned land is his father, Mr. Elias Delfin. That sometime in November 1985, his father transferred/assigned to him said parcel of land by virtue of public instrument, a Waiver of Right dated November 27, 1985. On January 4, 1991, protestant filed a Miscellaneous Sales Application (unnumbered) with the CENRO Puerto Princesa city.


On the other hand, respondent Cipriano Infante maintains that he has a preferential right to claim and acquire the contested area, considering that said parcel of land was validly sold to him by Mr. Elias Delfin as shown by a handwritten Deed of Sale dated March 14, 1987 and acknowledged by a Notary Public on January 13, 1988, in favor of herein respondent.

That thereafter, herein respondent had erected his residential house on the subject land wherein he and his family live thereon, introduced considerable improvements, paid the corresponding realty taxes and obtained the necessary tax declaration. That his occupation in the area is public, open, adverse, notorious, continuous in the concept of a bonafide owner; That on February 26, 1991, respondent filed a MSA at CENRO Puerto Princesa City.

Protestant argued/contested that he has a superior right over the contested lot by reason that when his father transferred or ceded said lot in his favor by virtue of the waiver of rights dated November 27, 1985, coupled with the fact that on even date, he notified the Bureau of Lands of said deed, constitute a transfer of possessory rights unto herein protestant, thus, the subsequent conveyance, transfer of the same lot to protestee is deemed defective. Hence, it has no legal and valid effect whatsoever, considering that his father, Elias Delfin had no more rights whatsoever to sell, transfer and/or convey to anyone whomsoever as of November 27, 1987 in so far as the contested lot is concerned.

Respondent however, maintains that he has a better right from the protestant in the sense that the mode of transfer, conveyance in his favor is predicated with consideration, coupled with his immediate possession/occupation in the premises, the agreement was executed with a public instrument; full payment of the realty taxes due thereon; immediate acquisition of Tax Declaration and contended further that the failure on the part of the protestant to signify his intention to occupy the contested area as bonafide owner after the perfection of the waiver of rights, constitute lack of interest; thus, the later execution of the deed of sale in his favor is deemed to have superceded the waiver of rights of the protestant.


After a careful review and evaluation of the entire carpeta of the case and upon consideration of the evidence adduced by the contending parties and considering further their respective arguments, this office finds and so holds that the contentions raised by herein protestant on the matter is deemed untenable for lack of merit. The reason is evident, under our existing laws on acquisition of public land via Miscellaneous Sales Application particularly in the instant case, it is a condition precedent that the applicant having the burden of proof must satisfactorily show and prove by clear positive and absolute evidence that his possession and the area applied for was indeed adverse, continuous, open, public, peaceful and in concept of owner. Likewise, the applicant should present specific facts that would show the nature of such



Finding merit of herein protest, the office took cognizance and a fact-finding investigation was conducted. As gathered, it was established that herein protestant has a Waiver of Rights from his parents, Elias and Editha Delfin as evidence by an Affidavit of Waiver of Rights dated November 27, 1985. That on November 27 of even date, herein protestant has notified the then Bureau of Lands of the said waiver. That on February 4, 1991, protestant filed a MSA with the CENRO.

On the other hand, in regard to herein respondent-protestee, it was established that he is in actual, adverse, open, public, continuous and notorious possession of said contested area (Lot 5616, Cad.800-D) in the concept of a bonafide owner since 1987. That his legitimate claim on the premises arose from a valid transfer of rights, Deed of Sale executed by his predecessor in-interest Mr. Elias Delfin (father of herein protestant) on March 14, 1987 and subsequently acknowledged before a Notary Public on January 13, 1988. That he has an existing residential house in the lot wherein his entire family had continuously live thereon ever since; That he has a valid and existing Tax Declaration on the subject land; that he regularly paid all the realty taxes (back and current) due thereon, that he has a valid and subsisting Sales Application over the same.

That in an ocular inspection conducted by LMO Hilario V. Regondala on the contested lot, it was ascertained that protestant is not in physical occupation/possession; Instead, herein protestee Cipriano Infante was found in actual occupation/possession in the subject land with a residential house erected thereon where his family live, and has introduced considerable improvements.

The issue/s posed in the instant case is who among herein party litigants have preferential claim to acquire this portion of public land under existing Public Land Acts. 

possession because the phrase "adverse, continuous, open, public, peaceful and in concept of owner is a mere conclusion of law which requires factual support and substantiation. Worthy to mention as far as this case is concerned is the word possession which simply refers that the applicant has constructed his house on the land applied for and actually resided therein.

From the foregoing illustrations, there is no doubt that herein respondent-protestee has clearly demonstrated his substantial compliance with the basic requirements of the law.

WHEREFORE, premises considered herein protest lodged by Mr. Cesar Delfin against Mr. Cipriano Infante involving a portion of public land and is hereby identified as Lot No. 5616, Cad. 800-D with an aggregate area of 689 square meters, located at Brgy. Sicsican, Puerto Princesa City is as it is hereby ordered DISMISSED FOR LACK OF MERIT.

The CENRO concerned is hereby enjoined to give due course to MSA of herein respondent.

SO ORDERED.

Manila, Philippines, OCT 3rd, 2000.


VICENTE S. PANAGAS, CESO III
Regional Executive Director