Region

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
Provincial Environment and Natural Resources Office

DENR MI... RECEIVED
0 8 JUL 2022
☐ INCOMING ☐ OUTGOING
BY:
TIME
DATE NO.

June 28, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region

ATTENTION: The Chief
Licenses, Patents and Deeds Division

FROM : The In-Charge
PENRO Oriental Mindoro

SUBJECT : **COMPLETED STAFF WORK RE: REQUEST FOR INSPECTION AND INVESTIGATION OF A PARCEL OF LAND FOR THE ISSUANCE OF CERTIFICATION OF THIS CLASSIFICATION AND NATURE IN RELATION TO DENR CASE NO. 9266 ENTITLED "GERARDO BRUAL, APPELLANT, -VERSUS- CRESENCIA DEL MUNDO AND SORIANO DEL MUNDO, APPELLEES"**

Forwarded is the Memorandum dated June 13, 2022 from CENRO Socorro together with the Completed Staff Work (CSW) regarding the request for inspection and investigation of a parcel of land for the issuance of Certification of its classification and nature in relation to DENR Case No. 9266 entitled *"Gerardo Brual, Appellant, -versus- Cresencia Del Mundo and Soriano Del Mundo, Appellees."*

Based on the report of CENRO Socorro, the subject lot is not a foreshore area, not a salvage zone as per survey conducted by Task Force Puerto Galera on CY 2018, but a commercial area as evidenced by the buildings built thereat.

For information and further instruction, if any.

ALMA E. GIBE

Tracking No.: ***2206000442***

TSD/RPS/Dhal

Ilang-ilang St., Sitio II, Suqui, Calapan City, Oriental Mindoro
DENR Contact Nos. (043) 288-3017, Tel. Fax No. 288-3006

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

June 13, 2022

FOR : The Regional Executive Director
MIMAROPA Region

THRU : The In-Charge, PENRO , Oriental Mindoro

FROM : The CENR Officer
CENRO Socorro, Oriental Mindoro

DENR-MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
ORIENTAL MINDORO
PENRO TRACKING NO.
RECEIVED BY: spalgencia
DATE: JUN 27 2022
TIME:

SUBJECT : **COMPLETED STAFF WORK RE: REQUEST FOR INSPECTION AND INVESTIGATION OF A PARCEL OF LAND FOR THE ISSUANCE OF CERTIFICATION OF ITS CLASSIFICATION AND NATURE IN RELATION TO DENR CASE NO. 9266 ENTITLED "GERARDO BRUAL, APPELLANT VERSUS- CRESENCIA DEL MUNDO AND SORIANO DEL MUNDO " APPELLEES"**

Forwarded is the Completed Staff Work (CSW) regarding the request for inspection and investigation of a parcel of land for the issuance of Certification of its classification and nature in relation to DENR Case No. 9266 entitled "*Gerardo Brual, appellant versus Cresencia Del Mundo and Soriano Del Mundo, appellees*" .

Relative thereto, please be informed that the representatives from this Office conducted inspection on February 17, 2022 and based on the report the land subject of the above-entitled case is not a foreshore area as referenced in the definition cited in DENR Administrative Order No. 2004-24. Also, the area is not a salvage zone based on the survey conducted by Task Force Puerto Galera on CY 2018 and the land is a built up area where the claimants use it as a commercial area as evidenced by the buildings erected thereon.

Further, a technical conference was conducted on March 30, 2022. Attached are the supporting documents for reference.

For information and further instruction if any.

RODEL M. BOYLES

Pasi, Socorro, Oriental Mindoro
(043) 285-7068
Email: cenrosocorro@denr.gov.ph

Republic of the Philippines vs. Eutiquiano Del Mundo and the Register of Deeds of Oriental Mindoro; Gerardo Brual, CA G.R. CV No. 44263, May 26, 2004, p.1, Annex "A", hereof.

Regional Trial Court Order dated February 22, 1993, Annex "B" hereof

Regional Trial Court Order dated March 31, 1993, Annex "C" hereof

Regional Trial Court Decision dated July 1,1994, Annex "D" hereof

Entry of Judgment " G.R. No. 167080, April 4, 2005, Writ of Execution dated September 17, 2007, p.1. Annex "E" hereof

Writ of Execution dated September 17, 2007, p. 2, Annex "F" hereof

Return of Writ of Execution dated October 8, 2007, Annex "G" hereof

Omnibus Motion dated October 7, 2007, Annex " H" hereof

Regional Trial Court, Branch 40 Order dated October 23, 2007, Annex "I" hereof

Decision dated May 25, 2009 Eutiquiano Del Mundo vs. The Hon, Tomas C. Leynes (in his capacity as Presiding Judge of Calapan Regional Trial Court, Branch 40, The Republic of the Philippines and Gerardo Brual, CA-GR SP No.101757, p.1, Annex "J" hereof

Order signed by OIC, ASEC for Field Operations and Concurrent Regional Executive Director dated January 6, 2006 , Annex "K" hereof

Protest and Opposition to Miscellaneous Lease Applications dated February 8, 2008, p. 2, Annex "L" hereof

Order signed by Regional Executive Director Antonio G. Princepe dated July 1, 2010 , Annex "M" hereof

Order signed by OIC Regional Executive Director dated July 16, 2012, Annex "N" hereof

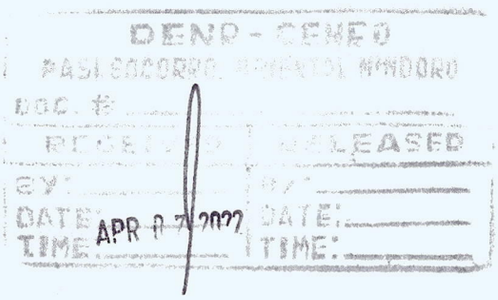
Geo-tagged photos, Annex "O" hereof

Generated Map showing the area, Annex "P" hereof

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
Provincial Environment and Natural Resources Office

April 1, 2022

MEMORANDUM



TO : The CENR Officer
CENRO Socorro

ATTENTION: The Chief
Regulation and Permitting Section

FROM : The PENR Officer
Oriental Mindoro

SUBJECT : **STATUS UPDATE RE: DENR CASE NO.9266 ENTITLED "GERARDO BRUAL, APPELLANT -VERSUS- CRESENCIA DEL MUNDO AND SORIANO DEL MUNDO, APPELLEES"**

Forwarded is a copy of Memorandum dated February 14, 2022 from the OIC, Regional Executive Director together wih a copy of Memorandum dated June 10, 2021 issued by the Director for Legal Affairs Service Norlito A. Eneran, LL.M., CESO III relative to DENR Case No. 9266 entitled *"Gerardo Brual, Appellant, versus Cresencia del Mundo and Soriano del Mundo, Appellees"*.

Based on the Memorandum, a draft decision of the above-mentioned case is still under review and evaluation by the Legal Office.

For information and record.

For the PENR Officer:

ALMA E. GIBE
DMO V/Chief TSD
In Charge, Office of the PENRO

Tracking Nos.: ***2203000616***

TSD/RPS/Dhal

Ilang-ilang St., Sitio II, Suqui, Calapan City, Oriental Mindoro
DENR Contact Nos. (043) 288-3017, Tel. Fax No. 288-3006

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

DENR-MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
ORIENTAL MINDORO
DOCUMENT TRACKING NO.
RECEIVED BY: gabydras
DATE: MAR 28 2022
TIME:

MEMORANDUM

TO : The PENR Officer
Oriental Mindoro

FROM : The OIC, Regional Executive Director

SUBJECT : **STATUS UPDATE RE: DENR CASE NO. 9266 ENTITLED "GERARDO BRUAL, APPELLANT, VERSUS CRESENCIA DEL MUNDO AND SORIANO DEL MUNDO, APPELLEES"**

DATE : FEB 14 2022

We are furnishing you a copy of the Memorandum dated June 10, 2021 issued by the Director for Legal Affairs Service Norlito A. Eneran, *LL.M., CESO III* relative to DENR Case No. 9266 entitled "*Gerardo Brual, Appellant,* versus *Cresencia del Mundo and Soriano del Mundo, Appellees*", informing that a draft decision of the above-mentioned case is still under review and evaluation by their Office.

For information and record.

LORMELYN E. CLAUDIO, *CESO IV*

Copy furnished:

The Director
Legal Affairs Service

The Assistant Secretary
Legal Affairs

The Undersecretary
Legal, Administration, Human Resources
And Legislative Affairs

Department of Environment and Natural Resources
MIMAROPA Region
Doc ID: 67044

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 82483367/82483468/82493367 local 2717 (Regional Executive Director); 2709 (Legal Division)
Direct Line: (632) 84050157
Website: https://mimaropa.denr.gov.ph
Email: mimaroparegion@denr.gov.ph; denr4blegal@gmail.com

Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. 929-6626 to 29; 929-6633 to 35
929-7041 to 43; 929-6252; 929-1669
Website: http://www.denr.gov.ph Email: web@denrgov.ph

67044

JUN 10 2021

MEMORANDUM

FOR : **The Regional Executive Director**
DENR – MIMAROPA Region

FROM : **The Director**
Legal Affairs Service
DENR - Central

SUBJECT : **REQUEST FOR STATUS UPDATE RE: DENR CASE NO. 9266, ENTITLED *"GERARDO BRUAL, APPELLANT, VERSUS CRESENCIA DEL MUNDO AND SORIANO DEL MUNDO, APPELLEES"***

This has reference to your Memorandum dated 15 March 2021 requesting for a status update regarding the above-captioned case.

Please be informed that a draft decision of the above-mentioned claim is still under review and evaluation by this Office.

Rest assured, this Office will inform you once the above-mentioned case is already resolved. Thank you very much.

For your information and guidance.

NORLITO A. ENERAN *LL. M., CESO III*

Copy Furnished:

The Undersecretary
Legal, Administration, Human Resources
and Legislative Affairs

The Assistant Secretary
Legal Affairs

DENR

R4B CENRO Socorro <cenrosocorro@denr.gov.ph>

Request for Ocular Inspection

2 messages

Rian Del Mundo <riandelmundo@gmail.com> Mon, Jan 31, 2022 at 2:24 PM
To: "cenrosocorro@denr.gov.ph" <cenrosocorro@denr.gov.ph>

Mr. RODEL M. BOYLES
CENRO Socorro
Oriental Mindoro

Dear Sir;
Greetings to you.
I am attaching a copy of my letter-request for ocular inspection of our property in Brgy. San Isidro Puerto Galera. Thank you very much.

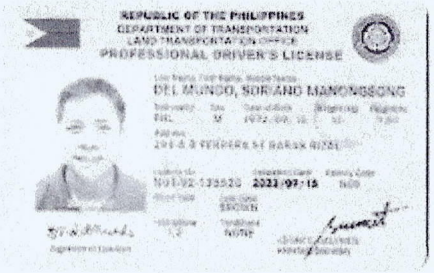
Sincerely,

Soriano M. del Mundo

2 attachments



Scan_20220131.png
2399K



DEL MUNDO DRIVERS LICENCSE.png
587K

Rian Del Mundo <riandelmundo@gmail.com> Mon, Feb 7, 2022 at 11:07 AM
To: cenrosocorro@denr.gov.ph

[Quoted text hidden]

2 attachments

Scan_20220131.png
2399K

February 1, 2022

Mr. RODEL M. BOYLES
CENRO Socorro
Oriental Mindoro

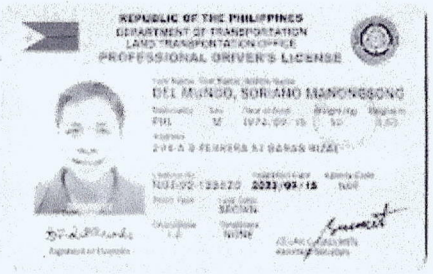
Dear Sir,

I am writing to request your good office for the conduct of inspection and investigation regarding our piece of property located at Brgy. San Isidro Puerto Galera Oriental Mindoro. (*This property is covered by a Plan of Land as surveyed for Soriano del Mundo, Mli-045211-02-A-D approved on July 19, 2006.)* Incidentally, this is the site of our lodging business, Lenly's Cottage that is the subject of our business permit renewal for this year 2022. For two consecutive years (2021-2022), the Office of the Mayor of Puerto Galera had been denying our business permit renewal mainly on the ground that our title was cancelled and was ruled by the Court of Appeals as **foreshore land**. While we respect the Court and its decision, we believe that the decision of the Court of Appeals is not in accordance with the reality of the actual nature of the land. We maintain that our property where the cottages are built is not a FORESHORE LAND because it is not alternately covered and uncovered by the ebb and flow of the tide, hence an AGRICULTURAL LAND. Moreover, there are fruit bearing trees, vegetable plants, and other growing crops planted inside our property. Therefore, may we request that after the investigation/ocular inspection is conducted a **Certification** be issued clearly identifying the **classification** and **nature** of this land in the hope that the Office of the Mayor will **reconsider** its previous refusal to accept our application for business permit. Thank you very much.

Hoping for your immediate action on the matter.

Very truly yours,

Soriano M. del Mundo
Proprietor
Mobile:0915 664 41 04



DEL MUNDO DRIVERS LICENCSE.png
587K

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE
PROFESSIONAL DRIVER'S LICENSE



Last Name. First Name. Middle Name
DEL MUNDO, SORIANO MANONGSONG

Nationality	Sex	Date of Birth	Weight (kg)	Height(m)
PHL	M	1972/09/15	50	1.60

Address
294-A B FERRERA ST BARAS RIZAL

License No.	Expiration Date	Agency Code
N01-92-135520	2023/09/15	N08

Blood Type	Eyes Color
-	BROWN

Restrictions	Conditions
1,2	NONE

Signature of Licensee

EDGAR C. GALVANTE
Assistant Secretary

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

May 30, 2022

MR. SORIANO M. DEL MUNDO
Brgy. San Isidro, Puerto Galera,
Oriental Mindoro

Dear Mr. Soriano,

Greetings in conservation!

This pertains to your request to secure copy of minutes of the meeting regarding the conducted technical conference between you, DENR CENRO Socorro and LGU of Puerto Galera held on March 30, 2022 at Lenly's Cottage Compound, Brgy. San Isidro, Puerto Galera, Oriental Mindoro.

Relative thereto, we are providing you the copy of the requested minutes of the meeting for your information and reference.

For any queries and concerns, you may contact our Office through (043) 285-7068 or email at cenrosocorro@denr.gov.ph.

Thank you and God Bless.

Very truly yours,

RODEL M. BOYLES
CENR Officer

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

May 30, 2022

MR. SORIANO M. DEL MUNDO
Brgy. San Isidro, Puerto Galera,
Oriental Mindoro

Dear Mr. Soriano,

Greetings in conservation!

This pertains to your request to secure copy of minutes of the meeting regarding the conducted technical conference between you, DENR CENRO Socorro and LGU of Puerto Galera held on March 30, 2022 at Lenly's Cottage Compound, Brgy. San Isidro, Puerto Galera, Oriental Mindoro.

Relative thereto, we are providing you the copy of the requested minutes of the meeting for your information and reference.

For any queries and concerns, you may contact our Office through (043) 285-7068 or email at cenrosocorro@denr.gov.ph.

Thank you and God Bless.

Very truly yours,

RODEL M. BOYLES
CENR Officer

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

May 30, 2022

MR. SORIANO M. DEL MUNDO
Brgy. San Isidro, Puerto Galera,
Oriental Mindoro

Dear Mr. Soriano,

Greetings in conservation!

This pertains to your request to secure copy of minutes of the meeting regarding the conducted technical conference between you, DENR CENRO Socorro and LGU of Puerto Galera held on March 30, 2022 at Lenly's Cottage Compound, Brgy. San Isidro, Puerto Galera, Oriental Mindoro.

Relative thereto, we are providing you the copy of the requested minutes of the meeting for your information and reference.

For any queries and concerns, you may contact our Office through (043) 285-7068 or email at cenrosocorro@denr.gov.ph.

Thank you and God Bless.

Very truly yours,

RODEL M. BOYLES
CENR Officer

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

May 30, 2022

MR. SORIANO M. DEL MUNDO
Brgy. San Isidro, Puerto Galera,
Oriental Mindoro

Dear Mr. Soriano,

Greetings in conservation!

This pertains to your request to secure copy of minutes of the meeting regarding the conducted technical conference between you, DENR CENRO Socorro and LGU of Puerto Galera held on March 30, 2022 at Lenly's Cottage Compound, Brgy. San Isidro, Puerto Galera, Oriental Mindoro.

Relative thereto, we are providing you the copy of the requested minutes of the meeting for your information and reference.

For any queries and concerns, you may contact our Office through (043) 285-7068 or email at cenrosocorro@denr.gov.ph.

Thank you and God Bless.

Very truly yours,

RODEL M. BOYLES
CENR Officer

Pasi II, Socorro, Oriental Mindoro 5207
Tel No. (043) 285-7068; Email: cenrosocorro@denr.gov.ph

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

MINUTES ON THE CONDUCT OF TECHNICAL CONFERENCE REGARDING REQUEST OF MR. SORIANO M. DEL MUNDO HELD ON MARCH 30, 2022 AT LENLY'S COTTAGE COMPOUND, BRGY. SAN ISIDRO, PUERTO GALERA, ORIENTAL MINDORO

The technical conference held on March 30, 2022 at Lenly's Cottage Compound, Brgy. San Isidro, Puerto Galera is in relation to the previous request of Mr. Soriano M. Del Mundo regarding the classification and nature of their property. It was attended by DENR CENRO Socorro personnel headed by CENRO Rodel M. Boyles, representatives from the Local Government Unit of Puerto Galera led by MENRO Joan Margarette A. Yap and Mr. Soriano M. Del Mundo and his staffs.

At first, CENRO Rodel M. Boyles discussed that the RPS personnel of CENRO Socorro already prepared the Complete Staff Work (CSW) regarding the status of the claimed property of Mr. Soriano Del Mundo located at Brgy. San Isidro, Puerto Galera wherein he mentioned that the said property has a Supreme Court Order on August 26, 2005 which is final and executory. Also, CENRO Boyles presented the generated map for the location of the area. He mentioned that the area is located in the forefront of the property of DENR donated by Locsin Family. Then series of questions have been made.

(S.M. Del Mundo). . . "*Brual family ang dating may-ari ng karatig na property*"
(CENRO Boyles). . . "*paano nalaman na ito ay kay Locsin family na*"
(S.M. Del Mundo). . . "*as per title ay kay na Locsi na ang karatig na property*"
(MENRO Yap). . . She cited that the said land is part of that extension area of the STP of LGU
(S.M. Del Mundo). . . "*may balita na paaalisin na sila sa lugar dahil padadalhan daw sila ng eviction letter ng DENR*"
(CENRO Boyles). . . He mentioned that based on the current status, the area is not a foreshore land anymore.
(MENRO Yap). . . She stated that all determined public lands along White Beach are included in the development plan of the LGU.
(Engr. Acuzar). . . He discussed that based on LC Map and CAD Map, the said area is water wayback 1970 and the last number which is adjacent to the said area is in the name of Broal.
(S.M. Del Mundo). . . "*ang LC Map ay noong 1935 at noong 2006 ay may nagpunta na Legal at ang source na ginamit ay A/D noong 1935*"
(CENRO Boyles). . . He mentioned the manifestation of the LGU of Puerto Galera and the claimant over the area and the question is, who is the

rightful claimant?

(S.M. Del Mundo). . . "*mabigat ang laban dahil ang LGU ang may interest*".. He asked the MENRO about the development plan.

(MENRO Yap). . . She mentioned that they can ask/clarify to the Planning or Engineering Office regarding the development plan along White Beach. She added that this plan was presented in the conducted public consultation held at Muelle, Puerto Galera.

(CENRO Boyles). . . He cited that the final decision of the DENR over area should secure first. He added that both party may seek assistance from the court. And the top priority is to determine properly the rightful/legal claimant.

(S.M. Del Mundo). . . "*parang hindi aware ang CENRO sa project ng LGU*"

(CENRO Boyles). . . He said that Mr. Del Mundo may apply application for free patent in CENRO considering the area is converted into public land.

(Engr. Acuzar). . . He mentioned that Mr. Del Mundo has concerned in his business permit which has not been renewed by the LGU.

(MENRO Yap). . . She said that in the process of business permit, tenurial instrument is one of the requirements to be submitted.

(S.M. Del Mundo). . . "*paano ang MLA application*"

CENRO Boyles). . . He mentioned that considering the area is already public land, the MLA application is already disregarded.

After these discussions, the technical conference was ended.

Prepared by:

RAYSON C. ALFANTE
ECOMS I/ In-Charge, Administrative Unit

Reviewed by:

MARIA ALVA RENELYN A. CULLA-UMALI
LMO III/Chief, RPS

RECEIVED
PASI SOCORRO OR. MINDORO
DOC. #
RECEIVED
APR 18 2022
DATE
TIME
DATE
TIME

APRIL 18, 2022

MR. RODEL M. BOYLES,
CENRO SOCORRO
Oriental Mindoro

Dear Sir,

Greetings to you.

May I respectfully request for the results of our Technical Conference and a copy of the Minutes of the Meeting dated March 30, 2022 regarding the classification and nature of our land which was the subject of final judgement rendered by the Court of Appeals in 2006. The reason for such request is to strengthen our request related to our business permit in Pto. Galera. Hoping for your kind consideration. Thank you very much.

Very truly yours,

SORIANO M. DEL MUNDO
09176240661

April 9, 2022

Mr. RODEL M. BOYLES
CENRO Socorro
Oriental Mindoro

APR 18 2022

Dear Sir,

Greetings to you.

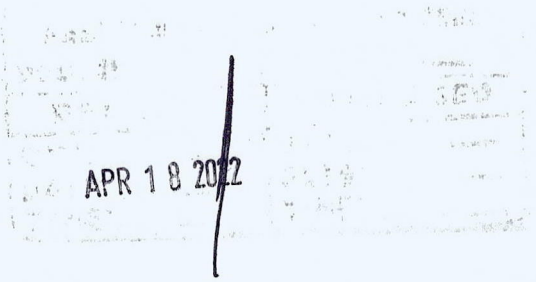
Guided by the Technical Conference your office had conducted on March 30, 2022 and considering that our Miscellaneous Lease Application is no longer appropriate, may I respectfully register our right to **apply** for a title under the provisions of **Republic Act No.11573 entitled , "An Act Improving the Confirmation Process for Imperfect Land Titles, Amending For The Purpose m Commonwealth Act No.141, As Amended, Otherwise Known As "The Public Land Act", and Presidential Decree No.1529, As Amended, Otherwise Known As The Property Registration Decree"** and based on our **open, lawful, continuous possession** and **occupation** of more than 35 years on the subject property. Thank you very much. Hoping for your favorable response on this request.

Very truly yours,

SORIANO M. DEL MUNDO
Applicant

April 9, 2022

Mr. RODEL M. BOYLES
CENRO Socorro
Oriental Mindoro



Dear Sir,

Greetings to you.

Guided by the Technical Conference your office had conducted on March 30, 2022 and considering that our Miscellaneous Lease Application is no longer appropriate, may I respectfully register our right to **apply** for a title under the provisions of **Republic Act No.11573 entitled , "An Act Improving the Confirmation Process for Imperfect Land Titles, Amending For The Purpose m Commonwealth Act No.141, As Amended, Otherwise Known As "The Public Land Act", and Presidential Decree No.1529, As Amended, Otherwise Known As The Property Registration Decree"** and based on our **open, lawful, continuous possession** and **occupation** of more than 35 years on the subject property. Thank you very much. Hoping for your favorable response on this request.

Very truly yours,

SORIANO M. DEL MUNDO
Applicant

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

DENR - CENRO
PASI, SOCORRO, ORIENTAL MINDORO
DOC. #
RECEIVED
BY:
DATE: MAR 22 2022
TIME:
RELEASED
BY:
DATE:
TIME:

COMPLETED STAFF WORK (CSW)

SUBJECT : **REQUEST FOR INSPECTION AND INVESTIGATION OF A PARCEL OF LAND FOR THE ISSUANCE OF CERTIFICATION OF ITS CLASSIFICATION AND NATURE**

DATE : **February 28, 2022**

FACTUAL BACKGROUND:

A request from Mr. Soriano M. del Mundo to conduct inspection and investigation regarding their property located at Barangay San Isidro, Puerto Galera, Oriental Mindoro. Mr. Soriano wants a *Certification* on the land classification and nature of the subject land in connection to his business permit application.

Relative to the above request, , the undersigned gathered the following salient facts:

1. The subject land is covered by case entitled " G.R. No. 167080 entitled " *Eutiquiano Del Mundo versus Republic of the Philippines and Gerardo Brual"* with the following factual background;

   On September 5, 1984, Eutiquiano Del Mundo ("Del Mundo") filed Free Patent Application No. (IV-19) 9629 with the Bureau of Lands covering a parcel of land designated as Lot No. F(IV-19) 9629-D with an area of 905 square meters situated at San Isidro, Puerto Galera, Oriental Mindoro. In his application Del Mundo stated that the land is not claimed or occupied by any other person but a public land which was first occupied and cultivated sometime in 1943.[1]

   The application was approved by the District Land Officer of Calapan, Oriental Mindoro and issued Free Patent No. (IV-19) 03085 on November 22, 1984 and Original Certificate of Title (OCT) No. P-3278 of the Registry of Deeds of Oriental Mindoro on November 23, 1984.[2]

1 Republic of the Philippines vs. Eutiquiano Del Mundo and the Register of Deeds of Oriental Mindoro; Gerardo Brual, CA G.R. CV No. 44263, May 26, 2004, p.1, Annex "A", hereof.

2 Ibid, p.2.

On May 30, 1985, Gerardo Brual ("Brual ") filed a protest against the issuance of the free patent claiming that the disputed land was an accretion to his two parcels of registered lands and that he was the one who introduced the improvements thereon. He further alleged that Del Mundo committed fraud and misrepresentation in claiming that he (Del Mundo) was the actual occupant of the land as the latter was merely his overseer.[3]

An investigation on the protest was conducted by Isagani P. Cartagena ("Cartagena"), Supervising Special Investigator of Legal Division of the Bureau with a recommendation that an "*appropriate proceedings be taken in court for the cancellation*" of OCT No. P-3278 and reversion of disputed land.[4]

On May 19, 1988, the Republic of the Philippines as plaintiff, filed an action before the Regional Trial Court of Oriental Mindoro, Branch 40 for cancellation of the free patent in question and OCT No. P-3278 and reversion of the disputed land. The action was predicated on the averments that the investigation of the protest conducted by a representative of the Director of Lands ascertained that Del Mundo was merely an overseer of Brual over the disputed land and had no registrable right thereto; that the disputed land is a beach resort and a foreshore land; that pursuant to Sections 59 and 61 of the Public Land Act, the lands comprised in classes (a), (b) and (c) of Sec. 29 thereof, such as foreshore land, may be disposed of to private parties only by lease and hence, the disputed land cannot be the subject of a free patent application; that contrary to Del Mundo's representation in his application, he entered the disputed land only in 1980 and not as a claimant but as overseer of Brual; and that the free patent in question and OCT No. P-3278 were issued through misrepresentation of facts[5]

Brual intervened in the case pursuant to the Order dated August 18, 1989 alleging in his complaint-in-intervention that he is the sole and only heir of the Brual spouses who died intestate and left two parcels of land situated at San Isidro, Puerto Galera, Oriental Mindoro; that he began constructing cottages or structures and a restaurant inside the titled lands and another restaurant within the area formed by accretion; that it was then he employed Del Mundo as an overseer; that the disputed land is inside the area formed by the accretion; and that Del Mundo acted in bad faith and committed gross misrepresentation in applying for the free patent, among others.[6]

On January 19, 1993, the lower court rendered a decision, which reads: *"WHEREFORE, finding the evidence on record in favor of defendant*

[3] Ibid,p.2 .
[4] Ibid,p.2.
[5] Ibid, p.2-3
[6] Ibid, p.4

Eutiquiano Del Mundo, this Court hereby dismisses the complaint and the complaint in intervention, with costs against the plaintiff and the intervenor."[7]

On February 22, 1993, Judge Mario O. Dela Cruz of Regional Trial Court, Branch 40 issued an Order denying the Motion for Reconsideration filed by the Republic of the Philippines, thru counsel, finding the same to be defective and thereby the decision was declared final and executory.[8]

On March 31, 1993, Judge Mario O. Dela Cruz of Regional Trial Court, Branch 40 issued again an Order denying the Motion for Reconsideration filed by the Republic of the Philippines, and considered the case closed and executory.[9]

On July 1, 1994, Regional Trial Court, Branch 40 rendered a Decision in Civil Case No. R-3730 regarding the complaint for Recovery of Ownership and Possession of Restaurant filed by Brual against Del Mundo. The dispositive portion of the said Decision reads: "*WHEREFORE, finding the preponderance of evidence in favor of plaintiff, judgment is hereby rendered as follows: a) Declaring plaintiff to be the real owner of the restaurant in question and for the defendant to return the possession of said restaurant to plaintiff; b) Ordering defendant to pay plaintiff the sum of P 2,000.00 per month from April 1, 1985 up to the date of delivery as lost income; c) Ordering the defendant to pay the plaintiff attorney's fees in the amount of P 10,000.00 and to pay cost of suits.*"[10]

Brual appealed to the Court of Appeals, assigning errors to the trial court in finding that: (1) Del Mundo's free patent application was approved by the Bureau without fraud and misrepresentation attendant thereto, and (2) the free patent in question and OCT No. P-3278 are legal and in accordance with law.[11]

The appeal was found to be meritorious. Cartagena's report dated May 29, 1986 shows that Del Mundo set foot on the disputed land only in 1980 and as overseer of Brual; and that said property is a beach resort or foreshore land. The investigation conducted by the Bureau, thru Cartagena, revealed that Del Mundo had committed fraud and misrepresentation in his application, particularly in his statement that he entered the disputed land "sometime in 1943" and that he introduced improvements thereon.[12]

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[7] Ibid, p.5
[8] Regional Trial Court Order dated February 22, 1993, Annex "B" hereof
[9] Regional Trial Court Order dated March 31, 1993, Annex "C" hereof
[10] Regional Trial Court Decision dated July 1,1994, Annex "D" hereof
[11] Republic of the Philippines vs. Eutiquiano Del Mundo and the Register of Deeds of Oriental Mindoro; Gerardo Brual, CA G.R. CV No. 44263, May 26, 2004, p.5, Annex "A" hereof
[12] Ibid, pp.6-7

On May 26, 2004 , the Court of Appeals Sixth Division promulgated a Decision the dispositive portion of which reads: "***WHEREFORE**, the appealed decision of the Regional Trial Court of Oriental Mindoro (Branch 40) is **REVERSED** and **SET ASIDE** and judgment is rendered (i) declaring Free Patent No. (IV-19) 03085 and Original Certificate of Title No. P-3278 in the name of defendant Eutiquiano del Mundo, as well as all derivative titles emanating therefrom, null and void ab initio and of no legal force and effect, and directing defendant Register of Deeds of Oriental Mindoro to cancel the same; (ii) declaring the disputed land part of the public domain; and (iii) ordering the defendant Eutiquiano del Mundo to surrender the owner's copy of Original Certificate of Title No. P-3278 to defendant Register of Deeds of Oriental Mindoro."*[13]

Del Mundo filed a Petition for Review on Certiorari on the Decision of the Court of Appeals to the Supreme Court.[14]

On April 4, 2005, the Supreme Court Third Division, resolved to deny the Petition for Review on Certiorari for failure to show that a reversible error had been committed by the appellate court. [15]The same has become final and executory on August 26, 2005 and was recorded in the Book of Entries of Judgments.[16]

On August 2, 2007, plaintiff Republic of the Philippines, through the Office of the Solicitor General filed a Motion for the Issuance of Writ of Execution to enforce the Decision of the Court of Appeals, Sixth Division dated May 26, 2004.[17]

The Regional Trial Court Clerk of Court V Atty. Enrico P. Mantuano II issued the Writ of Execution dated September 17, 2007 directing Mr. Gerardo V. Viray, Sheriff IV of Regional Trial Court, Branch 40 to enforce the execution of the Decision of the Court of Appeals dated May 26, 2004.[18]

The Writ of Execution was served on October 3, 2007 and the Return of Writ of Execution was submitted to the Court dated October 8, 2007. The Return of Writ of Execution states that: *"[O]n October 3, 2007, the undersigned proceeded at San Isidro, Puerto Galera, Oriental Mindoro to cause the service of the Writ of Execution relative to the above-entitled case. He tried to look for defendant Eutiquiano Del Mundo in the said barangay but he was informed by the defendant's daughter ROSALIE M. BARCELONA that said defendant is now*

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[13] Ibid, pp.12-13
[14] Entry of Judgment " G.R. No. 167080, April 4, 2005, Writ of Execution dated September 17, 2007, p.1. Annex "E" hereof
[15] Ibid.
[16] Ibid.
[17] Writ of Execution dated September 17, 2007, p. 2, Annex "F" hereof
[18] Ibid, pp.1-2.

residing in the United States of America. After explaining to her the contents of the said writ, and in behalf of EUTQUIANO (SIC) DEL MUNDO, ROSALIE M. BARCELONA received a copy of the said writ, and affixed her signature of the original copy, thereafter, ... defendant EUTIQUIANO DEL MUNDO to surrender the owner's copy of Original Certificate of Title No. P-3728 to the Register of Deeds of Oriental Mindoro and ... the signature at the back of the Original thereof."[19]

On October 7, 2007, Del Mundo filed an Omnibus Motion regarding Case No. R-3985, entitled Republic of the Philippines (Plaintiff), Gerardo Brual (Plaintiff-Intervenor) versus Eutiquiano Del Mundo (Defendant) which moved for the following reliefs: (1) Reconsideration and reversal of the September 3, 2007 Order granting the motion for issuance of a writ of execution filed by plaintiff, Republic of the Philippines, through Office of the Solicitor General; and (2) Recall and/or Quashal of the writ of execution issued pursuant to the assailed Order.[20]

On October 23, 2007, Judge Tomas C. Leynes of Regional Trial Court, Branch 40 issued an Order denying the Omnibus Motion filed by Del Mundo through counsel for lack of merit.[21]

On May 25, 2009, the Court of Appeals Special 17th Division promulgated a Decision regarding the Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure assailing the Order dated September 3, 2007 of Judge Tomas C. Leynes, in his capacity as then presiding judge of Calapan, Regional Trial Court, Branch 40 in Civil Case No. R-3895 granting the issuance of a Writ of Execution as the Omnibus Order dated October 23, 2007 denying Del Mundo's motion for reconsideration of the first assailed order.[22] The said petition for certiorari was dismissed for lack of merit and the assailed orders of Judge Tomas C. Leynes were affirmed.[23]

ORDERs ISSUED BY DENR

On January 6, 2006, Vicente S. Paragas, CESO III, OIC, ASEC for Field Operations and then Concurrent Regional Executive Director, DENR MIMAROPA Region issued an Order that the Miscellaneous Lease Application of Mr. Soriano M. Del Mundo, son of Del Mundo, be given due course under the existing rules and regulations of the Office "since Mr. Soriano M. Del Mundo is

[19] Return of Writ of Execution dated October 8, 2007, Annex "G" hereof
[20] Omnibus Motion dated October 7, 2007, Annex " H" hereof
[21] Regional Trial Court, Branch 40 Order dated October 23, 2007, Annex "I" hereof
[22] Decision dated May 25, 2009 Eutiquiano Del Mundo vs. The Hon, Tomas C. Leynes (in his capacity as Presiding Judge of Calapan Regional Trial Court, Branch 40, The Republic of the Philippines and Gerardo Brual, CA-GR SP No.101757, p.1, Annex "J" hereof
[23] Ibid p. 9.

the actual applicant and a buyer in good faith of the subject land from his father, Mr. Eutiquiano Del Mundo, then the wrongful act or bad faith of his father in titling the land is not transmissible from one person to another, not even to an heir."[24]

Meanwhile, on February 12, 2008, Brual filed a Protest and Opposition to Miscellaneous Applications Nos. 045211-01, 045211-02 and 045211-2-A of Cresencia Del Mundo and Soriano Del Mundo alleging that as the registered owner of the properties adjacent to the foreshore lands formed by accretion, Brual is the riparian owner and has the preferential right to the use and possession of the foreshore lands to the exclusion of others and that Cresencia Del Mundo and Soriano Del Mundo are possessors in bad faith and should not be allowed to lease the foreshore adjoining Brual's registered property.[25]

On July 1, 2010, Antonio G. Principe, CESO III, then Regional Executive Director for DENR MIMAROPA Region issued an Order on the protest filed by Brual. The same found the protest meritorious and ordered that the Miscellaneous Lease Application Nos. 045211-01, 045211-02 and 045211-02-A under the names of applicants-respondents, Cresencia del Mundo and Soriano del Mundo be rejected. Brual was ordered to file the necessary lease application.[26]

On August 3, 2010, Cresencia del Mundo and Soriano Del Mundo filed Motion for Reconsideration through their counsel assailing the Order dated July 1, 2010 on the following grounds: 1) The land covered by Miscellaneous Lease Application Nos. 045211-01 and 045211-02 are not adjacent or immediately fronting Brual's titled property, neither are the same part of OCT P-3278; 2) The land covered by Miscellaneous Lease Application No. 045211-02-A is not a foreshore area; and 3) Brual slept on his rights. They likewise requested for a conduct of ocular inspection.[27]

The then OIC-Regional Executive Director Edgardo O. Galeon of the DENR MIMAROPA Region granted the request to conduct ocular inspection which was set on July 14, 2011 whereby the parties were properly notified and present during the said ocular inspection.[28]

On July 16, 2012, OIC-Regional Executive Director Edgardo O. Galeon of the DENR MIMAROPA Region issued an Order reversing and setting aside the Order dated July 1, 2010. The dispositive portion of the Order states:

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[24] Order signed by OIC, ASEC for Field Operations and Concurrent Regional Executive Director dated January 6, 2006 , Annex "K" hereof
[25] Protest and Opposition to Miscellaneous Lease Applications dated February 8, 2008, p. 2, Annex "L" hereof
[26] Order signed by Regional Executive Director Antonio G. Princepe dated July 1, 2010 , Annex "M" hereof
[27] Order signed by OIC Regional Executive Director dated July 16, 2012, Annex "N" hereof
[28] Ibid, p.1

"***WHEREFORE**, the foregoing premises considered the Order dated July 01, 2010 of this Office is hereby **REVERSED and SET ASIDE**. The following are hereby ORDERED: 1. MLA 045211-01 and MLA 045211-02 of herein respondents Cresencia del Mundo and Soriano del Mundo be converted to Foreshore Lease Application, considering that the area covered by this applications is within the foreshore; and 2. The MLA 045211-02-A of Soriano del Mundo covering the previously titled land be given further due course.*"[29]

IDENTIFICATION OF THE LAND

The land has an approved survey plan for Miscellaneous Lease Application (MLA) covered by ***Mli-045211-02-A-D*** as surveyed in the name of Soriano del Mundo. It is not classified and it is not covered by any existing land classification on the area. The latest land classification certified in the area is on September 7, 1935 of Project No. 11, Block I of LC Map No. 1184. As per projection on the Cadastral Map approved on October 2, 1978, Cad 533-D, Case 8, the land is within the ***Verde Island Passage***.

OCULAR INSPECTION

As per ocular inspection on February 17, 2022 conducted by the undersigned as shown in the geotagged photos[30] and generated map[31] showing the aerial image of the subject area, the site is not a foreshore area as reference in the definition cited in DENR Administrative Order 2004-24, Section 2, Definition of Terms *"Foreshore Lands - the part of a shore that is alternately covered and uncovered by the ebb of the tide"*.The area is not a part of salvage zone or the legal easement during the time of the inspection as per reference on the survey conducted by the Task Force Puerto Galera on C.Y. 2018. Further, the land is a built up area where the claimants use it as a commercial area as evidence of the buildings erected thereon.

FINDINGS AND RECOMMENDATIONS

Memorandum dated February 4, 2021 signed by PENR Officer Mary June F. Maypa states that " *The findings show that while the Decision has been declared final and executory by the Supreme Court on August 26, 2005 and was recorded in the Book of Entries of Judgements and the Order of then OIC Regional Executive Director Edgardo O. Galleon dated July 16, 2012 shows that Miscellaneous Application Nos. 045211-01 and 045211-02 of Cresencia del Mundo and Soriano del Mundo were ordered to be converted to Foreshore Lease Application and that the*

[29] Ibid, p.3.
[30] Geo-tagged photos, Annex "O" hereof
[31] Generated Map showing the area, Annex "P" hereof

Miscellaneous Lease Application No. 045211-02-A of Soriano del Mundo was ordered to be given due course. As such, there is necessity to reconcile the foregoing findings and verify further actions taken, if any, after the said Order to confirm if the same has attained finality. Moreover, the Local Government Unit of Puerto Galera is planning to put up a Sewerage Treatment Plant to be located in San Isidro, Puerto Galera, Oriental Mindoro and the subject land in the above cited Decision is an area that can be affected by the project. ***"seeking guidance on the matter to prevent the arising of possible conflict".*** Hence, a Memorandum requesting for an update/status to the Regional Office should be submitted.

Although the land is not a *Foreshore Land* we cannot considered it as an Agricultural Land or an Alienable and Disposable Land as it is not yet classified. The undersigned recommends that the subject land is to be classified first in relation to the other lands in the vicinities.

For the meantime, a technical conference should be conducted together with the concerned parties, Mr. Del Mundo and the Municipal Environment and Natural Resources Officer of Puerto Galera to properly discuss this matter.

Prepared by:

MICHAEL ANJELO A. ACUZAR
Forest Technician II

MICHAELANGELO M. MORENTE
Engineering Aide

WALTER TOLENTINO
Special Investigator I

ANDRES OLIVER ARIAS
Land Management Officer I I

Noted by:

MARIA ALVA RENELYN A. CULLA-UMALI
LMO III/Chief RPS

Republic of the Philippines
COURT OF APPEALS
Manila

REPORTER'S DIVISION

November 23, 2020

MS. MARY JUNE F. MAYPA
DENR PENRO Oriental Mindoro
Brgy. Suqui, Calapan City
Oriental Mindoro

***Re**: CA-G.R. CV No. 44263*
Republic of the Philippines vs. Eutiquiano Del Mundo, et al.; Gerardo Brual

Dear Ms. Maypa:

In connection with your request through electronic mail on November 20, 2020, please find enclosed herewith a certified copy of the Decision in the above-entitled case promulgated on May 26, 2004, consisting of thirteen (13) pages only.

Please acknowledge receipt hereof.

Very truly yours,

ATTY. GERARDO A. CALVO
Acting Chief Reporter

Encl: as stated

DENR-MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
RECEIVED BY: [illegible]
DATE: DEC 15 2020
TIME:

Republic of the Philippines
COURT OF APPEALS
Manila

I, **ANITA JAMERLAN-REY**, Clerk of Court of the Court of Appeals, do hereby certify that I have examined the herein document, to wit:

A certified true copy of the Decision of the Court of Appeals in case CA-G.R. CV No. 44263, Republic of the Philippines vs. Eutiquiano Del Mundo, et al.; Gerardo Brual, promulgated on May 26, 2004, and consisting of Thirteen (13) pages only.

That the same has been compared with the original on file in this Office, and that the same is a true and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the seal of this Court, this 23 NOV 2020.

NOTE: This certification is not valid without the signatures of the proofreaders, verifier and the certifying officer as well as the seal of the Court on each and every page of this document.

ANITA JAMERLAN-REY
Clerk of Court

By:

GERARDO A. CALVO
Acting Chief Reporter

P30.00 Documentary
Stamp paid under
Original Receipt No.

_____

Paid: Exempt under Sec. 2, Rule 141, Rules of Court

O.R. Nos. _____

Date: 23 NOV 2020

Verified with the Original in the custody of the Reporter's Division
By:

MARLYN A. MONTINOLA

Proofread By:

AL B. DELAGO

CARLOS M. SANTIAGO

Issued upon the request of:

Mary June F. Maypa
DENR PENRO Oriental Mindoro
Brgy. Suqui, Calapan City
Oriental Mindoro

Annex "A"

REPUBLIC OF THE PHILIPPINES
COURT OF APPEALS
MANILA

SIXTH DIVISION

ANNEX "A"

REPUBLIC OF THE PHILIPPINES,
Plaintiff-Appellee,

- versus -

EUTIQUIANO DEL MUNDO and THE REGISTER OF DEEDS OF ORIENTAL MINDORO,
Defendants-Appellees.

x----------x

GERARDO BRUAL,
Intervenor-Appellant.

x----------x

CA-G.R. CV No. 44263

Members:

VIDALLON-MAGTOLIS,
Chairman
CRUZ *and*
TIJAM, *JJ.*

Promulgated:

MAY 26 2004

DECISION

CRUZ, *J.*:

On September 5, 1984, Eutiquiano del Mundo (or "del Mundo") filed Free Patent Application No. (IV-19) 9629 (or "application") with the Bureau of Lands (or "Bureau") covering a parcel of land, designated as Lot No. F (IV-19) 9629-D (or "disputed land") with an area of 905 square meters and situated at San Isidro, Puerto Galera, Oriental Mindoro.

In the application, del Mundo stated that the disputed land "is not claimed or occupied by any other person but is a public land which was first occupied and cultivated by (him) sometime in 1943"; that he "entered upon and began cultivation of the same x x on the x x same year and since that date (he has) continuously cultivated the land, and (has) made the following improvements: house, coconuts, bananas,

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Acting Chief Reporter
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assorted fruit trees and buri palms"; and that the disputed land "is now occupied and cultivated by (him) and to the best of (his) knowledge, information and belief, it is otherwise unreserved and unappropriated and is non-mineral, agricultural public land, contains no valuable deposits of guano, coal or salts, and is more valuable for agriculture than for forestry or other purposes."

The application was approved by the District Land Officer of Calapan, Oriental Mindoro, resulting in the issuance of Free Patent No. (IV-19) 03085 (or "free patent in question") and Original Certificate of Title (or "OCT") No. P-3278 of the Registry of Deeds of Oriental Mindoro on November 22 and 23, 1984, respectively, both covering the disputed land and in the name of del Mundo.

On May 30, 1985, Gerardo Brual (or "Brual") filed a protest against the issuance of the free patent in question, claiming that the disputed land was an accretion to his two parcels of registered lands and that he was the one who introduced the improvements thereon. He further alleged that del Mundo committed fraud and misrepresentation in claiming that he (del Mundo) was the actual occupant of the disputed land even as the latter was merely his (Brual) overseer.

After an investigation on the protest, Isagani P. Cartagena (or "Cartagena"), Supervising Special Investigator, Legal Division of the Bureau, rendered a report dated May 29, 1986 (Exh. "M") recommending that "appropriate proceedings be taken in court for the cancellation" of OCT No. P-3278 and reversion of the disputed land to the State.

On May 19, 1988, the Republic of the Philippines (or "plaintiff") filed an action before the Regional Trial Court of Oriental Mindoro (Branch 40) for cancellation of the free patent in question and OCT No. P-3278 and reversion of the disputed land. The action was predicated on the averments that in the investigation of the protest conducted by a representative of the Director of Lands, it was ascertained that

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del Mundo was merely an overseer of Brual over the disputed land and had no registrable right thereto; that the disputed land is a beach resort and a foreshore land; that pursuant to Secs. 59 and 61 of the Public Land Act, the lands comprised in classes (a), (b) and (c) of Sec. 29 thereof, such as foreshore land, may be disposed of to private parties only by lease and, hence, the disputed land cannot be the subject of a free patent application; that contrary to del Mundo's representation in his application, he entered the disputed land only in 1980 and not as a claimant but as overseer of Brual; and that the free patent in question and OCT No. P-3278 were issued through misrepresentation of facts.

Aside from denying that the disputed land was formed by accretion, del Mundo averred in his answer that it was already in existence before the cadastral survey of the area; that it is separate from the lands registered in the name of Evaristo Brual and Felicidad Cordero (or "Brual spouses"), Brual's predecessors-in-interest; that it was never in the possession of, nor claimed by, the Brual spouses who continuously recognized his claim, possession and cultivation thereof; that his cultivation of the disputed land was made openly and the improvements thereon belong to him; and that the cottages of Brual were erected on the lands of his predecessors-in-interest where del Mundo was the overseer of the cottages only, and are different from the cottages and restaurant constructed by him (del Mundo) in the disputed land at his sole expense.

As special and affirmative defenses, del Mundo asserted that the disputed land was an alienable and disposable agricultural land prior to the issuance of OCT No. P-3278; that no fraud or misrepresentation attended the filing of the application and issuance of the free patent in question and said OCT; and that he had been in actual, open, peaceful and notorious possession of the disputed land under claim of ownership and adverse to the whole world since time immemorial.

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Allowed to intervene in the case pursuant to the order dated August 18, 1989, Brual alleged in his complaint-in-intervention that he is the sole and only heir of the Brual spouses, who both died intestate and left two parcels of land (or "titled lands") situated at San Isidro, Puerto Galera, Oriental Mindoro and covered by Transfer Certificates of Title (or "TCT") Nos. T-5810 and T-13309; that the titled lands were formerly bounded on the northwest by the sea, better known as the Verde Island Passage; that through the passage of time and natural action of the sea, a small strip of land was formed by accretion in the area immediately fronting and northwest of the aforesaid titled lands; that in or about the year 1980, he began constructing cottages or structures and a restaurant inside the titled lands to cater to foreign tourists and another restaurant within the area formed by accretion; that it was then that he employed del Mundo as overseer and, as such, the latter was in charge of the construction of all the buildings, including the restaurant, at his (Brual) expense, and managed the business, for which del Mundo was receiving commissions from the earnings thereof; that the disputed land is inside the area formed by the accretion; that del Mundo acted in bad faith and committed gross misrepresentation in applying for the free patent in question; that he (Brual) has a better and prior right to the disputed land; that because of the fraud and misrepresentations of del Mundo, the District Land Officer was misled into approving his application, resulting in the issuance of the free patent in question and OCT No. P-3278; that being merely his overseer not only in the titled lands but in the accretion, del Mundo had no registrable right thereon; and that since time immemorial, he (Brual) and his predecessors-in-interest have been in notorious and peaceful possession of the disputed land in the concept of an owner until about March 1985 when he was informed that it had been titled in the name of del Mundo.

Answering the complaint-in-intervention, del Mundo alleged that Brual has no cause of action; and that the same states no valid ground for intervention.

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On January 19, 1993, the lower court rendered a decision, the decretal portion of which reads:

> "WHEREFORE, finding the evidence on record in favor of defendant Eutiquiano del Mundo, this Court hereby dismisses the complaint and the complaint in intervention, with costs against the plaintiff and intervenor.
>
> SO ORDERED."

Appealing to this Court, Brual imputes errors to the trial court in finding (i) that del Mundo's free patent application was approved by the Bureau without fraud and misrepresentation attendant thereto; and (ii) that the free patent in question and OCT No. P-3278 are legal and in accordance with law.

Brual contends that the trial court's finding of absence of fraud and misrepresentation on the part of del Mundo is contrary to the evidence on record. He asserts that the Bureau's report stated that the disputed land is a beach resort or foreshore land and that del Mundo entered said property only in 1980 as his (Brual) overseer and that del Mundo did not mention in his application that the Brual spouses were the registered owners of the lots adjoining the disputed land.

Brual also asserts that the trial court's ruling that del Mundo has a right to the disputed land was based on self-serving documents; and that the disputed land was formed as an accretion to his titled lands due to the action of the sea and, therefore, is part of the public domain.

Similarly, plaintiff submits that the free patent in question and OCT No. P-3278 were secured through fraud and misrepresentation. It avers that the disputed land was misrepresented as agricultural land even as it is a foreshore land and was not cultivated by del Mundo but utilized as a beach resort; that del Mundo did not possess or occupy the disputed land since 1943 for he entered the same only in 1980

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and as overseer of intervenor; that having been illegally awarded to del Mundo, the disputed land must be reverted to the State; and that the nature and character of a public land made in the investigation reports of the Bureau is binding on the courts.

On the other hand, del Mundo asserts that the disputed land is thirty meters away from the shoreline during high tide and is not reached by flux and reflux of sea water on those occasions; that Cartagena affirmed that the disputed land is between the titled lands of Brual and a salvage zone and it was the former's observation that, at the time of his ocular inspection of the disputed land, it was thirty-five meters, more or less, from the shore during high tide, which open space constitutes the salvage zone; and that the annotation on the lower left hand corner of Exh. "3" (also Exh. "C") states that the "survey is inside alienable, and disposable area" and, thus, the disputed land is an alienable agricultural land.

Del Mundo further claims that the evidence on record is bereft of concrete proof that fraud and misrepresentation were used by him in his application or that the officers or employees of the Bureau, who processed said application, connived with him in fraudulently approving the same and issuing the corresponding patent; and that the mere fact that the disputed land adjoins Brual's titled lands does not *ipso facto* grant him a right or title thereto.

The appeal is meritorious.

Cartagena's report dated May 29, 1986 (Exh. "M") shows that del Mundo set foot on the disputed land only in 1980 and as overseer of Brual; and that said property is a beach resort or foreshore land. The investigation (including the ocular inspection attended by the parties) conducted by the Bureau, thru Cartagena, revealed that del Mundo had committed fraud and misrepresentation in his application, particularly his statement that he entered the disputed land "sometime in 1943" and that he introduced improvements

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thereon, to wit: "house, coconuts, bananas, assorted fruit trees and buri palms". Thus, the aforesaid report pertinently states:

> "From the testimonies of the witnesses for the protestants, documentary evidence submitted and result of the ocular inspection, it is the opinion of the undersigned that there exist a strong preponderance of evidence that fraud and misrepresentation intervened in the issuance of patent in favor of the applicant-respondent and further investigation of the case will serve no legal purpose.
>
> **The land in question is definite a BEACH RESORT or FORESHORE the same is sandy and at the time of the inspection what was planted thereon were 7 coconut trees about 3 to 4 months old and the same were about to be dried.** Applicant stated in his application that his improvement (sic) on the land are coconuts, bananas, assorted fruit trees and buri palms. He also stated in his application that he first entered the land in question in 1943. The truth of the matter del Mundo was able to enter the land only in 1980 not as a claimant but as an overseer of Dr. Brual to manage his BEACH RESORT such as the cottages and the restaurant. x x x. Later on, on January 31, 1985, a contract of lease was entered into between Dr. Brual as lessor and Cresencia del Mundo, daughter of Eutiquiano del Mundo, as lessee. This contract of lease was subscribed before Notary Public Alicia Castillo Maranan on January 8, 1985, docketed as Doc. No. 453; Page No. 33; Book No. 156; and series of 1985. Portions of the agreement are quoted hereunder:
>
> 'That the LESSOR hereby leases unto the LESSEE, and the latter hereby

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VERIFIED BY:

accepts in lease the premises located at San Isidro, Puerto Galera, Oriental Mindoro, known as 'EL MINDOREÑO' consisting of ten (10) cottages with 14 rooms and one restaurant, under the following conditions.'

The sign board EL MINDOREÑO, is placed on the land in question and majority portion of the restaurant is also located on the land in question. The land in question is used (as) open space between the cottages and the salvage zone used for bathing of the tenants (tourists) of the cottages.

Witnesses Estanislao Magbuhos, son of the former owner of the titled property, testified that before the sale of their land to the parents of Dr. Brual, they were in the actual possession of the titled property including the land in question. Eutiquiano del Mundo his cousin is residing some 500 meters away from the land in question near the road. **After the sale of the land to the parents of Brual, they immediately occupied the titled property and the land in question.**

The issuance of patent is in violation of Sections 59 and 61 of the Public Land Act – The Land comprised in classes (a) (b) and (c) of Section 59 shall be disposed of to private parties by LEASE ONLY and not otherwise, as soon as the President, upon recommendation by the Secretary of Agriculture and Natural Resources, shall declare that the same are not necessary for public service and are open to disposition under this chapter. The lands included in class (d) may be disposed of by sale or lease under provisions of this Act." (Emphasis supplied)

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ATTY. ANITA HAMERLAN-REY
788 Clerk of Court

Proofread By: BY: ATTY. GERARDO A. CALVO
Acting Chief Reporter
COURT OF APPEALS
VERIFIED BY:

Conformably with the doctrine of primary jurisdiction, findings of administrative officials and agencies, who have acquired expertise because their jurisdiction is confined to specific matters, are generally accorded not only respect but at times even finality if such findings are supported by substantial evidence (Lianga Bay Logging Co. vs. Lopez Enage, 152 SCRA 80). Courts of justice will not generally interfere with purely administrative matters which are addressed to the sound discretion of the government agencies unless there is a clear showing that the latter acted arbitrarily or with grave abuse of discretion or when they have acted in a capricious and whimsical manner such that their action may amount to an excess of jurisdiction (Remolona vs. Civil Service Commission, 362 SCRA 304).

After investigation, the Bureau found that del Mundo had committed fraud and misrepresentation in his application for free patent. Its finding is entitled to respect and finality from the courts, there being no showing that it acted with grave abuse of discretion.

Furthermore, in the application, del Mundo identified the adjoining owners *vis-à-vis* the disputed land *except* Brual and/or his predecessors-in-interest (Brual spouses). The Brual spouses, the registered owners of the lands immediately fronting or southeast of the disputed land, were not named in said documents despite del Mundo's knowledge that they were the adjoining owners, having been the overseer of the *El Mindoreño* beach resort since 1980, or four years before the filing of the application. Obviously, the omission was made to prevent the Brual spouses or their heir (Brual) from being notified of the application.

According to the trial court, the tax declarations (or "TD") marked as Exhs. "15" to 20" are proof of del Mundo's possession of the disputed land as the same showed that he introduced improvements thereon since 1943.

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Action Chief Reporter
COURT OF APPEALS
VERIFIED BY:

It is observed that TD Nos. 1108-402, 11008-530 and 11008-551 (Exhs. "17", "18" and "20", respectively) were issued only on November 26, 1984, November 26, 1985 and February 21, 1986, respectively, or **after** the filing of del Mundo's application, whereas, the dates of issuance of TD Nos. 1028 and 11008-469 (Exhs. "16" and "19", respectively) do not appear therein. Only TD No. 674 (Exh. "15") indicates that it was issued prior to September 5, 1984 (date of filing of the application), particularly on March 14, 1948.

However, TD No. 674 could not have been issued earlier than April 19, 1979, date of issuance of Presidential Decree (or "PD") No. 1621. Exh. "15", alleged certified true copy of TD No. 674, which is a new (Exh. "15-B") "TD" covering a land in the name del Mundo, is highly questionable. While ostensibly subscribed on March 14, 1948, said document could not have been issued that year. It makes reference to PD No. 1621, thus:

"SWORN STATEMENT OF OWNER

> "Under the provisions of Presidential Decree No. 1621, 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: x x x."

Similarly, the tax declarations marked as Exhs. "16" and "19" make reference to PD No. 1621 and, like Exh. "15", are of martial law vintage.

Consequently, it does not appear that the disputed land had been declared by del Mundo for taxation purposes since July 4, 1945, at the latest (Sec. 44, Com. Act No. 141, as amended by Rep. Act No. 782).

Besides, tax declarations by themselves are insufficient to prove possession and ownership (Director of Forestry vs.

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790
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Clerk of Court
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Acting Chief Reporter
COURT OF APPEALS
VERIFIED BY:

Villareal, 170 SCRA 598). Furthermore, it was del Mundo himself who supplied the information in the abovementioned tax declarations (t.s.n., February 12, 1992, p. 36). The information is, therefore, self-serving.

More importantly, TD Nos. 674 and 1028 do not pertain to the disputed land. For unexplained reasons, the areas and boundaries stated in said TDs differ from those appearing in TD Nos. 1108-402, 11008-530, 11008-469 and 11008-551 which cover the land embraced in OCT No. P-3278. Furthermore, the Brual spouses, as adjoining owners, are not indicated in the aforesaid tax declarations, which contain the following details:

TD No.	*Boundaries*				*Area*
	North	**South**	**East**	**West**	
674	Delgado Property (East)	E. A. Magbuhos & G. Agbing	Public (SW)	Marine Zone (NW)	.0500
1028	Gregorio Delgado	C. Agbing, E. Baltazar (NE)	Lot 7039 E. Baltazar (SW)	Marine Zone C. del Mundo	.0705
1108-402	Gregorio Delgado (E)	Eutiquiano del Mundo (NE)	Lot 7048	Estella Baltazar	.0705 sq. m.
11008-530	Gregorio Delgado (E)	Eutiquiano del Mundo (NE)	Lot 7048	Estella Baltazar	.0705 sq. m.
11008-469	Gregorio Delgado (E)	Eutiquiano del Mundo (NE)	Lot 7048	Estella Baltazar	.0705
11008-551	Gregorio Delgado (E)	Eutiquiano del Mundo (NE)	Lot 7048	Estella Baltazar	.0405

791

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Clerk of Court

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Acting Chief Reporter
COURT OF APPEALS
VERIFIED BY:

Consequently, del Mundo failed to prove that he had been in possession and cultivation of the disputed land since July 4, 1945, at the latest, as required in Com. Act No. 141, as amended by Rep. Act No. 782. This being so, no title could have been validly issued to him (Gordula vs. Court of Appeals, 284 SCRA 617).

Finally, there is no dispute that the titled lands (inherited by Brual from the Brual spouses and covered by TCT Nos. T-5810 and T-13309) were commonly bounded by the sea known as the Verde Island Passage. Through the passage of time and gradual action of the sea, a small strip of land was formed as accretion in the area immediately fronting or northwest of said titled lands. This accretion is the disputed land; it is part of the public domain and, therefore, not open to acquisition thru adverse possession by private persons (De Buyser vs. Director of Lands, 121 SCRA 13).

The ocular inspection conducted by Cartagena, together with the parties and/or their representatives, belies del Mundo's claim that the disputed land is agricultural. The minutes of the ocular inspection dated August 13, 1985 (Exh. "I"), which was admitted and signed by del Mundo, shows that the disputed land is "sundy (sic) and not suitable for agricultural purposes."

In other words, the disputed land is a foreshore land, although being used as a beach resort by del Mundo. Not being agricultural land, it cannot be titled in favor of a private person. Pursuant to Sec. 61, in relation to Sec. 59, of Com. Act No. 141, foreshore lands can be awarded to private persons by lease only and not otherwise, as soon as the President, upon recommendation by the Secretary of Agriculture and Natural Resources, declares that the same are not necessary for public service and are open to disposition under this chapter.

WHEREFORE, the appealed decision of the Regional Trial Court of Oriental Mindoro (Branch 40) is **REVERSED** and **SET ASIDE** and judgment is rendered (i) declaring Free Patent No. (IV-19) 03085 and Original Certificate of Title No. P-3278 in

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792
ATTY. ANITA JAMERLAN-REY
Clerk of Court

Proofread By:

BY: ATTY. GERARDO A. CALVO
Acting Chief Reporter
COURT OF APPEALS
VERIFIED BY:

the name of defendant Eutiquiano del Mundo, as well as all derivative titles emanating therefrom, null and void *ab initio* and of no legal force and effect, and directing defendant Register of Deeds of Oriental Mindoro to cancel the same; (ii) declaring the disputed land part of the public domain; and (iii) ordering defendant Eutiquiano del Mundo to surrender the owner's copy of Original Certificate of Title No. P-3278 to defendant Register of Deeds of Oriental Mindoro.

SO ORDERED.

EDGARDO P. CRUZ
Associate Justice

WE CONCUR:

DELILAH VIDALLON-MAGTOLIS
Associate Justice

NOEL G. TIJAM
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

DELILAH VIDALLON-MAGTOLIS
Associate Justice
Chairman, Sixth Division

CERTIFIED TRUE COPY
CA-G.R.-C.R./CV/SP 44263
793
ATTY. ANITA JAMERLAN-REY
Clerk of Court

Proofread By:
BY: ATTY. GERARDO A. CALVO
Acting Chief Reporter
COURT OF APPEALS
VERIFIED BY:

ANNEX A

(Annx B"

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH 40
Calapan
-000-

ANNEX "B

REPUBLIC OF THE PHILIPPINES,
Plaintiff,

-Versus-

CIVIL CASE NO. R-3895

EUTIQUIANO DEL MUNDO, et al.,
Defendants.

GERARDO BRUAL,
Intervenor.
x - x

O R D E R

Acting on the Motion for Reconsideration filed by plaintiff, thru counsel, the Court finds the same to be defective and, therefore, denies the same.

The Motion for Reconsideration is bereft of a notice of hearing to the parties concerned setting the hearing of the same in violation of Sec. 4, Rule 15 of the Rules of Court, and under the case of "Bank of Philippine Islands vs. Far East Molases Corporation, G.R. 89125, July 2, 1991, it was held that "a motion for reconsideration without a notice of hearing to the parties is a mere scrap of paper and does not suspend or toll the running of the period for appeal."

ACCORDINGLY, the decision in the instant case is hereby declared final and executory.

SO ORDERED.

Calapan, Oriental Mindoro, February 22, 1995.

MARIO C. DELA CRUZ
Judge

MCC/m

ANNEX B

"Annex C"

ANNEX "C"

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH 40
Calapan
-oOo-

REPUBLIC OF THE PHILIPPINES
Plaintiff,

-versus- CIVIL CASE NO. R-3895

EUTIQUIANO DEL MUNDO, et al.,
Defendants.
x - x

O R D E R

For resolution is a Motion for Reconsideration filed by plaintiff on the Order of this Court dated February 22, 1993, denying the first Motion for Reconsideration filed by the same party.

Defendant EUTIQUIANO DEL MUNDO opposes the said Motion, alleging that the Motion for Reconsideration is contrary to Batas Pambansa 129 known as the Judiciary Reorganization Act of 1992, and the Interim Rules thereof, and likewise alleges that the said Motion is a mere scrap of paper, because it is violative of Sections 4 and 5 of Rule 15 of the Rules of Court.

The subject Motion for Reconsideration is not meritorious. Clearly, the subject Motion is in violation of Sections 4 and 5 of Rule 15 of the New Rules of Court which provide that Notice of Hearing of any litigatious motion shall be addressed to the party and not to the Clerk of Court, violation of which renders the Motion a mere scrap of paper.

It is regrettable that the plaintiff Republic of the Philippines handled by the Solicitor General fails to observe the elementary principles regarding litigatious motion as provided for in Sections 4 and 5 of the Rules of Court and as ruled upon in several Supreme Court decisions on the matter.

While it may be argued that the grounds of the opposition are mere technicalities, yet, it has been decided in the case of Nicanor Sales VS CA GR No. 82962 dated July 4, 1991, that "procedural laws are not to be desdained as mere technicalities that may be ignored at will to suit the convenience of the party. Adjective law is important in ensuring the effective enforcement of substantive rights through the orderly and speedy administration of justice. These Rules are not intended to hamper litigation or complicate litigation, but,

indeed, to provide for a system under which suits may be held in the correct form and manner and the prescribed time in a peaceful confrontation before a judge where authority they acknowledge."

ACCORDINGLY, premises considered, the Court hereby denies the Motion for Reconsideration, and this case is considered closed and executory.

SO ORDERED.

Calapan, Oriental Mindoro, March 31, 1993.

MARIO C. DELA CRUZ
Judge

MCC/mmmh

Annex "D"

ANNEX

Viewed from the evidence adduced during the trial, the Court finds the preponderance of evidence in favor of the plaintiff.

It is undisputed that the parcels of land in question whereon the subject restaurant has been constructed belongs to the plaintiff as evidenced by Transfer Certificate of Title No. T-8810 (Exh. "A") and Transfer Certificate of Title No. T-12209, registered in the name of plaintiff's parents Spouses Evaristo Engle and Feliciana Daraan from whom plaintiff inherited the aforesaid parcels of land.

As admitted in the complaint, in the year 1960, plaintiff caused the construction of several cottages on the above-stated lots and by 1965, there were already 12 cottages and one (1) restaurant constructed, with the defendant as the one designated by plaintiff to supervise the construction, the operation and management of the cottages and restaurant was left to the defendant on commission basis. Defendant admits the fact of managing the cottages although he denied the operation of the restaurant. Defendant likewise admits that he was dismissed as overseer and manager of the cottages, but not as to the restaurant. Defendant likewise admitted having returned the possession of the cottages to the plaintiff.

As to the issue on the ownership and possession of the restaurant in question, the Court finds that the said restaurant belongs to the plaintiff on the basis of the following documents:

1) Exhibit "F" is the Amendment by Orestes Mendoza, Chief of Party of the Bureau of Lands who investigated the land in question pointing to the restaurant in question to be inside Lot 7039 owned by Gerardo Espal;

2) Exhibit "G" is the Lease Contract dated January 31, 1969 executed by plaintiff and defendant Maria Cresencia del Mundo, showing that defendant recognize plaintiff's rights over the possession of the land in question when the 10 cottages and one restaurant are constructed;

3) Exhibit "D" is the statement of the plaintiff dated March 22, 1970 for the return to Cresencia del

civil case No. [illegible]
x x x [illegible]

[illegible] to show that
[illegible] the balance
[illegible] the court was petitioned
[illegible]

Exhibit "E", is the location plan of subject property, to show the location of the apartment and the [illegible]

Defendant tried to question the due execution and possession of the contract of lease marked as Exhibit "C", alleging that the contract refers only to 12 coverages and the phrase "one restaurant" has been deleted. The contract of lease which Crescencia del Rosario signed is that mentioned in Exhibit "C-A". The Court however, finds such contention to be without evidentiary proof. It will be noted that Exhibit "C" and Exhibit "C-A" are one and the same contract or lease, both notarized by the same Notary Public and the contract was entered under Doc. No. 450, page 93, Book No. 105, Series of 1982. Defendant was not able to introduce evidence to contradict plaintiff's evidence. Besides, the testimony of Crescencia which is self-serving and could not repel the presumptions of Exhibit "C" which is a public document. The Notary Public who is presumed, neither was there any report of the NBI regarding the examination of the document in question despite a long period of time given to defendant to produce a report of the NBI. Such being the case therefore, the Court has no other alternative but to declare Exhibit "C" as genuine. Finally, despite the period given to defendant's counsel to offer his exhibits, defendant failed to do so. Thus, defendant has no evidence to rely on.

WHEREFORE, finding the preponderance of evidence in favor of plaintiff, judgment is hereby rendered as follows:

a) Declaring plaintiff to be the full owner of the apartment in question and for the defendant to return the possession of said apartment to plaintiff;

b) Ordering defendant to pay plaintiff the sum of P20,000.00 per month from April 15, 1985 up to the date of delivery of the apartment;

c) Ordering the defendant to pay the plaintiff attorney's fees in the amount of P10,000.00 and to pay cost of suit.

SO ORDERED.

Calbayan, Oriental Mindoro, June 28, 1994.

[illegible]
Judge

MCC/[illegible]

Judgment Form No. 1

Republic of the Philippines
SUPREME COURT
Manila

THIRD DIVISION

EUTIQUIANO DEL MUNDO,
Petitioner,

ANNEX "E

versus G.R. No. 167080

REPUBLIC OF THE PHILIPPINES
AND GERARDO BRUAL,
Respondents.

ENTRY OF JUDGMENT

This is to certify that on April 4, 2005 a resolution rendered in the above-entitled case was filed in this Office, which reads as follows:

"G.R. No. 167080 (Eutiquiano del Mundo vs. Republic of the Philippines and Gerardo Brual). - Acting on the petition for review on certiorari of the decision dated May 26, 2004 of the Court of Appeals in CA-G.R. CV No. 44263, the Court Resolved to **DENY** the petition for failure of the petitioner to show that a reversible error had been committed by the appellate court."

and that the same has, on August 26, 2005 become final and executory and is hereby recorded in the Book of Entries of Judgments.

Manila, Philippines.

The Clerk of Court

By:

TERESITA G. DIMAISIP
Deputy Clerk of Court &
Chief
Judicial Records Office

CERTIFIED TRUE COPY

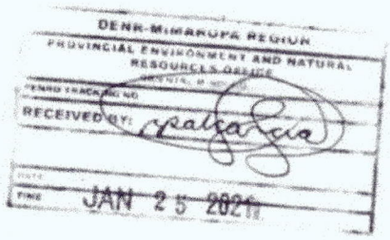
DIOSDADO C. SAMSON
Chief Judicial Staff Officer &
Chief, Judgment Division
Judicial Records Office

ccg. 3/7/06

1-04-2021

Republic of the Philippines
SUPREME COURT
Manila

January 4, 2021



MARY JUNE F. MAYPA
PENRO - Oriental Mindoro
DENR MIMAROPA Region
Ilang-Ilang Street, Sitio II
Suqui, Calapan City
Oriental Mindoro

RE: G.R. 167080 (Eutiquiano Del Mundo vs. Republic of the Philippines, et al.)

Madam:

This has reference to your letter dated 20 November 2020 requesting for a certified true copy of the Entry of Judgment, Resolution and Decision if any in the above-entitled case. In reply thereto, we are furnishing you herewith certified true copy of the Entry of Judgment for ready reference.

Please acknowledge receipt hereof.

Very truly yours,

FOR THE CLERK OF COURT

DIOSDADO C. SAMSON
Chief Judicial Staff Officer &
Chief, Judgment Division
Judicial Records Office

Judgment Form No. 1

"Annex E"

Republic of the Philippines
SUPREME COURT
Manila

THIRD DIVISION

EUTIQUIANO DEL MUNDO,
Petitioner,

versus G.R. No. 167080

REPUBLIC OF THE PHILIPPINES
AND GERARDO BRUAL,
Respondents.

ENTRY OF JUDGMENT

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"G.R. No. 167080 (Eutiquiano del Mundo vs. Republic of the Philippines and Gerardo Brual). – Acting on the petition for review on certiorari of the decision dated May 26, 2004 of the Court of Appeals in CA-G.R. CV No. 44263, the Court Resolved to **DENY** the petition for failure of the petitioner to show that a reversible error had been committed by the appellate court."

and that the same has, on August 26, 2005 become final and executory and is hereby recorded in the Book of Entries of Judgments.

Manila, Philippines.

DIOSDADO C. CAMSON
Chief Judicial Staff Officer &
Chief, Judgment Division
Judicial Records Office

By:

The Clerk of Court

TERESITA G. DIMAISIP
Deputy Clerk of Court &
Chief
Judicial Records Office

05536615 543.20
06547154 216.80
03-31-08
ccg. 3/7/06

Annex "F"

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH XL (40)
Calapan City
-000000-

REPUBLIC OF THE PHILIPPINES,
Plaintiff,

-versus-

EUTIQUIANO DEL MUNDO and the REGISTER OF DEEDS OF ORIENTAL MINDORO,
Defendants.

Civil Case No. **R-3895**

For: CANCELLATION OF TITLE & REVERSION

ANNEX "F"

WRIT OF EXECUTION

TO: **Mr. GERARDO V. VIRAY**
Sheriff IV
Regional Trial Court, Br. 40
Calapan City

GREETINGS:

WHEREAS, on 26 May 2004, a decision in the above-entitled case was rendered by the Court of Appeals, Sixth Division, the dispositive portion of which reads:

> "**WHEREFORE**, the appealed decision of the Regional Trial Court of Oriental Mindoro (Branch 40) is **REVERSED** and **SET ASIDE** and judgment is rendered (i) declaring Free Patent No. (IV-19) 03[illegible]55 and Original Certificate of Title No. P-3278 in the name of defendant Eutiquiano del Mundo, as well as all derivative titles emanating therefrom, null and void *ab initio* and of no legal force and effect, and directing defendant Register of Deeds of Oriental Mindoro to cancel the same; (ii) declaring the disputed land part of the public domain; and (iii) ordering defendant Eutiquiano del Mundo to surrender the owner's copy of Original Certificate of Title No. P-3278 to defendant Register of Deeds of Oriental Mindoro".

WHEREAS, defendant Eutiquiano del Mundo brought up the said Decision to the Supreme Court via Petition for Review on Certiorari;

WHEREAS, on 04 April 2005, the Supreme Court, Third Division, resolved to deny the petition for failure to show that a reversible error had been committed by the appellate court;

WHEREAS, the said Decision has already become final and executory and was subsequently recorded in the Book of Entries of Judgments of the Supreme Court on 26 August 2005;

WHEREAS, on 02 August 2007, the plaintiff Republic of the Philippines, through the Office of the Solicitor General, filed a Motion for the Issuance of a Writ of Execution praying that a writ of execution be issued to enforce the Decision of the Court of Appeals, Sixth Division dated 26 May 2004;

WHEREAS, on 03 September 2007, the Court granted the Motion for the Issuance of a Writ of Execution filed by the plaintiff Republic of the Philippines, through the Office of the Solicitor General;

NOW THEREFORE, you are hereby commanded to enforce the execution of the aforesaid Decision in the manner provided under Rule 39 of the 1997 Rules of Civil Procedure, as amended, including payment in full of your lawful fees for the service of this writ.

You will make a report within thirty (30) days from receipt of this writ and every thirty (30) days thereafter on the proceedings taken thereon with copies thereof furnished the parties until the decision sought to be enforced is satisfied or until the effectivity of the writ expires. You shall return this writ to this Court immediately after the decision has been satisfied.

WITNESS THE HONORABLE TOMAS C. LEYNES, Presiding Judge of this Court this 17th day of September 2007.

ATTY. ENRICO P. MANTUANO II
Clerk of Court V

Annex "6"

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH 40
Calapan City

REPUBLIC OF THE PHILIPPINES
[illegible]

CIVIL CASE NO. R-3895

-versus-

for

EUTIQUIANO DEL MUNDO
And the REGISTER OF DEEDS
OF ORIENTAL MINDORO
[illegible]

CANCELLATION OF TITLE
AND REVERSION

ANNEX "6"

RETURN OF WRIT OF EXECUTION

This writ of execution received by the undersigned on the 1st day of October 2007 and served on the 3rd day of October 2007, is returned to this Court with the following report on the proceedings:

That on October 3, 2007, the undersigned proceeded at San Isidro, Puerto Galera, Oriental Mindoro to enforce the service of the Writ of Execution relative to the above-entitled case. He tried to look for defendant Eutiquiano del Mundo in the said barangay but he was informed by the defendant's daughter ROSALIE M. BARCELONA that said defendant is residing in the United States of America. After explaining to her the contents of the said writ, and in behalf of EUTIQUIANO DEL MUNDO, ROSALIE M. BARCELONA received a copy of the said writ, and affixed her signature at the original copy thereof. She informed EUTIQUIANO DEL MUNDO to surrender the owner's copy of Original Certificate of Title No. T-3378 to the Register of Deeds of Oriental Mindoro and affixed her signature at the back of the Original thereof.

The Register of Deeds received the said writ on October 8, 2007.

The writ of execution which was issued relative to the above entitled case is hereby returned UNSERVED.

WITNESS MY HAND. Above-mentioned served this 9th day of October 2007.

[illegible]

Copy Furnished:

KARL B. MIRANDA
Assistant Solicitor General
Office of the Solicitor General
134 Amorsolo St., Legaspi
Makati City

REGISTRY RECEIPT
320
Post Office: MTC LAW DIVISION CLERK OF COURT
Letter/Package No.: [illegible]
Postage: [illegible]
Date: OCT 18 2007
Preserve this receipt for reference in case of inquiry
Postmaster/Teller

MA. THERESA G. [illegible]
Senior State Prosecutor
Office of the Solicitor General
[illegible]

REGISTRY RECEIPT
327
Post Office: MTC LAW DIVISION CLERK OF COURT
Letter/Package No.: [illegible] R-3895
Postage: [illegible] 20 [illegible]
Preserve this receipt for reference in case of inquiry
Postmaster/Teller

Annex "H"

NTC BR. 46
RECEIVED
OMNI 2007

Republic of the Philippines
Fourth Judicial Region
REGIONAL TRIAL COURT
Calapan City, Oriental Mindoro
Branch 46

REPUBLIC OF THE PHILIPPINES,
Plaintiff,

GERARDO BRUAL,
Plaintiff- Intervenor,

-versus-

CASE NO. R-3985

EUTIQUIANO DEL MUNDO,
Defendant.
X----------X

ANNEX "H"

OMNIBUS MOTION

Defendant EUTIQUIANO DEL MUNDO, by counsel, unto this Honorable Court, respectfully moves for the following reliefs:

a. Reconsideration and reversal of the September 3, 2007 Order[1] granting the motion for issuance of a writ of execution filed by plaintiff OSG; and

b. Recall and/or Quashal of the writ of execution issued pursuant to the assailed Order

In support of the foregoing reliefs, the defendant avers that –

1. The assailed Order is inconsistent with this Honorable Court's previous rulings categorically stating that this case was considered closed and executory way back 1993 (insofar as the plaintiff Republic is concerned). Records of this case clearly show that this Honorable Court previously resolved to deny the plaintiff's Motions for Reconsideration

[1] A copy of the assailed Order was received on September 21, 2007.

following the adverse decision of this Court. In fact, no less than two (2) Orders[2] were issued saying its decision has become final and executory. Pertinent portions of the said Order read:

> *"The Motion for Reconsideration...is a mere scrap of paper and does not suspend or toll the running of the period for appeal.*
>
> *Accordingly, the decision in the instant case is hereby declared final and executory.*
>
> *SO ORDERED" (February 22, 1993 Order)*

> *"It is regrettable that the plaintiff Republic of the Philippines handled by the Solicitor General failed to observe the elementary principle regarding litigations motions as provided for in Section 4 and 5 of the Rules of Court and as ruled upon in several Supreme Court decisions on the matter.*
>
> *XXX XXX XXX*
>
> *Accordingly, premises considered, the Court hereby denies the Motion for Reconsideration, and this case is considered final and executory.*
>
> *SO ORDERED." (March 31, 1993 Order)*

2. The language of the afore-cited Orders leaves no other interpretation but to signify the finality of this Honorable Court's decision as far as the plaintiff Republic is concerned. Please note that the Republic filed a patently defective MR which consequently resulted to its dismissal and the finality of this Honorable Court's earlier Decision. Consequently, the plaintiff Republic is bound by the said decision. This is the fair, logical and legal implication of the plaintiff's action. This is evident in the dispositive portion of the aforementioned Order stating that "*this case is considered final and executory*".

3. Given the foregoing, what is the basis of plaintiff in adopting the CA's decision? It would be procedurally erroneous for the plaintiff to suddenly adopt the CA decision when this Honorable Court's decision was

[2] Copies of the Orders are attached hereto as Annexes "A" and "B"

deemed final and executory following the dismissal of its Motion for Reconsideration. Otherwise, we would have a situation where the plaintiff Republic is simultaneously "appealing" (to the CA) and "reconsidering" (to the Court *a quo*) this Honorable Court's decision. This is tantamount to forum shopping which our Rules strictly prohibit.

4 In allowing the plaintiff Republic to execute the CA judgment, this Honorable Court effectively sanctioned forum-shopping in violation of the rudiments of justice and fair play. Stated otherwise, the plaintiff Republic automatically divested itself of the right to join intervenor Brual as a co-appellant when its motion for reconsideration was denied with finality. It therefore cannot invoke and adopt the CA decision. The inevitable consequence of plaintiff Republic's inaction is to render this Honorable Court's decision as final and executory.

5 To reiterate, a party who has not himself appealed cannot obtain from the appellate court any affirmative relief than those granted in the decision of the lower court.[3] It must be observed that this is not a criminal case where an accused who did not appeal will benefit from a favorable judgment of an appellate court. There is therefore no reason for plaintiff Republic to adopt the CA decision.

6 It is also of no moment that the CA Decision ruled that the subject land is part of the public domain. Note that it was plaintiff-intervenor who appealed the case to the CA with his own personal interests and purported cause of action. He had a contrasting interest from the plaintiff Republic. While the intervenor claims that he owns the subject property by virtue of accretion, the Republic claims that the property is part of the public domain. Thus, when this Honorable Court denied with finality the Republic's Motions for Reconsideration, it follows that plaintiff's supposed cause of action (that the subject property is part of the public domain) has likewise been dismissed with finality. Simply stated, *res judicata* already set in as far as the State's supposed cause of

[3] *Quintanilla v. CA*, 283 SCRA 493

action is concerned following the dismissal of its two (2) MRs with finality. It is to the interest of the public that there should be an end to litigation by the parties over a subject fully and fairly adjudicated and an individual should not be vexed twice for the same case.[4] In granting the plaintiff Republic's motion, this Honorable Court contravened principles of *res judicata* since a final and executory judgment was effectively amended and reversed.

7. It would therefore be the height of injustice to allow the Republic to execute the CA judgment which is totally inconsistent with the previous ruling of this Honorable Court. While Rule 39 provides that execution shall issue as a matter of right upon a final and executory judgment, the CA decision is inapplicable to the plaintiff since its supposed cause of action was dismissed with finality as early as 1993.

8. *Luna vs. IAC*[5] tells us that a stay of execution of a final judgment may be authorized whenever it is necessary to accomplish the ends of justice as when there had been a change in the situation of the parties which makes such execution inequitable. In this case, the CA decision stating that the subject land is part of the public domain should not be executed if the ends of justice is ought to be served. Parenthetically, the defendant received information that the adjacent properties were not considered as foreshore lands, contrary to the CA decision. Thus it would be absurd, inequitable and inconsistent with the dictates of justice if the subject land would be considered foreshore land. The fact that the neighboring areas were not classified as foreshore land is a compelling reason to deny the execution of the CA decision. Hence, the writ of execution issued pursuant to the assailed Order should therefore be recalled and/or quashed since this would effectively result to an inequitable situation which our Rules never intended. Needless to say, the writ likewise contravenes the final and executory decision of this Honorable Court.

---

[4] *Carlet v. CA*, 275 SCRA 97.
[5] G.R. No. L-68374 June 18, 1985

9. Given the foregoing discussions, there is no basis for this Honorable Court to grant the plaintiff's motion. Our rules and the dictates of justice and fairness are all in unison for the denial of the execution of the CA decision. Otherwise, our laws would be unjustly violated by a party primarily expected to promote justice and fairness. The assailed Order should therefore be set-aside and the corresponding writ of execution issued pursuant thereto should be quashed and/or denied.

PRAYER

WHEREFORE, premises considered, it is respectfully prayed that the September 3, 2007 Order[6] be set aside and the corresponding Writ of Execution issued pursuant thereto be quashed and/or recalled.

Other just and equitable reliefs are likewise prayed for.

Quezon City, Metro Manila for Calapan Oriental Mindoro: October 7, 2007.

THE LAW FIRM OF A. B. SALUMBIDES
Counsel for Defendant Del Mundo
Suite 4D, The West Wing Building,
107 West Avenue, Quezon City 1105

By:

ALDWIN B. SALUMBIDES
PTR No. 8472172 / 1-05-2007
IBP No. 693786/ 1-05-2007
Roll No. 44630

ALEX AARON A. RIOS
PTR No. 8472173 / 1-05-2007
IBP No. 674313 / 1-31-2006
Roll No. 51139

[6] A copy of the assailed Order was received on September 21, 2007.

Copy furnished:

OFFICE OF THE SOLICITOR GENERAL
Counsel for the plaintiff
134 Amorsolo St., Legaspi Village, Makati City

PUNO AND PUNO
Counsel for the plaintiff-intervenor
12th Floor, East Tower
Philippine Stock Exchange Center
Exchange Road, Ortigas Center, Pasig City

REGISTRY RECEIPT

REGISTERED

NOTICE OF HEARING: Please note that the foregoing motion will be submitted for Resolution of this Honorable Court on October 18, 2007 at 8:30 AM.

EXPLANATION: The foregoing Motion for Reconsideration were served to the other parties and filed to this Honorable Court by registered mail due to time and distance constraints.

Annex "I"

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH 40
Calapan City
-oOo-

REPUBLIC OF THE PHILIPPINES,
Plaintiff.

GERARDO BRIJAL,
Plaintiff-intervenor,

-versus- CIVIL CASE NO. R-3895

EUTIQUIANO DEL MUNDO,
Defendant.
x- - - -

Annex "J"

REPUBLIC OF THE PHILIPPINES
COURT OF APPEALS
MANILA

SPECIAL SEVENTEENTH DIVISION

EUTIQUIANO DEL MUNDO,
Petitioner,

-versus-

THE HON. TOMAS C. LEYNES (In his capacity as Presiding Judge of Calapan Regional Trial Court, Branch 40), THE REPUBLIC OF THE PHILIPPINES AND GERARDO BRUAL,
Respondents.

CA-G.R. SP NO. 101757

Members:

MENDOZA, J.C., *Chairman*,
VILLON, S.E., and
GARCIA, R. R., *JJ.*

Promulgated:

MAY 25 2009

ANNEX "J"

x---x

D E C I S I O N

VILLON, *J.*,

Before this Court is a Petition for Certiorari under Rule 65 of the 1997 Rules of Civil Procedure assailing the Order[1] dated September 3, 2007 of the public respondent, in his capacity as Presiding Judge of the Regional Trial Court (RTC) of Calapan City, Oriental Mindoro, Branch 40, in Civil Case No. R-3895,[2] granting the issuance of a Writ of Execution, as well as the Omnibus Order[3] dated October 23, 2007 denying petitioner's motion for reconsideration of the first assailed order.

The antecedent facts of this case are as follows:

---

* Acting Junior Member per Office Order No. 587-09-CMV dated May 21, 2009.
[1] Rollo pp. 19-21
[2] Republic of the Philippines, Plaintiff, Gerardo Brual, Plaintiff- intervenor, versus Eutiquiano del Mundo and the Register of Deeds of Oriental Mindoro.
[3] Rollo, p. 18

CERTIFIED XEROX COPY
CA-G.R. SP-101757

On September 5, 1984, petitioner Eutiquiano Del Mundo filed Free Patent Application No. (IV-19) 9629 with the Bureau of Land covering a parcel of land, designated as Lot No. F (IV-19) 9629-D with an area of 905 square meters and situated at San Isidro, Puerto Galera, Oriental Mindoro. The said application was approved by the District Land Officer of Calapan City, Orientai Mindoro, resulting in the issuance of Free Patent No. (IV-9) 03085 and Original Certificate of Title (OCT) No. P-3278 of the Registry of Deeds for Oriental Mindoro on November 22 and 23, 1984, respectively, both covering the said parcel of land in the name of petitioner. On May 30, 1985, private respondent Gerardo Brual filed a protest against the issuance of the aforesaid Free Patent and OCT.

On May 19, 1988, the Republic of the Philippines, (hereafter "Republic") thru the Office of the Solicitor General (OSG), filed before the RTC of Calapan City, Oriental Mindoro, an action against petitioner herein and the Register of Deeds for Oriental Mindoro for Cancellation of Free Patent No. (IV-9) 03085 and OCT No. P-3278 issued in the name of petitioner and reversion of subject parcel of land.[4] The case was docketed as Civil Case No. R-3895 in the said RTC and was raffled to Branch 40 thereof. On August 18, 1989, private respondent Brual (hereafter "Brual") filed a complaint in intervention.[5]

After the hearing, the RTC, then presided by Judge Mario C. Dela Cruz, rendered a decision[6] on January 19, 1993, the dispositive portion of which reads:

> **"WHEREFORE, finding the evidence on record in favor of defendant Eutiquiano del Mundo, this Court hereby dismisses the complaint and the complaint in intervention, with costs against the plaintiff and intervenor.**
>
> **SO ORDERED."**

From the said decision, Brual appealed to this Court by filing a Notice of Appeal[7] with the RTC on February 3, 1993. The appeal

[4] Rollo, pp. 37-44
[5] Rollo, pp. 44-45
[6] Rollo, pp. 46-56
[7] Rollo, p. 57

CERTIFIED XEROX COPY
G.R. L-10757
Compared by:

was given due course and was docketed as CA-G.R. CV No. 44263.[8] On May 26, 2004, the former Sixth Division[9] of this Court rendered a decision reversing and setting aside the January 19, 1993 decision of the RTC. The decretal portion of the decision reads:

> "WHEREFORE, the appealed decision of the Regional Trial Court of Oriental Mindoro (Branch 40) is REVERSED and SET ASIDE and judgment is rendered (i) declaring Free Patent No. (IV-19) 03085 and Original Certificate of Title No. P-3278 in the name of defendant Eutiquiano del Mundo, as well as all derivative titles emanating therefrom, null and void ab initio and of no legal force and effect, and directing defendant Register of Deeds of Oriental Mindoro to cancel the same; (ii) declaring the disputed land part of the public domain; and (iii) ordering defendant Eutiquiano del Mundo to surrender the owner's copy of Original Certificate of Title No. P-3278 to defendant Register of Deeds of Oriental Mindoro.
>
> SO ORDERED."

A petition for review on certiorari from the said decision of this Court was denied by the Supreme Court in G.R. No.167080 in its resolution dated April 4, 2005, which resolution attained finality by virtue of the Entry of Judgment issued by it on August 26, 2005.[10] Thus, the May 26, 2004 decision of this Court in CA-G.R. CV No.44263 had become final and executory.

Subsequently, on August 9, 2009, the OSG filed a motion for issuance of writ of execution.[11] On September 3, 2007, respondent Judge Tomas C. Leynes issued the first assailed order granting[12] the OSG's motion for issuance of writ of execution ratiocinating, thus:

> "After a careful evaluation of the records of this case, this Court believes that the plaintiff Republic has a basis to adopt the decision of the Court of Appeals and can move for the issuance of a writ of execution even though it did not join intervenor Brual in appealing this case because the disputed land is part of the public domain as ruled by the Honorable Court of Appeals in its abovestated decision, thus, the plaintiff Republic is a proper party to file the Motion for the Issuance of Writ of Execution to protect the Republic's interest.

---

[8] Entitled Republic of the Philippines, Plaintiff-Appellee, versus Eutiquiano Del Mundo and the Register of Deeds of Oriental Mindoro, Defendants-Appellees, Gerardo Brual, Intervenor-Appellant.
[9] Penned by Justice Edgardo P. Cruz, concurred in by Justices Delilah Vidallon-Magtolis and Noel G. Tijam.
[10] Rollo, p. 71.
[11] Rollo, p. 22-28.
[12] Rollo, pp. 19-21.

"Considering that the Court of Appeals decision had become final and executory, pursuant to Section 1, Rule 39 of the Rules of Court, execution shall issue as a matter of right and hence, this Court only has a ministerial duty to order the execution of final and executory judgments.

"ACCORDINGLY, in view of the foregoing, the Motion for the Issuance of a Writ of Execution is hereby GRANTED.

"Let a writ of execution be issued directing the Register of Deeds of Oriental Mindoro to cancel Free Patent No. (IV-19) 03035 and Original Certificate of Title No. P-5276 in the name of defendant Eutiquiano del Mundo and declared the disputed property as part of the public domain, and Eutiquiano del Mundo to surrender his copy of the title for cancellation to the Register of Deeds of Oriental Mindoro.

SO ORDERED."

On October 7, 2007, petitioner filed an Omnibus Motion[13] seeking: a) reconsideration and reversal of the September 3, 2007 Order granting the motion for issuance of a writ of execution filed by the OSG; and b) recall and/or quashal of the writ of execution issued pursuant to the first assailed order.

On October 23, 2007, respondent Judge issued the second assailed order[14] denying petitioner's omnibus order for lack of merit. Hence, petitioner filed the instant petition raising the following issues to wit

I

WHETHER OR NOT THE COURT A *QUO* COMMITTED GRAVE ABUSE OF DISCRETION IN ISSUING A WRIT OF EXECUTION.

II

WHETHER OR NOT THE COURT A *QUO* SERIOUSLY ERRED IN ALLOWING THE RESPONDENT REPUBLIC TO MOVE FOR EXECUTION ALTHOUGH IT DID NOT APPEAL THE TRIAL COURT'S DECISION

III

WHETHER BRUAL HAD A LAWFUL RIGHT TO FILE AN APPEAL WHICH IN EFFECT ALLOWED HIM TO PROSECUTE AND REPRESENT THE REPUBLIC'S INTERESTS.

[13] Rollo, pp. 110-115
[14] Rollo, p. 18

CERTIFIED XEROX COPY

IV
WHETHER OR NOT THE LAW ALLOWS THE REPUBLIC TO AVAIL OF THE RESULTS OF BRUAL'S APPEAL ALTHOUGH THE TRIAL COURT'S DECISION ALREADY BECAME FINAL AND EXECUTORY.

We dismiss the petition.

With regard to the first and second issues raised by petitioner, he contends that the court *a quo* seriously erred in allowing the Republic, thru the OSG, to move for execution considering that it did not appeal the January 19, 1993 decision of the RTC as it was only Brual who interposed such appeal. Thus, petitioner argues that the court *a quo* disregard the doctrine laid down in the cases of **Facundo versus Pabalan**[15] **and Tropical Homes, Inc. versus Fortun**[16] that, *"in appellate proceedings, the reversal of the judgment on appeal is generally binding only on the parties in the appealed case and does not affect or inure to the benefit of those who did not join or were not made parties to the appeal."*

We do not agree.

While we concede that as a general rule, the reversal of the judgment on appeal is binding only on the parties in the appealed case and does not affect or inure to the benefit of those who did not join or were not made parties to the appeal, the settled exception is likewise set forth in the same case cited by petitioner, *i.e.*, **Tropical Homes, Inc. versus Fortun**, thus:

> **"An exception to the rule exists, however, where a judgment cannot be reversed as to the party appealing without affecting the rights of his co-debtor, or where the rights and liabilities of the parties appealing are so interwoven and dependent on each other as to be inseparable, in which case a reversal as to one operates as a reversal to all. This exception, which is based on the communality of interest of said parties is recognized in this jurisdiction."**

[15] C.A.-G.R. No. 51554, January 13, 1989.

In this case, in reversing the January 19, 1993 decision of the RTC, the former Sixth Division of this Court, in CA-G.R. CV No. 44263, ruled in this wise:

> "Consequently, del Mundo failed to prove that he had been in possession and cultivation of the disputed land since July 4, 1945, at the latest, as required in Com. Act No. 141, as amended by Rep. Act No.782. This being so, no title could have been validly issued to him (Gordula vs. Court of Appeals, 284 SCRA 617).
>
> "Finally, there is no dispute that the titled lands (inherited by Brual from the Brual spouses and covered by TCT Nos. T-5810 and T-13309) were commonly bounded by the sea known as the Verde Island Passage. Through the passage of time and gradual action of the sea, a small strip of land was formed as accretion in the area immediately fronting or northwest of said titled lands. This accretion is the disputed land; it is part of the public domain and, therefore, not open to acquisition thru adverse possession by private persons (De Buyser vs. Director of Lands, 121 SCRA 13).
>
> "The ocular inspection conducted by Cartagena, together with the parties and/or their representatives, belies del Mundo's claim that the disputed land is agricultural. The minutes of the ocular inspection dated August 12, 1985 (Exh. "I"),which was admitted and signed by del Mundo, shows that the disputed lands is 'sundy (sic) and not suitable for agricultural purposes.'
>
> "In other words, the disputed land is a foreshore land, although being used as a beach resort by del Mundo. Not being agricultural land, it cannot be titled in favor of a private person. Pursuant to Sec. 61, in relation to Sec. 59, of Com. Act No. 141, foreshore lands can be awarded to private persons by lease only and not otherwise, as soon as the President, upon recommendation by the Secretary of Agriculture and Natural Resources, declares that the same are not necessary for public service and are open to disposition under this chapter.
>
> "WHEREFORE, the appealed decision of the Regional Trial Court of Oriental Mindoro (Branch 40) is REVERSED and SET ASIDE and judgment is rendered (i) declaring Free Patent No. (IV-19) 03085 and Original Certificate of Title No. P-3278 in the name of defendant Eutiquiano del Mundo, as well as all derivative titles emanating therefrom, null and void ab initio and of no legal force and effect, and directing defendant Register of Deeds of Oriental Mindoro to cancel the same; (ii) declaring the disputed land part of the public domain; and (iii) ordering defendant Eutiquiano del Mundo to surrender the owner's copy of Original Certificate of Title No. P-3278 to defendant Register of Deeds of Oriental Mindoro.
>
> SO ORDERED."

RICARDO KERKO Jr.
Justice

Promulgated by:

CECILIA BELEN M. PARAYNO
Clerk of Court's Division
COURT OF APPEALS
Manila

From the foregoing, it is clear that Free Patent No. (IV-19) 03055 and OCT No. P-3278 in the name of petitioner were not merely declared *null and void*, but the land subject thereof was further declared part of the public domain. Needless to say, the same land was reverted to the ownership of the state. Undoubtedly, the decision of this Court in CA-G.R. CV No. 44263 inures to the benefit of the Republic. Thus, when the OSG filed the subject motion for execution of the aforesaid decision, it acted within the ambit of its powers and functions as categorically defined under Section 1 (e) of Presidential Decree 478, which provides:

> "SECTION 1. Functions and Organizations. —
>
> xxx xxx xxx
>
> "e. **Represent the Government in all land registration and related proceedings. Institute actions for the reversion to the Government of lands of public domain and improvements thereon as well as lands held in violation of the Constitution.**"[17]

Anent the third and fourth issues, petitioner assails the legal personality of respondent Brual to appeal the January 19, 1993 decision of the RTC to this Court, on behalf of the Republic.

Petitioner's argument is unmeritorious.

It bears stressing that the appeal of Brual to this Court in CA-G.R. CV No. 44263 was given due course and the decision rendered therein by the former Sixth Division had long become final and executory. Consequently, petitioner cannot now question through the instant petition, the effects of the said judgment. Nothing is more settled in law than that when a final judgment is executory, it thereby becomes immutable and unalterable. The judgment may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by the highest court of the land. The doctrine is founded on considerations of public policy and sound practice that, at the risk of occasional errors, judgments must become final at some definite point in time.[18]

---

[17] This provision is basically reiterated in the Administrative Code of 1987, Section 35 (1), Chapter 10, Title III, Book IV, Executive Order No. 292, as amended by Republic Act No. 6733.

[18] Felix de Guzman v. Alicia Sison, G.R. No. 164539, June 19, 2007.

The Supreme Court in Arnold Cinco versus Court of Appeals[19] reiterated the concept of finality of judgment as held in Legarda v. Court of Appeals [20] Thus:

> "The necessity of giving finality to judgments that are not void is self-evident. The interest of society imposes it. The opposite view might make litigations more unendurable than the wrong (they are) intended to redress. It would create doubt, real or imaginary, and controversy would constantly arise as to what the judgment or order was. Public policy and sound practice demand that, at the risk of occasional errors, judgments of courts should become final at some definite date fixed by law. The very object for which courts were instituted was to put an end to controversies. When judgments of lower courts gain finality, they, too, become inviolable, impervious to modification. They may, then, no longer be reviewed, or in any way modified directly or indirectly, by a higher court, not even by the Supreme Court. In other words, once a judgment becomes final, the only errors that may be corrected are those which are clerical."

> "From the foregoing, it can be inferred that the purposes for such a statutory requirement are two-fold: first, to avoid delay in the administration of justice and thus procedurally, to make orderly the discharge of judicial business, and; second, to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist."

And in Codid Mata versus Court of Appeals[21] citing Gomez versus Presiding Judge, RTC Br. 15, Ozamis City[22] the High Court also ruled that:

> "Litigations must end and terminate sometime and somewhere, it being essential to the effective administration of justice that once judgment has become final, the winning party be not, through a mere subterfuge, deprived of the fruits of the verdict. Hence, courts must guard themselves against any scheme to bring about that result, for constituted as they are to put an end to controversies, they should frown upon any attempt to prolong it. Public policy and sound practice demand that at the risk of occasional errors, judgments of courts should become final and irrevocable at some definite date fixed by law. *Interest rei publicae ut finis sit litium.*"

[19] G.R. [illegible], September 24, 1998
[20] G.R. No. 84987, October 11, 1991
[21] G.R. No. [illegible], November 11, 1999
[22] [illegible]

Resultantly, the implementation and execution of judgments that had attained finality are already ministerial on the courts. Public policy also dictates that once a judgment becomes final, executory, and unappealable, the prevailing party should not be denied the fruits of his victory by some subterfuge devised by the losing party. Unjustified delay in the enforcement of a judgment sets at naught the roles of courts in disposing justiciable controversies with finality. Hence, once a judgment becomes final, the prevailing party is entitled as a matter of right to a writ of execution, the issuance of which is the trial court's ministerial duty.[23]

In view of the foregoing disquisition, We now hold that the respondent judge committed no grave abuse of discretion when he issued the assailed orders. Grave abuse of discretion is such capricious and whimsical exercise of judgment on the part of the public officer concerned which is equivalent to an excess or lack of jurisdiction. The abuse of discretion must be so patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law as where the power is exercised in an arbitrary and despotic manner by reason of passion or hostility.[24]

WHEREFORE, the instant petition for certiorari is hereby **DISMISSED** for lack of merit. The assailed orders of respondent Judge are hereby **AFFIRMED**.

SO ORDERED.

SESINANDO E. VILLON
Associate Justice

WE CONCUR:

JOSE CATRAL MENDOZA
Associate Justice

RAMON R. GARCIA
Associate Justice

[23] Felix de Guzman v. Alicia Sison, supra.
[24] Domondon v. Rodriguez-Bayan, G.R. No. 127604, 16 March 2000, 328 SCRA 292.

CERTIFIED XEROX COPY
Certified by:
Court Reporter/Legal Researcher
COURT OF APPEALS
MANILA

Annex "K"

Republic of the Philippines
Department of Environment and Natural Resources
Regional Office IV-B - MIMAROPA
1515 L&S Building
Roxas Boulevard, Ermita, Manila

ENRO
RECEIVED
JAN 27 2006
DATE:
Calapan, Oriental Mindoro

RE: MISCELLANEOUS LEASE APPLICATION OF MR. SORIANO M. DEL MUNDO OVER A TITLED PARCEL OF LAND WHICH WAS CANCELLED BY THE COURT IN THE CIVIL CASE ENTITLED "REP. VS. EUTIQUIANO M. DEL MUNDO AND THE REGISTER OF DEEDS

ANNEX "

O R D E R

Before this Office is a letter-request for reconsideration filed by Mr. Soriano M. del Mundo regarding the Legal Opinion rendered by this Office dated 17 October 2005 on his Miscellaneous Lease Application.

This Office was not properly informed by the CENR Office of Calapan City as to who was the actual applicant for Miscellaneous Lease Application over a parcel of land which was originally titled in the name of Eutiquiano M. del Mundo but cancelled by the Court of Appeals per decision rendered on May 20, 2004 under the case entitled Republic versus Eutiquiano M. del Mundo and the Register of Deeds.

Actual applicant of the subject land is Mr. Soriano M. del Mundo who is the son of Mr. Eutiquiano del Mundo and bought the land from his father as evidence by the Transfer Certificate of Title Nos. T-115729 and T-115730 registered under the name of Soriano M. del Mundo.

Now since Mr. Soriano M. del Mundo is the actual applicant and a buyer in good faith of the subject land from his father Mr. Eutiquiano del Mundo, then the wrongful act or bad faith of the former in titling the land is not transmissible from one person to another, not even to an heir (Escritor, Jr. vs. Intermediate Appellate Court 155 SCRA 576).

WHEREFORE, premises considered and finding the letter for reconsideration meritorious, it is hereby ORDERED that the Miscellaneous Lease Application of Mr. Soriano M. del Mundo be given further due course under the existing rules and regulations of this Office.

SO ORDERED.

Manila, Philippines JAN 26 2006

CERTIFIED TRUE COPY

CERTIFIED PHOTO COPY

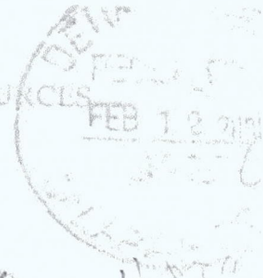
MILAGROS B. LONGRIO
RECORDS OFFICER I

VICENTE S. PARAGAS, CESO III
OIC, ASEC for Field Operations and
Concurrent Regional Executive Director
MIMAROPA Region

Atty. Mrs. S. A. Ledesma
Tel No. 02-892-5374

CENR Officer Calapan

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Community Environment and Natural Resources Office
Calapan City
Oriental Mindoro



Annex "L"

Dr. GERARDO BRUAL,
Oppositor,

- vs -

Case No. _____
(FORMAL PROTEST against
M.L.A Nos.045211-01, 045211-02
and 045211-2-A)

CRESENCIA DEL MUNDO and
SORIANO DEL MUNDO,
Respondents.
x----------x

ANNEX "L"

PROTEST AND OPPOSITION TO MISCELLANEOUS LEASE APPLICATIONS

Oppositor, Dr. Gerardo Bual[1] ("Oppositor"), through counsel, respectfully submits this Protest against the Miscellaneous Lease Applications[2] filed by Respondents Cresencia Del Mundo and Soriano M. Del Mundo (the "Respondents").

1. Oppositor is a Filipino citizen, of legal age, and is represented in this case by his counsel[3] whose business address is located at the 12th Floor, East Tower, Philippine Stock Exchange Center, Exchange Road, Ortigas Center, Pasig City, where he may be served with orders and processes from this Honorable Office.

2. Respondents reside at Block 7 Lot 9 Merryhomes Subdivision, Zabarte Road, Novaliches, Quezon City or San Isidro, Puerto Galera, Oriental Mindoro, where they may be served with orders and processes from this Honorable Office.

---

[1] M.L.A No. 045211-01, M.L.A No. 045211-02 and M.L.A No. 045211-2-A.
[2] A copy of the Special Power of Attorney executed by the Oppositor in favor of the undersigned is attached as Annex "A."

3. Oppositor is the true and lawful registered owner of the land immediately fronting or adjacent to the foreshore lands formed by accretion, subject matter of the instant Miscellaneous lease Application. Oppositor's titled properties are covered by and are more particularly described in Transfer Certificates of Title Nos. T-103784 and T-103785.[2]

4. As the registered owner of the properties adjacent to the foreshore lands formed by accretion, Oppositor is the riparian owner thereof and has the preferential right to the use and possession of such foreshore lands, to the exclusion of all others.

5. In fact, Oppositor has been in open, continuous and adverse possession of the land Respondents wrongfully seek to lease and possess. In 1980, Oppositor established a resort and restaurant on the foreshore lands until the possession was wrested from him through fraud by Respondents' father and predecessor-in-interest, Eutiquiano del Mundo.

6. The same parcels of foreshore lands now subject of the Miscellaneous Lease Application of Respondents were also previously covered by a void title illegally procured by Respondents' father and predecessor-in-interest, Eutiquiano del Mundo. Briefly, the Philippine Government, through the Office of the Solicitor General ("OSG") filed a case for cancellation of title and reversion against Eutiquiano del Mundo. The case eventually reached the Supreme Court which rendered a Decision ordering Eutiquiano del Mundo to return and surrender to the Philippine Government the Original Certificate of Title No. P-3278 ("OCT No. P-3278") in the name of Eutiquiano

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[2] Copies of TCT Nos. T-103784 and T-103785 are attached as Annexes "B" and "B-1."

del Mundo, as well as all derivative titles emanating from the void title (the "Supreme Court Decision").

7. The Regional Trial Court of Calapan City, Branch 40, issued a writ of execution,[4] requiring Eutiquiano del Mundo to surrender or deliver the void OCT No. P-3278 to Register of Deeds of Calapan City, Oriental Mindoro.

8. In the meantime, Eutiquiano del Mundo's son and daughter, Soriano and Cresencia Del Mundo, respectively, hoping to profit from their father's illegal acts, applied before this Honorable Office for a Miscellaneous Lease of the same property that was the subject matter of the Supreme Court Decision.

9. On 6 January 2006, this Honorable Office issued an Order[5] which directed that the Miscellaneous Lease Application of Respondents be given further due course, despite the void title of Respondent's immediate predecessor-in-interest and father, Eutiquiano del Mundo.

10. On 15 November 2007, immediately after discovering the existence of the Miscellaneous Lease Applications filed by Respondents, Oppositor informally opposed the applications by way of a letter[6] addressed to the Honorable Regional Executive Director.

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4 A copy of the Writ of Execution issued by the Calapan Regional Trial Court, Branch 40, is attached as Annex "C."
5 A copy of the Order dated 06 January 2006 is attached as Annex "D."
6 A copy of the letter dated 16 November 2007 addressed to Dir. Vicente S. Paragas is attached as Annex "E."

> "In other words, article 4 recognizes the preferential right of the littoral owner (riparian according to paragraph 32) to the foreshore land formed by accretions or alluvial deposits due to the action of the sea.
>
> The reason for that preferential right is the same as the justification for giving accretion to the riparian owner, which is that accretion compensates the riparian owner for the diminutions which his land suffers by reason of the destructive force of the waters. So, in the case of littoral lands, he who loses by the encroachments of the sea should gain by its recession." (Emphasis supplied; citations omitted)

15. The Opposition is undoubtedly the riparian/littoral owner of the foreshore lands subject of Respondents' applications for Miscellaneous Lease. Opposition is the registered owner[6] of the properties immediately fronting or adjacent to the foreshore lands formed by accretion, and therefore rightfully enjoys the preferential right to the use and possession of such foreshore lands.

16. A copy of the area plan is attached as Annex "G." Likewise attached as Annex "H" is a copy of the map showing the areas covered by the titles of Batiquinos del Mundo which have been declared null and void, the same areas now subject of Respondents' Miscellaneous Lease Applications. Opposition's property is described therein as Lots No. 025 and 026.

17. Being the riparian/littoral owner, Opposition clearly has the preferential right over the disputed properties. Conversely, having been in continuous bad faith possession of the subject properties, Respondents have no right over the same properties. This Honorable Office should therefore DENY the Respondents' Miscellaneous Lease Applications.

18 In addition, since Oppositor has received no advice from the Director of Lands of his preferential right to lease the subject foreshore land, the sixty (60) day period provided under the rules has not begun to run.

Respondents are possessors in bad faith and should not be allowed to lease the foreshore adjoining Opposition's registered land.

19 Oppositor is well aware that the subject land is undeniable foreshore land formed by accretion to his titled properties and as such cannot be appropriated and titled by anybody, let alone Respondents' predecessor-in-interest.

20 Briefly, through the passage of time and the natural action of the sea, a small strip of land was formed in the area immediately fronting and in towards the northwest of Oppositor's titled lands. This is the property subject matter of the case.

21 Around 1980, Oppositor caused the construction of cottages and his El Mundoreno Restaurant to cater to the tourists in the area. All the cottages were constructed within Oppositor's titled properties. However, a bigger portion of the restaurant was inside the area formed by accretion.

22 It was around this time that Oppositor employed Respondents' predecessor-in-interest Eutiquiano del Mundo as his overseer, and as such, Eutiquiano del Mundo was the one in charge of the construction of all the buildings including the restaurant. It was also Eutiquiano Del Mundo whom Oppositor tasked with managing the business for which he was actually receiving a commission equivalent to (sic) percent (10%) of the earnings of the business.

23. Around 1984, Enriquanto del Mundo fraudulently and illegally secured an Entrance Order over the accretion fronting Opposition's titled properties. It was then that del Mundo deprived Opposition of possession of his own restaurant and the lands upon which it stood. Opposition was constrained to intervene in a Cancellation and Reversion case filed by the Republic of the Philippines, as well as a separate case for Recovery of Possession with Damages. The Recovery of Possession case was entitled *Gerardo Arnal Ybañez versus Enriquanto del Mundo, Et Al.* and was docketed as Case No. R-3730. The Honorable Court ruled that Enriquanto del Mundo had in fact illegally deprived Opposition of his possession over the subject property and ordered del Mundo to immediately return possession of the same to Opposition and to pay damages as and by way of lost income.

24. After trial on the merits, this Honorable Court rendered its Decision[4] on 01 July 1994. The dispositive portion of said Decision states:

> "WHEREFORE, finding the preponderance of evidence in favor of plaintiff, judgment is hereby rendered as follows:
>
> a) Declaring plaintiff to be the real owner of the restaurant in question and for the defendant to return the possession of said restaurant to plaintiff;
>
> b) Ordering the defendant to pay plaintiff the sum of P2,000.00 per month from April 1, 1987 up to the date of delivery as lost income;
>
> c) Ordering the defendant to pay the plaintiff attorney's fees in the amount of P10,000.00 and to pay the costs of suits.
>
> SO ORDERED"

25. Opposition and his now deceased parents have been in possession of the subject area formed by accretion notoriously, continuously, peacefully and in the concept of owners since time immemorial, hand-in-hand with the possession of their predecessors-in-interest. Opposition's possession of the subject property fronting his

titled lands is undisputed. This possession was only interrupted when Eutiquiano del Mundo fraudulently and illegally obtained a title to the accretion.

26. Del Mundo's fraudulent machinations in obtaining a Free Patent and title in his name, resulting in the deprivation of Oppositor's possession of the subject land is also now incontrovertible. Both the Court of Appeals and the Supreme Court have ruled that the titles obtained by Eutiquiano del Mundo are null and void *ab initio*.

27. Thus any alleged "right" Respondents had over the subject property disappeared with the rulings in both cases. Respondents' should not now be allowed to possess the subject property they had usurped for so long. They should not be allowed to keep Oppositor from re-claiming the possession he had lost so long ago through the fraudulent machinations of Respondents' predecessor-in-interest.

28. Respondents are clearly possessors in bad faith and therefore should not be granted the right to possess and use the subject properties.

Oppositor therefore respectfully prays that the Miscellaneous Lease Applications of Soriano and Cresencia Del Mundo be DENIED by this Honorable Office, for their utter lack of right to the possession of said properties.

Other relief just and equitable under the premises are likewise prayed for.

Pasig City for Manila City, 8 February 2008.

the number of witnesses, to undertake a preliminary reference of issues to a commissioner and, to enter into an amicable compromise settlement and/or to submit to alternative modes of dispute resolution.

o. To negotiate, enforce, levy and collect all fees, awards, damages, rentals and all other monetary amounts due to me in relation to the subject matter of the above cases by virtue of my ownership thereof.

GIVING AND GRANTING unto said Attorney-in-Fact full power and authority to do and perform every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as if I were personally present, hereby ratifying and confirming all that said Attorney-in-Fact shall lawfully do or cause to be done by virtue of these presents, holding the latter free and harmless from any liability thereunder/therefore.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my signature this ___th day of May in [illegible]

GERARDO BRUAL

ACKNOWLEDGMENT

BEFORE ME, a Notary Public for and in CITY OF PASIG, this ___ day of May 2006, personally appeared Dr. Gerardo Brual, who exhibited to me his Passport No. [illegible], issued at DFA on [illegible], personally known to me and to me known to be the same person who executed the foregoing Special Power of Attorney consisting of two (2) pages including the page upon which this acknowledgment is written, and who acknowledged to me that the same is his true and voluntary act and deed.

WITNESS MY HAND AND SEAL, on the date and place above-written.

Doc. No. 44
Page No. 10
Book No. VI
Series of 2006.

[illegible]
Notary Public for Pasig City
[illegible]

REPUBLIC OF THE PHILIPPINES)
PASIG CITY) S.S.

VERIFICATION

I, FREDERICK R. TAMAYO, of legal age, Filipino, with office address at 12th Floor East Tower, Philippine Stock Exchange Center, Exchange Road, Ortigas Center, Pasig City, after having been sworn in accordance with law, depose and state that:

1. I am an Associate Lawyer at the Pono and Pono Law Offices, the duly appointed attorney-in-fact of Opposito Gerardo Brual in connection with the instant Protest / Opposition to the Miscellaneous Lease Application of Respondents Cresencia and Soriano Del Mundo, as evidenced by a copy of the Special Power of Attorney dated 8 May 2006 issued by Opposito Gerardo Brual, a copy of which is attached.

2. I have caused the preparation of the foregoing formal Protest / Opposition and its filing with this Honorable Office.

3. I have read the contents thereof and that the allegations contained therein are true and correct to the best of my personal knowledge and/or based on the records at hand.

IN WITNESS WHEREOF, I hereunto affix my signature this 11th day of February 2008 in Pasig City, Metro Manila.

FREDERICK R. TAMAYO
Affiant

SUBSCRIBED AND SWORN to before me this 11th day of February 2008 in QUEZON CITY City, affiant exhibiting to his Driver's License No. C07-89-018214, valid until 28 January 2010.

ATTY. [illegible]
NOTARY PUBLIC
ROLL NO. [illegible]
IBP [illegible]
PTR [illegible] Q.C.
[illegible] Q.C.
Commission No. [illegible]
TIN NO. 144-519-066

Doc. No. 96
Page No. 18
Book No. XXII
Series of 2008.

ANNEX A

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

DR. GERARDO BRUAL, with address c/o the Puno & Puno Law Offices, with address at the 12th Floor, East Tower, Philippine Stock Exchange Center, Exchange Road, Ortigas Center, Pasig City hereby constitutes and appoints PUNO & PUNO LAW OFFICES or any of its partners and/or lawyers, with office address at the 12th Floor, East Tower, Philippine Stock Exchange Center, Exchange Road, Ortigas Center, Pasig City, as its true and lawful Attorney-in-Fact with power of substitution to do the following acts and deeds:

1. To represent me in all proceedings including all hearings or conferences of the cases entitled "BRUAL vs. DEL MUNDO" docketed as Civil Case Nos. R-3730 and No. 3895 pending before the Regional Trial Court of Calapan City, Oriental Mindoro, and its related cases pending before the Court of Appeals, Manila.

2. To appear as my duly authorized representative with full power and authority to enter into stipulations or admissions of facts and documents to avoid unnecessary proof, to agree on the simplification of issues, to amend pleadings, to limit the number of witnesses, to undertake a preliminary reference of issues to a commissioner and, to enter into an amicable compromise settlement and/or to submit to alternative modes of dispute resolution.

3. To move for the execution of the Decisions rendered in the above-mentioned cases.

4. To do and perform all and every act and thing which may be requisite, necessary and proper, sign such quittances, pleadings, and documents necessary to carry out the above purposes, stipulations, agreements and/or compromise settlement that they may enter into for and in my behalf.

5. To prosecute and/or defend on my behalf such other administrative, criminal and civil cases as may arise in relation to all the foregoing, and to represent me at all pre-trial hearings and/or preliminary conferences with full power and authority to enter into stipulations or admissions of facts and documents to avoid unnecessary proof, to agree on the simplification of issues, to amend pleadings, to limit

PUNO AND PUNO LAW OFFICES
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12th Floor, East Tower
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COPY FURNISHED:

CRESENCIA DEL MUNDO
Block 7 Lot 9 Merry homes Subdivision
Zolueta Road, New Ilchico, Quezon City

SORIANO DEL MUNDO
San Isidro, Puerto Galera, Oriental Mindoro

Hon. HUBBERT DOLOR
Mayor
Municipality of Puerto Galera
Province of Oriental Mindoro

KAYMUNDO D. CRISOSTOMO
PENRO, Oriental Mindoro
Provincial Capitol Complex
Camilmil, Calapan City

Dir. VICENTE S. PARAGAS
Office of the Regional Executive Director
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Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
REGION IV-B, MIMAROPA
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RECEIVED
BY:
DATE: JUL 15 2016
PURO AND PUNO LAW OFFICES

Annex "H"

ANNEX "H"



Annex N

Annex "L"

COPY

Annex "O"

ANNEX "O



Geotagged photo showing the cottages built within the area



Geotagged photo of the Sewerage and Waste Water Facility within the salvage zone near the area



Geotagged photo of the vicinities bordering the land

Pasi II, Socorro, Oriental Mindoro
Email: denrcenrosocorro@gmail.com
Tel. No. 285-7068

ANNEX "P



N

W E

S

MAP

SHOWING THE RELATIVE LOCATION
OF MLI-045211-02-A-D AS SURVEYED FOR
MR. SORIANO DEL MUNDO

LOCATED AT

BARANGAY SAN ISIDRO
MUNICIPALITY OF PUERTO GALERA
PROVINCE OF ORIENTAL MINDORO

AREA

905.00 square meters

Scale: 1:500

LEGEND

Property Boundary

DIGITIZED BY:

MICHAEL ANJELO A. AGUZAR
Forestry Technician II

NOTED BY:

MARIA ALVA RENELYN CULLA-UMALI
LMO III/Chief, RPS

Projection : Universal Transverse Mercator - Zone 51 (N)
Datum : World Geodetic 1984 (WGS84)