

Republic of the Philippines
Department of Environment and Natural Resources
OFFICE OF THE SECRETARY
Visayas Avenue, Diliman, Quezon City

JESUS C. SICAD,
Respondent-Appellant,

-versus-

DENR CASE No. 9605

MELODY L. PINEDA, REP. BY
YOLANDA L. COSTIN,
Protestant-Appellee,

-versus-

DORY JANE BELA-ONG,
MAE ANN ESPINA BAGASBAS,
Intevenors-Appellants.

X-----X

MOTION FOR RECONSIDERATION

COMES NOW the Protectant – Appellee, thru the undersigned representative, unto the Office of the Honorable Secretary, Department of Environment and Natural Resources, most respectfully moves for the reconsideration of the Decision dated February 3, 2020 on the following.

GROUND

- I. THE ASSAILED DECISION IS CONTRARY TO THE FACTS AND LAW OF THE CASE; and
- II. THE DISPUTED LOT, LOT NO. 31, GSS-4A-000059 AND/OR LOT 11068, CAD 800-D IS THE SAME LOT BEING CLAIMED BY APPELLANTS.

ARGUMENTS

Appellee most respectfully posits that the Decision dated February 3, 2020 is contrary to the facts and law of the case.

From the very start, there is only one disputed lot, Lot No. 31, GSS-4A-000059. The very cadastral map approved over the contested area speaks of only one Lot No. 11068, which is identical to Lot No. 31. This cadastral map had been, and still is, being used to determine the meter and bounds of all the lots within the area. The approved cadastral map, dated November 29, 1984 had never been cancelled nor modified. The Honorable Secretary should take judicial notice of this fact which is crucial to the instant controversy. Lot No. 31 of GSS-4A-000059 is the same as Lot No. 11068 of the Cadastral Map, Puerto Princesa Cadastre CAD 800D. All the parties in this particular case are claiming the aforementioned lot or a portion thereof, and NOT ANY OTHER LOT. The assailed Decision, per the ratio decidendi and the cited report of an investigating team from this Honorable Office now speaks of several lots which are separate and distinct without any PROOF OR EVIDENCE to back up its findings. Photocopies of GSS-4A-000059 and COD 800D are herewith attached as Annexes "A" and "B", respectively.

The assailed Decision states, to wit:

"3. The actual ground survey and projection map wherein the disputed lot, particularly Lot No. 31 identical to Lot No. 11608, and the lots covered by the approved Survey Plans in the name of Meilani Cordero also show that the lots claimed by all contending parties are not overlapping with each other. Hence, there is no real and actual land conflict or overlapping of boundaries covering the lots claimed by all contending parties.

4. The location of the disputed lot, particularly Lot No. 31 identical to Lot No. 11608, claimed by Appellee Pineda is on a hilly area which is quite near but not beside the newly created dirt road separating such lot from the lots claimed by Appellants Bela-Ong and Bagasbas covered by the approved Survey Plan No. H-045316-1062-A-D in the name of Meilani Cordero."

And from this sweeping statement, the Honorable Undersecretary for Legal, Policy, Planning and International Affairs concluded that there are no conflicting claims among the parties herein.

With all due respect, the finding itself did not state the areas purportedly of the different lots claimed by the contending parties CONTRARY TO THE FINDING of the Regional Executive Director, DENR Region IVB in the Decision dated 08 October 2013.

A decision must contain a clear statement of the facts and the law from which it is based and derived. The assailed Decision dated February 3, 2020 was solely based on a sweeping statement of the team that conducted an investigation and ocular inspection without going to the very document that clearly and concisely declare the metes and bounds of the contested lot, which was approved by the Regional Office based on actual survey on the ground and vetted and verified thereof.

Moreover, Appellee takes exception to the statement of the investigation team that the approved GSS 4A-000059 was incomplete and inaccurate because it did not reflect the lots covered by the approved Survey Plans with Nos. H-045316-1062 A-D and H-045316-1062 A in the name of Meilani Cordero.

First, the approved GSS was clearly and solely based on the approved cadastral map CAD 800 D. this was undisputed. Where then, would we insert the alleged approved survey plan in the name of Meilani Cordero. An approved survey plan undergoes a very rigid process, with several counter check measures to ensure its correctness. From the ProJection unit alone of the DENR Regional Office it would not pass scrutiny if there are approved surveys over the area covered by a survey plan for approval. This is so in this instant case. The only conclusion is that the alleged approved survey plans in the name of Meilani Cordero are spurious or inexistent in the records of the approving office for it not to be projected in the GSS.

As stated earlier, the GSS 4A-000059 was solely and solely based on this approved cadastral map of Puerto Pricesa City.

Granting, arguendo, that, indeed, there is no overlap to the areas claimed by the contending parties, the investigation team should have clearly determined the metes and bounds of each lot and prepared a map to that effect. And that map should CONFORM to the prevailing cadastral map of the area.

Appellee most respectfully submits that the assailed Decision dated February 3, 2020 set aside a portion of the Decision dated December 8, 2013 of the Regional Executive Director of DENR Region IVB by setting aside the order of cancellation of the approved plan in the name of Meilani Cordero WITHOUT ANY FACTUAL OR LEGAL BASIS. In fact the assailed Decision did not discuss in any manner why such order of cancellation was set aside. The investigation team just swept the dirt under the rug, so to speak, and declared that the approved plan should be considered valid and subsisting. Between an alleged plan and a cadastral map, it is respectfully submitted, that the latter shall always prevail over any question or issue arising thereof, most specially the metes and bounds of the contested area.

There must be a clear and concise map delineating the alleged different lots being claimed by the contending parties in the instant

controversy and this should be clearly shown by the report of the investigating team. A mere statement based on cursory ocular inspection without any reference to the approved cadastral map would stoke a disastrous situation and would stroke the fire of disagreement rather than settle, once and for all, the instant controversy.

PRAYER

WHEREFORE, from the foregoing, Appellee most respectfully pray that the Decision dated February 3, 2020 be reconsidered and set aside and the Decision dated December 8, 2013 of the Regional Executive Director, DENR Region IVB be reinstated and affirmed.

Puerto Princesa for Quezon City, May ___, 2022.



YOLANDA COSTIN
for Melody Pineda
APPELLEE

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Barangay, San Manuel
Puerto Princesa City

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Dory Jane Bela-Ong

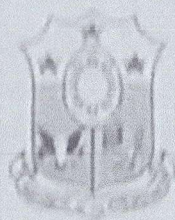
Talaudyong, Brgy. Bacungan
Puerto Princesa City, Palawan

Mae Ann Bagasbas

Talaudyong, Brgy. Bacungan
Puerto Princesa City, Palawan

The Regional Executive Director

DENR-MIMAROPA Region
L & S Building, 1515 Roxas Blvd.
Ermita, Manila



Official Receipt
of the
Republic of the Philippines

No. 9079916 F

Date 5-24-2022

Agency OSG - DSWD Fund 101

Payor JHLIO GABONG

Nature of Collection	Account Code	Amount
Pay 14 of certified true copy & photography fees		P 230.
9-01-010-230		
4-02-01-040-100		
4-06-09-490-130		
TOTAL		P 230.

Amount in Words TWO HUNDRED THIRTY 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.

Collecting Officer

NOTE: Write the number and date of this receipt on the back of check or money order received.

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MAE ANN ESPINA BAGASBAS,
Intervenors- Appellants.

x -----x

NOTICE OF ISSUANCE OF A DECISION

Atty. Noel E. Aquino
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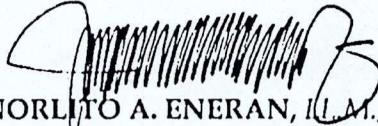

The Assistant Secretary for Legal Affairs

The Undersecretary
Legal, Policy, Planning and International Affairs

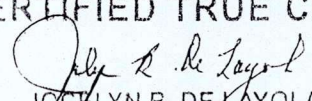
GREETINGS!

Please be notified that a Decision was rendered on 03 February 2020 in the above-entitled case, copy of which is attached.

Kindly inform this Office, within five (5) days from receipt hereof, the date you received the copy of the Decision.


NORLITO A. ENERAN, I.L.M., CESO III
Director, Legal Affairs Service 

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JOCELYN B. DE LAYOLA
OIC-Chief Records Management Division

Republic of the Philippines
Department of Environment and Natural Resources
OFFICE OF THE SECRETARY
Visayas Avenue, Diliman, Quezon City

JESUS C. SICAD ,
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Intervenors-Appellants.

x ----- x

DECISION

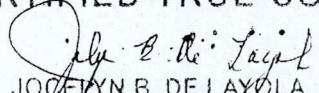
Before this Office are the separate Appeals dated 03 March 2015 and 12 March 2015 of Mae Ann Espina Bagasbas (Appellant Bagasbas), Dory Jane Bela-Ong (Appellant Ong), and Jesus Sicad (Appellant Sicad), respectfully, from the Decision dated 08 December 2013 of the Regional Executive Director (RED) of DENR-Region IV-B (MIMAROPA), Roxas Boulevard, Ermita, Manila, the dispositive portion of which reads:

WHEREFORE, foregoing premises considered, the instant protest is found MERITORIOUS. The following are hereby ordered:

1. The Approved Plan Nos. H-045316-1062-A-D and H-045316-1062-A in the name of Meilani Cordero are CANCELLED;
2. The unnumbered public land applications filed by the Respondents and Intervenors over Lot 31 and portion/s of the above-cited Plans are hereby REJECTED;
3. Jesus C. Sicad's H.A. No. 045316-1237 is REJECTED and H.A. 045316-966 is CANCELLED; and

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4. The PENRO/CENRO concerned is DIRECTED TO GIVE FURTHER DUE COURSE to the unnumbered public land applications of Melody Pineda.

and from the Order dated 11 September 2014 of the same official denying the Motions for Reconsideration (MRs) of movant Lucila Reeves, Bagasbas, Bela-Ong, and Sicad, the dispositive portion of which reads:

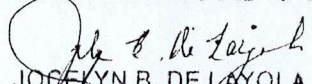
WHEREFORE, premises considered, the foregoing Motions are hereby DENIED for lack of merit.

The controversy involves a parcel of land, identified as Lot No. 31 identical to Lot No. 11608 both of Group Settlement Survey (GSS)-4A-000059 under Cadastral Survey by a Government Geodetic Engineer (Cad.) No. 800-D, with an area of 50,000 square meters (sq.m.) or 5 hectares (has.) situated in Purok/Sitio Talaudyong, Barangay Bacungan, City of Puerto Princesa, Province of Palawan.

The case began on 05 January 2011 when then protestant and now appellee Melody Pineda, represented by her mother, Yolanda Costin, filed her Protest dated 03 January 2011 with the Community Environment and Natural Resources (CENR) Office in Barangay Sta. Monica, Puerto Princesa against the Homestead Application (HA) and approved Survey Plan No. H-045316-1062-D of Meilani Cordero covering the disputed lot. She alleged that she acquired the disputed lot on the basis of a Deed of Sale dated 10 August 2005 executed by Eliseo Datu, and occupied the same lot from 2005 to the present. Pineda also stated that Cordero entered a portion of the disputed lot in January 2010, constructed a house therein, and caused the approval of Survey Plan No. H-045316-1062-D in June 2010 without her knowledge and consent. She prayed for the cancellation, revocation, and rescission of the HA and approved Survey Plans of Cordero.

On 11 November 2011, Appellant Bela-Ong filed her Protest dated 10 November 2011 against Pineda, Rolando Molina, and Appellant Sicad. She claimed that the disputed lot is adjacent to the three (3) lots, particularly Lot Nos. 35638-C, 35638-D, and 35638-E, she acquired from Cordero, and such lots are covered by an approved Survey Plan No. H-045316-1062-A-D under the name of Cordero. Appellant Bela-Ong further argued that Cordero acquired rights to the 3 lots from Martin Cortes (Cortes) whose rights were derived from Florentino Cortes, a predecessor-in-interest. She affirmed that Cordero subsequently executed in her favor the waiver of rights covering the 3 lots. She prayed that the approved survey plan in favor of Cordero be respected, and her HA covering the 3 lots be given due course.

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On 28 February 2012, Pineda filed her Amended Protest dated 27 February 2012. She reiterated her previous arguments in her Protest and impleaded other parties like Appellant Sicad, Appellant Bela-Ong, Appellant Bagasbas, Molina, and Cortes. She averred that all appellants, including Cordero, Molina, and Cortes, entered a portion of the disputed lot in January 2010 covering an approximate area of 18,606 sq.m. or 1.86 has., and constructed their respective houses therein. Pineda asserted that Cordero caused the approval of Survey Plan No. H-045316-1062-D in June 2010 without her knowledge and consent covering an approximate area of 18,606 sq.m. or 1.86 has., and all appellants, including Molina and Cortes, caused the approval of another Survey Plan in November 2010 without her knowledge and consent covering an approximate area of 11,967 sq.m. or 1.19 has. She averred that appellants are builders in bad faith and have no right to apply any public land application covering the disputed lot. She prayed for the cancellation, revocation, and rescission of the Survey Plans issued to Cordero, and HAs of appellants, including those of Cordero, Molina, and Cortes.

On 11 November 2011, Bela-Ong filed her second Protest dated 10 November 2011 against Pineda, Molina, and reiterating her previous claims in her first Protest.

On 16 March 2012, Appellant Bagasbas filed her Protest dated 15 March 2012 against Pineda and Appellant Sicad. She contended that the disputed lot is only adjacent to the two (2) lots, identified as Lot Nos. 35638-A2, and 35638-B, she acquired from Ms. Cordero, and the said lots are covered by an approved Survey Plan No. H-045316-1062-A-D under the name of Cordero. Bagasbas further maintained that Cordero acquired rights to the 2 lots from Cortes whose rights were derived from Florentino Cortes, and Cordero subsequently executed in her favor the waiver of rights covering the 2 lots. She prayed that the approved survey plan in favor of Cordero be respected, and her application for a public land application covering the 3 lots be given due course.

On 16 March 2012, the Provincial Environment and Natural Resources (PENR) Officer of PENR Office of Palawan in Brgy. Sta. Monica, Puerto Princesa issued an Order of Investigation directing Land Management Officer (LMO) III Hilario Regondola, Jr. of the same office to act as the hearing officer and conduct the formal investigation on the case.

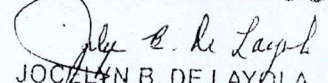
After hearings between the parties were conducted on 29 June and 29 August 2012, the Hearing Officer issued an Order dated 29 August 2012 requiring all parties to submit their respective position papers.

On 05 October 2012, Appellant Sicad filed his undated Position Paper with the PENR Office. He declared that he is the actual possessor of the disputed lot since 2007 as shown by his tax declaration, the Certifications issued by Molina, President of Purok/Sitio Talaudyong and Gualberto Manaeg, Punong Barangay of Barangay Bacungan, and final and supplemental reports submitted by Land Investigator (LI) David Dalino of the CENR Office. He also alleged that Dalino recommended for the rejection of the public land application of Cortes and giving due course of his HA, and CENR Officer Diosdado Ocampo issued an Order rejecting the public land applications of Cortes and Domingo Caraan and giving due course and approving his HA. Sicad stated that Pineda filed her adverse claim beyond the date provided in the Notice of Intention to Make Final Proof in connection with the Order of Approval of his HA by the CENR Officer, and nothing in the records of the CENR Office shows that Datu, the source of right of Pineda, is not a listed claimant of the disputed lot.

On 08 October 2012, Cortes filed his Position Paper dated 01 October 2012. He claimed that he acquired rights to the disputed lot from Florentino Cortes who occupied the disputed lot since 1970. He also argued that he filed with the CENR Office his FPA covering the disputed lot on 16 May 2005 which is earlier than the filing of HA by Sicad on 14 December 2010 and HA of Pineda on 21 June 2011. Cortes affirmed that he waived to Cordero his rights covering Lot No. 35843, which is adjacent to Lot No. 11608 identical to Lot 31, and Lot No. 35638 which was subdivided into various lots. He averred that the report dated 11 February 2008 of LI Edgardo Libiran of the CENR Office shows that he is the only occupant and cultivator of the disputed lot in good faith.

On 09 October 2012, Pineda filed her Position Paper dated 05 October 2012. She asserted that Datu was the actual possessor and occupant of the disputed lot in the concept of an owner, and had it declared for taxation purposes from 1998 to 2005; Datu filed with the CENR Office as early as September 1997 his FPA with Nos. 045316-1408 covering the disputed lot; the FPA of Datu was subscribed before Libiran and its existence was certified on 07 August 2012 by Records Officer Rizalina Francisco of the CENR Office; and Datu transferred to her the disputed lot when the former executed in her favor the Waiver of Rights and Interest dated 10 August 2005. Pineda contended that the disputed lot under her name is supported by a Tax Map issued on 09 December 2010, and Tax Declaration No. 134-03-002-35-025 issued on 18 January 2011 both by the Office of the City Assessor, Puerto Princesa; she constructed a bamboo house and took possession of the disputed lot in 2005; and the disputed lot is adjacent to Lot No. 32 which is titled under the name of Costin, her mother, per Original Certificate of Title (OCT) No. 7523 approved on 15 May 2008 by the Register of Deeds of Puerto Princesa. She maintained that Cordero and

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Appellant Sicad surreptitiously entered portions of the disputed lot which led to the filing of her protests; Appellant Sicad never participated to and attended any hearing and ocular inspection conducted by the PENR Office; and the HA of Appellant Sicad was filed at a later date which is 14 December 2010 after several claims and conflicts cases were previously filed with the Barangay between her and Cordero, and after thirteen (13) years from the filing of FPA of Datu.

Subsequently, Hearing Officer Regondola submitted his undated Final Investigation Report to the PENR Officer. He found that Appellant Sicad has a better right on the disputed lot on the bases of an assigned number given to the HA of Appellant Sicad, Tax Declaration showing payment of real estate taxes by Appellant Sicad, Certifications of Barangay Captain Manaeg and Purok President Molina, and Reports of Dalino finding Sicad as the actual occupant of the disputed lot.

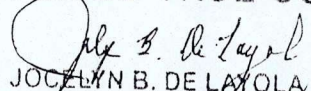
On 19 February 2013, the PENR Officer of Palawan issued a memorandum endorsing to the RED of DENR Region IV-B (MIMAROPA) the Final Investigation Report of Hearing Officer Regondola.

On 08 November 2013, the RED rendered a Decision in favor of Pineda. The ruling was based on the approved cadastral survey dated 29 November 1984 showing Datu as the annotated survey claimant of the disputed lot, and Tax Declarations from 2005 to present showing payment of real estate taxes by Pineda.

On 27 February 2014, Reeves filed her MR dated 31 December 2013 with the DENR Region IV-B (MIMAROPA). She alleged that the disputed lot is adjacent to the lot, identified as Lot No. 35638-A, she acquired from Cordero, and Lot No. 35638-A is covered by an approved Survey Plan No. H-045316-1062-A-D in favor of Cordero. She also stated that Cordero acquired rights to Lot No. 35638-A from Cortes whose rights were derived from Florentino Cortes; she is in possession of Lot No. 35638-A, through her caretaker or representative, and Pineda is claiming a different lot. Reeves prayed that the approved survey plan in favor of Cordero be respected.

On 18 March 2014, Appellant Bagasbas filed her Notice of Appeal with Memorandum on Appeal dated 04 March 2014 with this Office. She claims that the disputed lot is between Pineda, Cortes, and Appellant Sicad, and Pineda filed the protest when Cortes sold the disputed lot to Cordero resulting to the approval of survey and subdivision of the disputed lot under Survey Plan No. H-045316-10-62 issued to Cordero. She also states that the disputed lot was originally occupied by Florentino Cortes in 1970, such lot was transferred to Cortes on the basis of an

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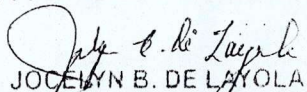

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Affidavit of Waiver of Rights executed in 1988 by Florentino Cortes, Cortes filed with the CENR Office in 2005 his FPA covering the disputed lot, and CENR Officer Rogelio Paglinawan issued a Notice of Application for Free Patent. Appellant Bagasbas affirms that the recommendation of Libiran in his February 2008 report is to reject the FPA of Datu and give due course to the FPA of Cortes, Cortes executed in January 2010 the Waiver of Rights covering the disputed lot in favor of Cordero, the Survey and Subdivision Plan No. H-045316-1062-A-D issued to Cordero covering the disputed lot and Lot No. 35638 was duly approved by the DENR, and Cordero sold to her in October 2010 and July 2011 the lots identified as Lot No. 35638-B and Lot No. 35638-A, respectively. She avers that the claim of Pineda, on the bases of tax declarations under her name and name of Datu, including her HA, refers to Lot No. 31 identical to Lot No. 11608 both of GSS-4A-000059, and does not to the lot she is occupying particularly Lot No. 32 which is identical to Lot No. 11607.

On 26 March 2014, Appellant Bela-Ong filed her MR dated 12 March 2014 with the DENR Region IV-B (MIMAROPA). She asserted that the claims to the disputed lot were already resolved by Libiran when he found that only Cortes was the actual occupant and cultivator of the disputed lot in good faith, the FPA of Cortes was filed earlier than the HAs of Pineda and Appellant Sicad, and Datu never occupied and improved the disputed lot. Appellant Bela-Ong contended that the old residents in the area knew Florentino Cortes as the original occupant of the disputed lot, the survey plan in the name of Cordero was duly verified, surveyed, and approved by the DENR, and the lot applied by Cordero is different from the disputed lot claimed by Pineda because the former is only adjacent to the latter as shown in the Lot Verification dated 10 February 2010. She maintained that Molina of Purok Talaudyong issued the Sinumpang Salaysay, and Punong Barangay Manaeg of Barangay Bacungan issued the Certification stating that she is the actual occupant of the lot formerly owned by Cordero, and she filed a HA with the CENR Office covering Lot Nos. 35638-C and 35638-D she is occupying.

On 30 April 2014, Appellant Sicad filed his MR dated 28 April 2014. He contended that his actual occupation of the disputed lot is supported by Tax Declaration No. 002-21980 issued in his name, CENR Officer Ocampo gave due course to his HA per Order dated 13 May 2011, and the disputed lot which has been the target of several claims were already resolved in his favor by the PENR Office of Palawan based on the Final Investigation Report of the Hearing Officer. Sicad alleged that the Decision of DENR Region IV-B only identified GSS-4A-000053 and not GSS-4A-000059 covering the disputed lot, and the notarized Waiver of Rights executed by Datu in favor of Pineda is doubtful because the Clerk of Court of Regional Trial Court (RTC) of Palawan issued a Certification stating that no Waiver

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of Rights docketed as Document No. 405, Page No. 59, Book No. 18, Series of 2005 exists in the court's records of notarial section.

On 07 May 2014, the RED issued a Memorandum for the Secretary forwarding the entire records of the case to the DENR Central Office in view of the Notice of Appeal filed by Appellant Bagasbas.

On 06 August 2014, the Assistant Secretary for Legal Services issued a Memorandum to the RED returning the entire case folders in view of the MR earlier filed by Reeves, including the various MRs filed by Appellant Bela-Ong and Appellant Sicad. The RED was directed to treat the Notice of Appeal of Appellant Bagasbas as the MR, and resolve the issues raised in the various MRs filed by Reeves, Appellant Bela-Ong, and Appellant Sicad, including Appellant Bagasbas.

On 11 September 2014, the RED issued an Order denying the MRs of Reeves, Appellant Bela-Ong, Appellant Sicad, and Appellant Bagasbas on the ground that no new issue was raised therein.

Hence, the separate appeals of Sicad, Bela-Ong, and Bagasbas with this Office.

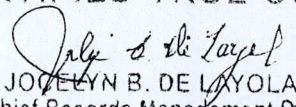
On 10 February 2015, the Assistant Secretary for Legal Services of this Office issued an Order requiring Appellant Sicad, Appellant Bela-Ong, and Appellant Bagasbas to submit proof of payment of Appeal Fee together with their respective Appeal Memorandum, and Pineda to submit her Comment on the various Appeal Memoranda.

Appellant Bagasbas and Appellant Bela-Ong furnished this Office the Appeal Fees they separately paid with copies of Official Receipts both dated 03 March 2015, and Appellant Sicad paid the Appeal Fee with a copy of the Official Receipt dated 12 March 2015.

Appellant Bagasbas, in her Memorandum on Appeal, reiterates her previous arguments stated in in her previous Memorandum on Appeal dated 04 March 2014 which was treated as the MR.

Likewise, Bela-Ong, in her Memorandum on Appeal, reiterates her previous arguments in her MR. She further declares that no official document was submitted by Pineda showing that Datu was the cadastral survey claimant except for the map which was marked giving Pineda the favor, the marking on the side of FPA of Cortes shows that the listed claimant of the disputed lot is Caraan, and Pineda failed to submit evidence showing the latter's occupation of the disputed lot. She states that Datu is not the rightful claimant of the disputed lot, the Decision of

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DENR Region IV-B (MIMAROPA) was based on the Certification of the CENR Office stating that the lot is only a portion of a public land with no lot number, and the Protest dated 03 January 2011 of Pineda shows that she is claiming only Lot No. 31 identical to Lot No. 11608 and not the lot she is occupying particularly Lot No. 32 identical to Lot No. 11607.

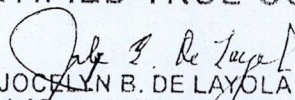
Appellant Sicad also adopts and re-pleads his arguments in his MR. He further claims that the survey of the disputed lot under the name of Datu is not authentic, and Pineda is not the actual occupant of the disputed lot. In his Supplemental Appeal Memorandum dated 16 February 2015, he reiterates his arguments in his Position Paper. He further argues that Pineda and Datu did not appear during the conciliation proceedings in the Office of Punong Barangay in Barangay Bacungan and administrative hearings in the CENR Office of Puerto Princesa, Pineda is not qualified for a Homestead Patent because she is not an actual occupant of the disputed lot, only the names of Cortes and Cordero appear as other claimants to the disputed lot when he filed his HA, and Hearing Officer Regondola recommended him as the lawful owner of the disputed lot.

On 20 March 2015, Pineda filed her Omnibus Comment dated 12 March 2015. She adopts and re-pleads her arguments in her Position Paper. Likewise, she submits that Datu filed in 1997 a FPA with No. 045316-1406 covering Lot No. 31, identical to Lot No. 11608, both of GSS-4A-000059 under Cad 800-D covering an area of 5,000 sq.m. or 5 has., and religiously paid the real property taxes thereon. Pineda affirms that Datu executed in her favor the Waiver of Rights covering the disputed lot; she openly, continuously, exclusively, and adversely occupied the disputed lot in the concept of an owner and paid the real estate taxes thereon; and the Survey Authority and Survey Plan issued to Cordero, including the Order issued in favor of the HA of Sicad suffer legal infirmities because of the previous and pending FPA of Datu covering the disputed lot.

On 10 April 2015, Sicad filed his Comment to the Omnibus Comment of Pineda dated 27 March 2015. He avers that the FPA of Datu has no entry number, has no signature, is not sworn and subscribed, and has no date of cultivation, entry, and period of occupation; and the carpeta or entire records surrounding the FPA of Datu cannot be found in the CENR Office per Certification issued by Records Officer Francisco.

The basic issues in this case are: first, who among the contending parties has the preferential right to the disputed lot, particularly Lot No. 31 identical to Lot No. 11608, both of GSS-4A-000059 under Cad 800-D; and second, whether the disputed lot is different from or overlaps with the lot claimed by Appellant Sicad, and lots occupied by B Appellant ela-Ong and

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Appellant Bagasbas covered by the approved Survey Plans with Nos. H-045316-1062-A-D and H-045316-1062-A issued in the name of Cordero.

Based on the records of the case, clarificatory hearing between the contending parties, and ocular inspection and survey of both the disputed lot and adjacent lots, the investigating team from this Office stated and found out that:

1. The cadastral map relied upon by Appellee Pineda and presented during the clarificatory hearing showing the location of the disputed lot, particularly Lot No. 31 identical to Lot No. 11608, both of GSS-4A-000059 under Cad. No. 800-D, which is adjacent to a body of water facing the West Philippine Sea, is incomplete and inaccurate. Such map does not reflect the lots covered by the approved Survey Plans with Nos. H-045316-1062-A-D and H-045316-1062-A in the name of Meilani Cordero.

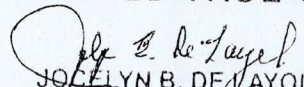
2. Based on the actual ground survey conducted by the survey team composed of personnel from the PENR and CENR Offices of Palawan and Puerto Princesa, respectively, and memorandum dated 16 March 2016 of the Regional Director (RD) of DENR Region IV-B (MIMAROPA) for the Assistant Secretary for Legal Services providing copies of all lots concerned plotted in the cadastral map of Puerto Princesa Cadastre under Cad. 800-D, Module 6, Case 41 approved on 29 November 1984 by then RD Rodolfo Paelmo of DENR Region IV, it is clear that the lots covered by the approved Survey Plans in the name of Meilani Cordero are adjacent to the body of water facing the West Philippine Sea and not the disputed lot, particularly Lot No. 31 identical to Lot No. 11608, claimed by Appellee Pineda.

3. The actual ground survey and projection map wherein the disputed lot, particularly Lot No. 31 identical to Lot No. 11608, and the lots covered by the approved Survey Plans in the name of Meilani Cordero also show that the lots claimed by all contending parties are not overlapping with each other. Hence, there is no real and actual land conflict or overlapping of boundaries covering the lots claimed by all contending parties.

4. The location of the disputed lot, particularly Lot No. 31 identical to Lot No. 11608, claimed by Appellee Pineda is on a hilly area which is quite near but not beside the newly created dirt road separating such lot from the lots claimed by Appellants Bela-Ong and Bagasbas covered by the approved Survey Plan No. H-045316-1062-A-D in the name of Meilani Cordero.

On the other hand, the lot claimed by Appellant Sicad covers only a small portion of an area covered by the approved Survey Plan No. H-045316-1062-D in the name of Meilani Cordero situated between the disputed lot (particularly between corners 1 and 4 of Lot No. 31 identical to Lot No. 11608) and the newly created dirt road. However, Appellant Sicad must still prove to the CENR Office of Puerto Princesa the specific area he really and actually cultivated.

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Likewise, the lots claimed by Appellants Bela-Ong and Bagasbas are in the areas covered by the approved Survey Plan No. H-045316-1062-A-D in the name of Meilani Cordero which are located on the other side of the newly created dirt road and immediately adjacent to a body of water facing the West Philippine Sea. Both Appellants Bela-Ong and Bagasbas, including then Movant Lucila Reeves, established their actual occupation, possession, and cultivation of the lots covered by the said survey plan. They already built houses made of concrete on their respective lots when they purchased such lots from Meilani Cordero, who earlier acquired such lots from Martin Cortes, who in turn acquired such lots from the original occupant and owner named Florentino Cortes in 1970. (Underscoring and emphasis supplied)

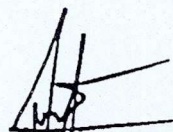
WHEREFORE, the Decision dated 08 December 2013 of the Regional Executive Director of DENR Region IV-B (MIMAROPA) is **AFFIRMED** insofar only as paragraphs 3 and 4 of the dispositive portion of the said decision are concerned. Consequently, the preferential right to the disputed lot, particularly Lot No. 31 identical to Lot No. 11608, be given or awarded to appellee Melody Pineda. The public land application that may be filed by appellant Jesus Sicad corresponding to the small portion of the area he actually cultivated, covered by the approved Survey Plan No. H-045316-1062-D in the name of Meilani Cordero situated between the disputed lot (particularly between corners 1 and 4 of Lot No. 31 identical to Lot No. 11608) and newly created dirt road, be **GIVEN DUE COURSE**.

However, the rest of the dispositive portions, particularly paragraphs 1 and 2, of the said Decision on the cancellation of the approved Survey Plans in the name of Cordero be **SET ASIDE and MODIFIED** such that the public land applications filed by appellants Dory Jane Bela-Ong and Mac Ann Espina Bagasbas, and even then movant Lucila Reeves, covering their lots under the approved Survey Plan No. H-045316-1062-A-D in the name of Cordero be **GIVEN DUE COURSE**.

SO ORDERED.

Quezon City, Philippines, FEB 03 2020

By Authority of the Secretary:



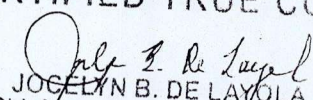
ATTY. JONAS R. LEONES, CESO I
Undersecretary

Legal, Policy, Planning, and International Affairs

Page 10 of 11



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Copy furnished:

ATTY. ZOILO CRUZAT

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26 San Juan Road, Brgy. San Miguel, Puerto Princesa City, Palawan

ATTY. SUSANNE LACSON

Counsel for Appellant Dory Jane Bela Ong
8 Centro de Benito y Aliva Complex, Rizal Avenue, Maningning, Puerto Princesa City, Palawan

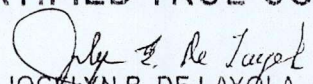
ATTY. NOEL AQUINO

Counsel for Appellant Jesus Sicad
Guyabano Road, Brgy. San Jose, Puerto Princesa City, Palawan

MS. YOLANDA COSTIN

Rep. of Appellee Melody Pineda
Songcayaon Subdivision, Brgy. San Manuel, Puerto Princesa City, Palawan

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Checked on corresponding P.M. by J. M. GILGAYAN
 Checked on computation by
 Checked by S. P. GARCIA
 Verified by S. P. GARCIA

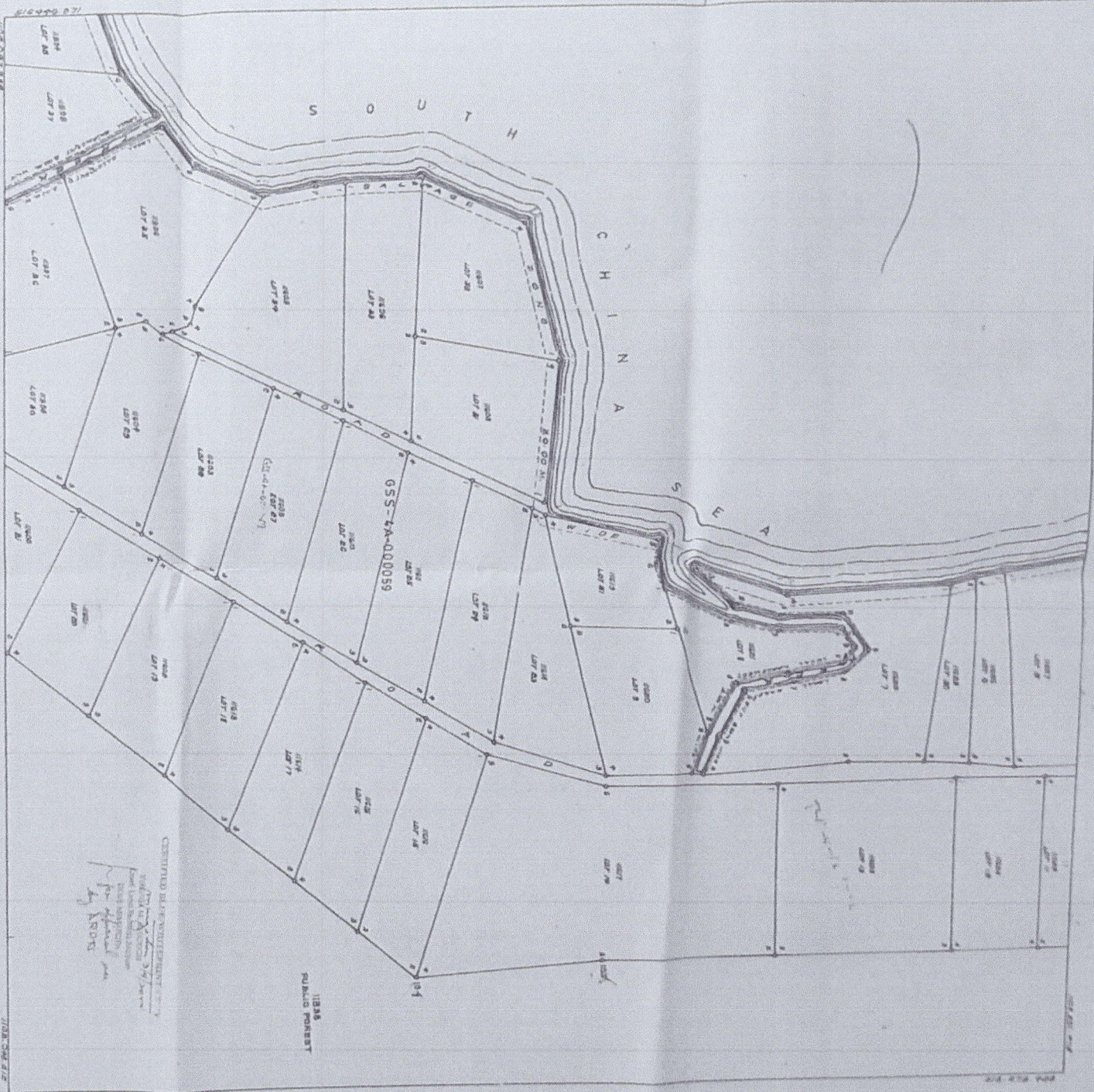
ANTONIO M. VILLANUEVA
 Chief of Party

APPROVED NOVEMBER 29, 1984
 For the Director of Lands

RODOLFO A. PALIANO, CESO IV
 Regional Director

CHINA, BEA	CM 9° 57' N, 118° 39' E	CM 9° 58' N, 118° 40' E
CM 9° 58' N, 118° 39' E	CM 9° 58' N, 118° 39' E	CM 9° 58' N, 118° 40' E
CM 9° 57' N, 118° 39' E	CM 9° 57' N, 118° 39' E	CM 9° 57' N, 118° 40' E

PUERTO PRINCESA CADASTRE
 Cod. 800 D, MODULE 6, CASE 41
 CM 9° 58' N, 118° 39' E
 SCALE 1:4000



CITY OF PUERTO PRINCESA
 ISLAND OF PALAWAN

2.1 Form No. 100 V-4 (BU)

Surveyor

Burno

Address, if not same as location of land

Given Name

Municipality

C.M.

Province

Quadrangle

Date Surveyed

Island

Lot No.

Surv. Sym. & No.

Sheet

COMPUTATION

LOT DATA

L. R. C. No.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Area	Area	Area	Area	Area	COORDINATES	COORDINATES	COORDINATES	COORDINATES	COORDINATES	COORDINATES	COORDINATES	COORDINATES	COORDINATES	COORDINATES
Area	Area	Area	Area	Area	Latitude (N)	Latitude (S)	Longitude (E)	Longitude (W)	Latitude (N)	Latitude (S)	Longitude (E)	Longitude (W)	Latitude (N)	Latitude (S)
Area	Area	Area	Area	Area	Latitude (N)	Latitude (S)	Longitude (E)	Longitude (W)	Latitude (N)	Latitude (S)	Longitude (E)	Longitude (W)	Latitude (N)	Latitude (S)

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27907-11

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2-3

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3-4

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4-1

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24816811703781

575-385

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CERTIFIED PHOTOGRAPH

Witnessed on 3/9/2012

for official use

by ARD 75

Date Prepared by

Preparation Checked by

Completed and Finally Checked by

Date

Date

Date

Original Computed by

Duplicate Computed by

and

Date

Date

Date

CENTRAL OFFICE

Area: 46.008 Sq. Meters

Original {Checked} by

Duplicate {Checked} by

Date

Date

Date

LOT DESCRIPTIONS

Survey No. 955-HA-000059 Case No. Mun. of PUERTO PRINCESA CITY Prov. of PALAWAN

Lot No.	Claimant	mon. to corner	BEARINGS AND DISTANCES					Area in Sq. Meter
17	TERESITO LUMUGDANG	N 77° 02' E 4804.73	S 70° 57' E 363.36	S 39° 21' W 146.04	N 69° 06' W 341.10	N 31° 44' E 130.01		46.815
18	ROSIE AURINO	N 79° 25' E 4618.78	N 31° 44' E 140.00	S 69° 06' E 341.10	S 39° 21' W 153.20	N 67° 42' W 319.03		46.815
19	RODOLFO VILLANUEVA	N 79° 25' E 4618.78	S 67° 42' E 319.03	S 39° 21' W 164.87	N 65° 27' W 295.17	N 31° 44' E 147.99		46.813
20	ALEJANDRO HIWATIG	N 82° 22' E 4417.28	N 31° 44' E 160.00	S 65° 27' E 295.17	S 39° 21' W 177.09	N 62° 48' W 270.23		46.812
21	SANTIAGO HIWATIG	N 82° 22' E 4417.28	S 62° 48' E 270.23	S 39° 21' W 187.89	N 61° 48' W 244.94	N 31° 44' E 180.00		46.820
22	MAUREEN MANALANG	N 84° 13' E 4305.36	S 61° 48' E 244.94	S 39° 23' W 206.12	N 62° 13' W 217.51	N 31° 43' E 204.15		46.914
23	LAIPAN MARTIN	N 72° 41' E 4604.00	N 76° 14' E 465.07	S 17° 34' W 200.22	N 80° 11' W 402.72	N 25° 32' E 12.83		42.258
24	MARAN JESS	N 73° 52' E 4518.48	N 25° 33' E 114.30	S 380° 11' E 402.72	S 31° 33' W 131.89	N 78° 19' W 385.08		46.035
25	CAABAY WILFREDO	N 73° 52' E 4518.48	S 78° 19' E 385.08	S 31° 33' W 135.04	N 76° 41' W 368.10	N 25° 33' E 120.01		46.039
26	BANTUGAN ARTURO	N 76° 16' E 4359.32	N 25° 33' E 125.11	S 76° 41' E 368.10	S 31° 33' W 139.85	N 74° 58' W 351.01		46.036
27	RECASA ERNESTO	N 76° 16' E 4359.32	S 74° 58' E 351.01	S 31° 33' W 144.13	N 73° 31' W 334.24	N 25° 33' E 132.00		46.037
28	SALIDO ELENA	N 79° 08' E 4193.73	N 25° 33' E 137.79	S 73° 31' E 334.24	S 31° 33' W 151.09	N 71° 45' W 316.83		46.035
29	LAGRADA REMEGIA	N 79° 08' E 4193.73	S 71° 45' E 316.83	S 31° 33' W 155.07	N 71° 18' W 276.98	N 12° 30' W 51.24	N 41° 22' E 31.17	
			N 25° 35' E 76.67					46.034
30	SUMAGAYSAY HONDRATA	N 80° 58' E 4127.10	S 71° 18' E 276.98	S 31° 33' W 340.73	N 12° 30' W 388.42			46.008
31	CARAAN DOMINGO	N 72° 31' E 4592.46	S 25° 11' W 254.85	N 88° 01' W 177.99	N 11° 33' E 247.54	S 85° 38' E 237.42		50.000
32	CARAAN AQUILINO	N 71° 21' E 4372.99	S 11° 33' W 247.54	N 88° 01' W 259.79	N 23° 22' E 191.32	N 76° 04' E 240.40		50.000
33	ADONA MARILYN	N 74° 56' E 3979.38	N 03° 38' W 130.00	S 88° 01' E 259.79	S 88° 01' E 177.99	S 25° 11' W 127.64	N 89° 51' W 974.98	49.999
34	ADONA MARILYN	N 74° 56' E 3979.38	S 89° 51' E 374.98	S 25° 11' W 323.72	N 16° 36' W 34.63	N 71° 26' W 32.72	N 57° 10' W 209.52	
			N 11° 00' W 89.82	N 03° 37' W 48.62				66.528
35	BELLA CESAR	N 79° 01' E 3813.89	N 49° 29' E 87.15	N 24° 32' E 126.25	S 57° 10' E 209.52	S 71° 26' E 32.72	S 16° 36' E 34.63	

CERTIFIED CORRECT.

March 8, 1984.
For the Regional Director
Checked by TERESITA R. OMAPAS, MAR. 16, 19. 83
Checked by LELITA A. GABUCO, MAR. 16, 19. 83
Checked by JOSELITO T. OMAPAS, MAR. 14, 19. 83
Checked by EDMUNDO E. SABANDO, MAR. 14, 19. 83
By ELBSTERIO R. PAZ Chief Survey Division
By AMANCIA C. TALANGAN CHIEF ORIGINAL & OTHER SURVEY SECTION
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LAT. 9° 57' 45.143 N 20000.00
LONG. 118° 37' 05.207 E. 20000.00
Surveyed NOV. 27, 1982 - JAN. 24, 1983
By RAFAEL P. SEVILLEJA GEODETIC ENGINEER
Sheet No. 2 of Sheet
CERTIFIED PHOTOCOPY
VIRGINIA M. REGODON
Chief, Land Records Section
DENR-MIMAROPA
for official use
A. ARDT

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PALADIN

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WISCONSIN HISTORICAL SOCIETY

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