

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT OF PALAWAN
Fourth Judicial Region
BRANCH 52
Puerto Princesa City, Palawan



HEIRS OF QUIRINO ACLA, namely: CIVIL CASE NO. 5872
LEONORLITA M. ACLA, ET AL.,
Plaintiffs, for

- versus -

“DECLARATION OF NULLITY
OF KALOOB NA PATENTE BLG.
045315-06-19375, ORIGINAL
CERTIFICATE OF TITLE NO. E-
27617, TRANSFER
CERTIFICATE OF TITLE NO.
065-2018001041, DEED OF
SALE, RECONVEYANCE WITH
PRAYER FOR TEMPORARY
RESTRAINING ORDER AND/OR
PRELIMINARY PROHIBITORY
INJUNCTION AND DAMAGES”

JOHN TAN PAREDES, ET AL.,
Defendants.

X-----X

JUDICIAL AFFIDAVIT
(of Witness FEDELEO LURZANO DE GUZMAN)

Affiant, by counsel, unto this Honorable Court,
respectfully submits this Judicial Affidavit pursuant to A.M. No.
12-8-8-SC of the Supreme Court and avers that:

I. Preliminaries

Affiant, Fedeleo Lurzano De Guzman (“Fedeleo”), is a
resident of Bountiful Village, Barangay San Pedro, Puerto
Princesa City. He is an Agrarian Reform Officer II of the DAR
Provincial Office in Palawan.

The examination is conducted by the undersigned notary
public at her law office at the City of Puerto Princesa, Palawan.

The undersigned counsel also apprised the Witness that he is under oath and that any untruthfulness can make him liable for false testimony/perjury.

II. Purposes

a. To show and prove the requirements of the DAR Provincial Office in the transfer of Agricultural Land.

b. To show and prove that as part of the requirement, an actual visit or inspection on the subject property sought to be transferred must be conducted by the DAR Municipal Office personnel, after which a report is submitted to the MARO (Municipal Agrarian Reform Officer) who will recommend to the DAR Provincial Office the issuance of the DAR Clearance.

c. To show and prove that in the recommendation by the MARO, there was no revelation of any occupant on the property covered by Kaloob na Patente Blg. 045315-06-19375, OCT No. E-27617.

d. To show and prove that an Affidavit of Non-Tenancy has been executed wherein no occupant was again revealed.

e. To show and prove that the applicant Joel N. Gulane made it appear before the DAR that there was no adverse claim on the property for which a DAR Clearance is applied for.

III. Question and Answer

1. Q. Maari mo bang sabihin sa hukuman kung ano ang iyong pangalan, edad, civil status at tirahan.

A. Ang pangalan ko ay Fedeleo Lurzano De Guzman; 45 taong gulang; may asawa at nakatira sa Bountiful Village, Barangay San Pedro, Puerto Princesa City.

2. Q. Maari mo rin bang sabihin kung saan ka nagtatrabaho?

A. Ako ay nagtatrabaho bilang Agrarian Reform Officer II of the DAR Provincial Office sa Palawan.

3. Q. Bilang Agrarian Reform Officer II ng DAR Provincial Office sa Palawan, maaari mo bang sabihin ang sakop ng iyong trabaho?

A. Malawak ang sakop ng aking trabaho. Patungkol sa DAR Clearance, ako ay document verifier at evaluator nito.

4. Q. Maaari mo bang sabihin sa hukumang ito ang mga requirements sa pagkuha ng DAR Clearance?

A. Ang mga requirements sa pagkuha ng DAR Clearance ay ang mga sumusunod: Sa panig ng seller, Una, dapat i-secure ng applicant ang mga pangunahing dokumento tulad ng electronic copy of title na nakakasakop sa property na ililipat; pangalawa, tax declaration upang matukay na agricultural nga ang lupang ililipat; pangatlo, mga certificates of total landholding mula sa mga assessor's office, municipal, city and provincial; at, deed of conveyance, gayundin ang mga Affidavits executed ng seller tulad ng Affidavit of transferor, Affidavit of retention, non-tenancy and no pending case. Sa panig ng buyer, Affidavit of Total Landholding of Buyer, certificates of total landholding mula sa mga assessor's office, municipal, city and provincial. Kapag nakumpleto na ang mga dokumentong ito, ang applicant ay pupunta sa DAR Municipal Office na nakakasakop sa property na ililipat.

5. Q. Sa pagiging document verifier at evaluator mo po patungkol sa DAR Clearance, may pagkakataon po bang nakita mo ang mga dokumento patungkol sa paglipat ng lupa mula kay John Tan Paredes at Joel Gulane at iba pa niyang kasama?

A. Opo. Kamamatay lang po kasi noon ng pinalitan ko at isa ito sa mga unang dokumentong nahawakan ko. Ininform ako ng secretary to the PARO na may nag follow-up na Joel Gulane tungkol sa DAR Clearance.

6. Q. Maari mo bang ipakita ang mga dokumentong patungkol sa lupang ito?

A. Mga photocopy na lamang po ang naiwan sa opisina namin. Pag nag-issue na po kasi ng DAR Clearance binabalik na namin ang mga original copies sa applicant.



12. Q. Maaari po bang ipaliwanag mo sa hukumang ito ang ibig sabihin ng binasa mo?

A. Sa ipinadalang memorandum sa DAR Provincial Office, si Joel N. Gulane ang applicant para sa issuance ng DAR Clearance ng Lot No. 855-C, CSD-4A-001234-D na nakapaloob sa Katibayan ng Orihinal na Titulo Blg. E-27617 na sumasaklaw naman sa lawak na 53,995 square meters at matatagpuan sa Bgy. Taritien, Narra, Palawan na rehistrado sa pangalan ni John I. Tan Paredes.

13. Q. Maaari mo po bang basahin ang 3rd paragraph ng Memorandum ng MARO DAR.

A. *Subject lot is located along the provincial road of Bgy. Taritien, fully cleared with about a hectare devoted to upland riceland, the middle part of the area more or less 1,000 sqm is swampy and the remaining portion has few hills of coconuts and mangoes. There is no adverse claims/conflicts whatsoever and it was not issued NOC as of the date of inspection.*

14. Q. Maaari po bang ipaliwanag mo sa hukumang ito ang ibig sabihin ng binasa mo?

A. Kasama sa nilalaman ng nasabing rekomendasyon ang report na ang loteng pinatutungkulan ay matatagpuan sa tabi ng provincial road ng Bgy. Taritien, ito diumano ay fully cleared na may aabot sa isang ektaryang lawak na ginagamit para sa upland Riceland, ang kalagitnaanang bahagi ng naturang lupa na humigit-kumulang 1,000 square meters ay swampy at ang iba pang nalalabing bahagi ay may nakatanim na ilang puno ng manga at niyog. Kasama ring binanggit sa dokumentong ito na walang anumang adverse claims o anumang sigalot patungkol sa lupang ito at hindi rin kabilang sa mga ari-arian na nabigyan ng Notice of Coverage (NOC) nang isagawa ang inspection.

15. Q. Sa sagot mo, ano ang ibig sabihin ng Notice of Coverage?

A. Isang sulat na addressed sa may-ari ng lupa kung saan sya ay inaabisuhan ng DAR na nakatakdang isailalim na sa programa ng CARP ang kanyang lupang ari-arian.

16. Q. Ano ang batayan ng DAR sa sa pag-isyu ng NOC sa may-ari ng lupa?

A. Una, dapat agricultural land ang lupa. Pangalawa, ito ay higit sa limang ektarya at hindi kabilang sa exempted o excluded sa CARP coverage.

17. Q. Patungkol sa lupang pinagtatalunan sa kasong ito, paano ito na exempt o exclude sa CARP program?

A. Free Patent po kasi ang ginamit na instrumento sa pagpapatitulo sa nasabing lupa, at ang pondo ay galing din sa Agrarian Reform Fund ng DAR na pinatutupad ng DENR na base sa guidelines ng DAR ay exempted sa coverage ng CARP.

18. Q. Sa rekommedasyon ng DAR MARO, malalaman po ba kung nagkaroon ng pagsiyasat sa kung sino ang nagtanim ng 1 hectare Riceland, few hills of coconut at mangoes?

A. Hindi napo. Sa level po yan ng DAR-MARO.

19. Q. Batay sa report na nakapaloob sa naturang rekomendasyon, mayroon bang itong nilalaman o nababanggit kung mayroong nakatira o occupants sa lupang hinihingan ng DAR Clearance nang isagawa ang onsite inspection?

A. Tanging ang lokasyon, gamit sa lupa at tanim lamang ang nilalaman o nabanggit sa findings o report na nakapaloob sa DAR Narra recommendation.

IN WITNESS WHEREOF, I have hereunto affixed my signature this day of 13th day of May 2022 in the City of Puerto Princesa.

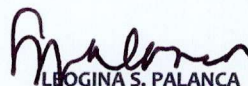

FEDELEO MURZANO DE GUZMAN
Affiant
Driver's License D11-98-034622
Expiry 2024/07/03

SUBSCRIBED AND SWORN TO BEFORE ME this 13th day of May 2022 by the above-named affiant whom I personally



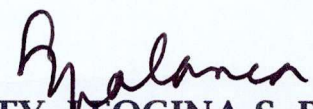
examined and who is personally known to me to be the same person who executed this Judicial Affidavit and I am convinced that she fully understood the contents of the same and that she freely and voluntarily executed the same.

JOC NO. 425;
PAGE NO. 86;
BOOK NO. III;
SERIES OF 2022


LEOGINA S. PALANCA
NOTARY PUBLIC FOR THE CITY OF
PUERTO PRINCESA AND THE MUNICIPALITIES
OF ABORLAN, NARRA, CUYO, AGUTAYA AND
MAGSAYSAY, PROVINCE OF PALAWAN
UNTIL 31 DECEMBER 2021
(Notarial Commission extended up to 06/30/2022 under B.M. No. 3795)
ROLL NO. 60012
PTR NO. 0889447; 01/04/2022; PPC
IBP NO. 179578; 01/25/2022; MNL

IV. Sworn Attestation

I, ATTY. LEOGINA S. PALANCA, on my lawyer's oath, hereby attest and certify that I faithfully recorded the questions I asked and the corresponding answers that the witness gave, as faithfully reflected above; and, neither I nor any other person then present or assisting me coached the witness regarding the latter's answers.


ATTY. LEOGINA S. PALANCA

Copy furnished:

Atty. Marcelo C. Josue
Counsel for Joel N. Gulane, et al.
Bgy. Poblacion
Narra, Palawan

Municipal Assessor of Narra
Poblacion, Narra, Palawan

Register of Deeds
Provincial Capitol Compound
Rizal Avenue, Puerto Princesa City, Palawan

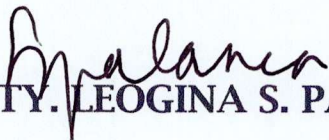
DENR MIMAROPA
Region 1515, L & S Building
Roxas Boulevard
Ermita Manila

Office of the Solicitor General
134 Amorsolo Street
Legaspi Village
Makati City 1229

Prosecutor Jhaciel S. Juanico-Quicho
Office of the City Prosecutor, Hall of Justice
Brgy. Sta. Monica, 5300 Puerto Princesa City

EXPLANATION

Due to time, distance and manpower constraints, service by electronic mail and registered mail to some of the parties were availed of.


ATTY. LEOGINA S. PALANCA

Exh "R"



REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF AGRARIAN REFORM

Tunay na Pagbabago sa Repormang Agraryo

March 8, 2022

ATTY. LEOGINA S. PALANCA

Counsel for the Heirs of Quirino Acla

PALANCA LAW OFFICE

10 Old Buncag Street, Puerto Princesa City

(048) 433-0679; 09175044337; 09199929400

chiepalanca@gmail.com; chiepalanca@yahoo.com



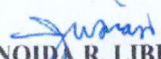
Dear Atty. Palanca:

GREETINGS!

It is our pleasure to inform you that your requested document is now available. Attached is the photocopy of the Affidavit of Non-Tenancy concerning the transfer of Kaloob na Patente Blg.045315-06-19375, OCT No. E-27617 located in Bgy. Taritien, Narra, Palawan.

Thank you for patiently bearing with us.

Very truly yours,


NOIDA R. LIBIRAN
Acting Records Officer

Noted by:


CONRADO S. GUEVARRA
Provincial Agrarian Reform Program Officer II

Cc:

Legal Division

Ⓢ

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Exh "T" 3

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
Municipal Agrarian Reform Office
Narra, Palawan



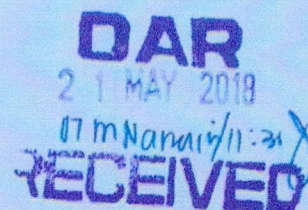
MEMORANDUM

FOR : PARPO Conrado S. Guevarra
DAR, City Coliseum,
San Pedro, Puerto Princesa City

FROM : Arnel M. Alzaga
MARPO, DAR, Narra, Palawan

SUBJECT : DAR CLEARANCE FOR TRANSFER

DATE : May 2, 2018



This has reference to the letter request of **JOEL N. GULANE** for issuance of DAR Clearance for transfer purposes involving Lot No.855-C, CSD-4A-001234-D covered by Katibayan ng Orihinal na Titulo Blg. E-27617 containing an area of 53,995 square meters situated at Bgy. Taritien, Narra, Palawan registered in the name of **JOHN L. TAN PAREDES** in favor of **JOEL N. GULANE, ET. AL.**

Document presented is a Deed of Absolute Sale executed by the parties on March 8, 2018 before Notary Public **ATTY. MARCELO C. JOSUE** docketed under Doc. No. 431; Page No. 87; Book No. CLXVI; Series of 2018.

Subject lot is located along the provincial road of Bgy. Taritien, fully cleared with about a hectare devoted to upland riceland, the middle part of the area more or less 1,000 aq.m. is swampy and the remaining portion has few hills of coconuts and mangoes. There is no adverse claims/conflicts whatsoever and it was not issued NOC as of the date of inspection.

Herewith are the requirements for each lot, to wit:

- a) letter request for issuance of DAR Clearance;
- b) Electronic copy of title;
- c) Tax declaration;
- d) Deed of Absolute Sale;
- e) Affidavit of Non Tenancy;
- f) Affidavit of Total Landholdings by buyers/transferees;
- g) Certification of Total Landholdings of buyers from City & Provincial Assessors Office;

Recommended for issuance of DAR Clearance.

ARNEL M. ALZAGA
/mve

Handwritten signature

Handwritten mark