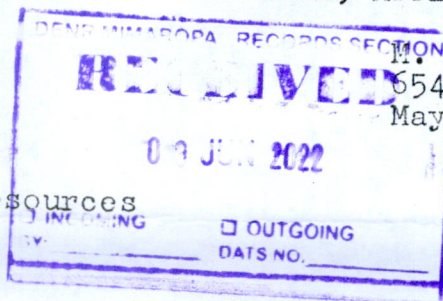


Re: On DENR landscam enterprise conspiracy to reverse twice-issued, unrefuted Orders on DENR Case No. IV-5652 final, executory and immutable by virtues of (DENR Admin. Orders) DAO Nos. 2016-31 and DAO 87 Series of 1990. Crafty, lecherous anomaly to set aside the considered facts-based findings of superior DENR Officials which have attained positions beyond jurisdictions for anybody to alter, modify or even cancel. Fraught with conflicts, falsifications and fabrications shown by SUMMARY OF ORDERS/DECISIONS/INDORSEMENTS/MEMORANDA ISSUED IN DENR CASE NO. IV-5652 "ENTITLED ESTER MANILA, PROTESTEE-APPELLANT VERSUS REGIONAL EXECUTIVE DIRECTOR, DENR REGION IV, LAURENTE BURGOS AND MARIA QUICHO VDA. DE MARISTELA, APPELLEES"



Tan Compound, Real St.
6541 Ormoc City
May 27, 2022

RED LORMELYN E. CLAUDIO
Dept. of Envi. & Nat. Resources
MIMAROPA Region

Dear Dir. Claudio,

Your Mar. 11/22 letter was an unmistakable paradox. Its enclosed Summary of actions were undiluted technicalities; not substance and merits. By your own DENR DAO Nos. 2016-31 and 87 are already impervious to any assault. Besides the first submitted Motion for Reconsideration on April 28/99 ruled out all further M Rs. The totally worthless Sept. 11/03 Decision of exposed, ousted forger then Sec. Elisea Gozun contained no new facts to refute the two DENR Orders on Case IV-5652. Her reinstated Aug. 18/01^{Order} was revoked by RED Peña-fiel^{on Jan. 17/02} and rejected by former Sec. Heherson T. Alvarez's Oct. 26/02 second issue of DENR Order on Case IV-5652. Further she issued her Decision a full year after the reissue of the DENR Order #IV-5652 and also a full week after she effectively was already out of Office, after her exposure as counterfeit for submitting to the Senate's CA Committee fabricated transcripts school of records. Are the fore-^{not enough}goings/to lay to wastes on the grounds, where it stands? The Aug. 18/01 Order stemmed from RED Vicente Paragas' insubstantial Jul. 23/99 'failure of the PENRO to observe the required due process' so was Ordered set aside. But the Mar. 30/99 Order was addressed to the CENRO. The PENRO/^{insignificant}error has been magnified and played up to inconsistently overturn, without refuting but even conceded Mar. 30/99 Order on DENR Case No. IV-5652. Please stick to irreversifal underlined facts.

The rampage to reverse the now two unrefuted Orders on DENR Case No. IV-5652, was began by Paragas' July 23/99 Order already beyond his jurisdiction to alter. Reinstated the recanted Aug. 18/01 Order by terminated, counterfeiter then Sec. Elisea Gozun, discarded Order was expressedly again rejected by former Sec. Heherson T. Alvarez's Oct. 26/02 issue of Order on DENR Case No. IV-5652. The Aug. 20/04 Indorsement by the DENR Legal Affairs Service and the June 22/05 Order of Execution issued by RED Atty. Ernesto B. Adoba, Jr. ignored the aberrant Sept. 11/03 Decision of Gozun to prevail over the marginalized unrefuted/irrefutable Orders on DENR Case No. IV-5652. But the quiet majesty of the law will engage the DENR lawyers' conspiracy.

DENR Orders # IV-5652 were treated like hot rumors and made to go the long way at the costs of the serious evaluations of facts. So more studies are needed and inevitable, how an irrelevant minor MIMAROPA PENRO personnel not even properly related to the Mar. 30/99 Order; be made to cancel unrefuted two DENR Orders # IV-5652. Where the confirmed fraudulent MSA (IV-26) 2508 of Ester Manila's rejection and dismissal unlifted are declared instead final and executory. Foisted and given life, says much. While the unrefuted DENR Orders # 5652 set aside. So, DOJ's Task Force Against Corruptions Ref. No. Case 256-210928-090 will see into the delegitimizations. The raging currents as its subject. It's very uncanny how you got yourself involved.

I can see, you can save yourself. A careful look at the unbridled manipulation to highlight Ester Manila's incurable rejection of her MSA (IV-26) 2508 for falsifications of public document. As the MIMAROPA's now Executive Director, you can proceed with enforcements of the requisite process allowed by the finality and execution of the DENR Orders # IV-5652, for Lot No. 165 of Laurente Burgos. The failure was for Lot No. 164. Please do it, as it is part of your duty. I am bent on charging some six DENR lawyers led by ASec. Daniel Darius Nicer and some more like your predecessor RED Dr. Adornado, Felizardo Cayatoc. Your summary's conflicts and contradictions has backfired. I suffered unrelieved over two decades of hostile misconducts. DENR's grand conspiracy must pay, for its unconscionable, abashed and unethical circumventions of rules and laws. The DENR Orders # IV-5652 were very settled resolutions, they needlessly meddled in. We're now in the still counting 65th years of red tapes cut lengthwise. It's clear and categorical that just the past over two decades of further waits could never would have happened without their imprimatur. I sincerely thank you for that Summary. It provided a clear picture from the DENR side of all the senselessness. I would have never learned of the Sept. 7 and Nov. 4/04 behind my back manoeuvres. The rest of them starting June 22/05 to Oct. 22/18 were wholly kept out for me. My color-coded critiques of the Summary, I'm sure you'll find easy to understand. I am,

Very sincerely intent,


JOSE S. BURGOS, JR.

Republic of the Philippines)
City of Ormoc) S S

A F F I D A V I T

I, JOSE S. BURGOS, Jr., Filipino, 87 years old, widower and a resident of M.Tan Compound, Brgy. Dist. 24, Real St., Ormoc City, after having been sworn to, in accordance with the law, do hereby depose and say:

1. After detailing my complaints to former DENR Sec. Lito Atienza, of then Reg. IV Exec. Dir. Vicente Paragas' refusals to execute the Mar. 30, 1990 Order of DENR Case No. IV-5652, already beyond the DAO No. 87 15-days period. ASec. Atty. Daniel Darius Nicer was assigned by Sec. Atienza to assist me resolve the execution of subject DENR Order #5652; confirmed conceded, irrefutably estopped and conflict-free.

2. I am the Attorney-in-Fact of my brother, Laurente Burgos whose Miscel. Sales Applic. No. V-44506 filed in Nov. 3, 1956 for public land adjoining our residential lot we had held in concept as owners even before WW II; Lots Nos. 165 and 168 Cad. 37 Puerto Princesa, Palawan. The DENR refused action and even sold Lot 168 to another party without the requisite MSA. But favored action on the 33-years late MSA No. (IV-26) 2508 of illegal occupant of our applied for Lot 165, who disqualified himself from ownership for signing a waiver.

3. MSA rule required us to vacate the Lots and clear them too of our improvements while our application were being processed. Town barber, one Buenaventura Manila solicited from then Bureau of Lands agent Diomedes de Guzman, interim use of just an area of Lot 165 for a one-chair barber shop and was granted after asked to craft and submit a signed waiver banning him from proceedings to ownership of Lot 165. But the DENR allowed him the prohibited occupation and introductions of improvements in the whole lot area. Defrauding one Maria Quicho Vda. de Maristela into building a two story building for business and barber Manila's family residence. The DENR shared parts of recoveries from business from. The ground floor were rented to store spaces.

4. In Mar. 26, 1999 I filed and won protest of sale to barber Manila of Lot 164 adjacent to our MSA for Lot 165. DENR RMD Antonio Principe discovered that "the boundaries indicated in the public land application" of MSA No. (IV-26) 2508 of now deceased Buenaventura Manila were falsified with those of Laurente Burgos' Lot 165. Thus heir and daughter, Ester Manila's MSA for Lot 164 was rejected and dismissed. So, conceded in her April 28, 1999; admitting there exists no conflict in her Motion for Reconsideration. But succeeding RMD Vicente Paragas unlawfully reversed the action, in his infirmed Nov. 18, 2001 issue reversing illegally his predecessor's dismissal of MSA for Lot 164.

5. Obviously supported Ester Manila persisted filing Motions for Reconsideration, defying the rule for only one allowed. So DENR USec. Gregorio Cabantac for Lands and Legal undertook a more detailed review of facts. Came up with the Oct. 26, 2002 second issue of DENR Order on Case No. IV-5652, Sec. Heherson Alvarez himself issued. Again dismissing MSA for Lot 164, for in addition to earlier invalidating facts mentioned by the first Order, the existence of the estoppel on deceased Buenaventura Manila against asserting any claim on Lot 165 claim of Laurente Burgos "working equally against successor-in-interests Ester Manila." As a result of the signed waiver, again dismissed.

6. Succeeding DENR Sec. Elisea G. Guzon, although exposed fraudulent for having submitted faked college post graduate study transcript of records, automatically in Sept. 5, 2003 issued a full week later in Sept. 11, 2003 her unworkable Decision overturning, without refuting Alvarez's Oct. 26, 2002 issue of second DENR Order #5652. Totally useless as bereft of new facts. Dismissed MSA for Lot 164 was existentially accepted document as very valid to allowing heir Ester Manila to continue occupying MSA Lot 165 of Laurente Burgos. Are the foregoings ASec. Atty. Nicer contemplated on, tasked by former DENR Sec. Lito Atienza. Jurisdictions over Orders on DENR Case No. IV-5652 now completely lost on account of the DENR Administrative Order (DAO) No. 87 Series 1990 ruling, on the 15-day modification period. Obstructions of justice process been set.

7. Yet Anti-corruptions and Internal Audit ASec. Atty. Nicer allowed OIC Reg. IV Exec. Dir. Atty. Ernesto D. Adobo, Jr. to issue in June 5, 2005 the ORDER OF EXECUTION of twice nullified DENR Case No. IV-5652 for Lot No. 164 in favor of Ester Manila's rejected MSA No. (IV-26) 2508. Reinstated the voided Aug. 18, 2001 order of RED Vicente S. Paragas, annulled by DENR Sec. Alvarez's reissued Order on DENR Case No. IV-5652, in Oct. 26, 2002. Well over beyond the DAO-87 period for modifications. Allowed further falsifications of public documents. Which lumped our dispute with unrelated those Ester Manila involving Maria Quicho Vda. de Maristela's investment frauds on Lot 164. Finally ASec. Nicer is accountable for falsification exposed 9/18/2

8. DENR Legal Affairs Service Dir. Clarence de Guia issued the Order of Execution for the unlifted, dismissed; MSA No. (IV-26) 2508 for Lot 164. Falsified with the boundaries of Lot 165 covered by the MSA No. V-44506 of Laurente Burgos. Makeovers which justified the continuing control by Ester Manila, Lot 165 claimed by Laurente Burgos. As recent as Mar. 19, 2021 now Legal Affairs Dir. Norlito A. Eneran, persists in seeing no wrongs, in the DENR's refusals to execute unrefuted DENR Order for this time, Lot 165. In July 30, 2021 ASec. Nicer came up in his letter, the evident ill-considerations for the "complementarity principle and its rule for the unwillingness (of DENR Legal Affairs Service) to quash the res ipsa loquitor irreversible twice-issued, conflict-free Orders on DENR Case No. IV-5652 the past now two decades". Admitted he was part of the decision of the DENR, instead.

9. Unmistakably sub-literate but as lawyers led by Nicer, they are not. Deepened the impunities enjoyed by the exposed DENR's "Fake Lands Titling and Lands-grabbing Rings" for weighing in behalf of confirmed landcams. Completely deprived of facts to refute DENR Order #5652 setting, the appalling of its reversal was textbook example of Nicer was tasked by former Sec. Lito Atienza, precisely to reform. Ensure accountabilities to the dragged out red tapes' 43 years it took for action on filed MSA No. V-44506 of Laurente Burgos for public lands Lots Nos. 165 and 168. Account too, for the loss of Lot 168 to another undeserving party. As well as the insane situation, barber Buenaventura Manila allowed overextended use and abuse setting up improvements are expressly prohibited by the Miscellaneous Sales rules. Unlawfully earning profits, until now, since. The accountabilities of the Pto. Princesa City DENR in bestowing illegal Lot 165 preferred treatments at the expense of valid MSA #V-44506 of Laurente Burgos.

10. ASec. Nicer's Anti-corruptions and Internal Audit responsibilities had been made accessible to also only he chose to, whenever he wants only. Sec. Atienza truly suffered the misfortunes of DENR's corruptions. Disturbed by Nicer's failures too, to deliver. Truly a spoiler Nicer did not mention refusal to put up with the task assigned him, conveyed instead the fraudster image in his silence. Prevailed in getting the DENR Legal Affairs Service's falsifications to get eschewed MSA # (IV-26) 2508 of Ester Manila to overrule. And even DENR Sec. Roy Cimatu to believe him; none of my letters was acknowledged. So, my sworn statement indictments of the DENR as institutionally corrupt is hard put. Its sheen has been dulled by Nicer. Con artist Nicer unignorable abundant excess calls for sanctions. It is a measure of what corruptions quagmire, that's about taking control of malfeasances.

IN WITNESS WHEREOF, I have hereunto set my hand this day of October 2021 in Ormoc City, Leyte, Philippines.

OCT 13 2021
JOSE S. BURGOS, Jr.
Affiant

SUBSCRIBED AND SWORN to before me, this day of October 2021, in the City of Ormoc, Leyte, Philippines, affiant having exhibited to me his Senior Citizen's ID card, No. 002288.

Doc. No. 476
Page No. 88
Book No. 1
Series of 2021

ATTY. DANICA PATRICIA D. CAPUTOL

NOTARY PUBLIC
For Ormoc City, Kananga, Matag-ob,
Merida, and Isabel, Leyte
Notarial Commission No. ORM-20-12-005
Valid until December 31, 2022

Roll of Attorney's No. 67474
IBP RECEIPT NO. 148926, IBP Leyte, 6 January 2021
PTR RECEIPT NO. 6656010, Ormoc City, 20 January 2021
MCLE Compliance No. VI-0010850 Valid until 14 Apr 2022
TIN: 715-069-302

CAPUTOL LAW OFFICE
Cor. Arredaza and Lopez Jaena Sts.,
District 11, Ormoc City
Tel No. (053) 520-7084



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

TASK FORCE AGAINST CORRUPTION
Operations Center

Reference No. 256-210928-090

19 November 2021

ATTY. DANIEL DARIUS M. NICER
Assistant Secretary
Department of Environment and Natural Resources
Visayas Avenue, Diliman
Quezon City 1100

Re: Request for Comment on the Complaint of Mr. Jose S. Burgos, Jr.


Dear Assistant Secretary Nicer:

We write on behalf of the Task Force Against Corruption created pursuant to President Rodrigo R. Duterte's directive¹ to investigate allegations of corruption in the entire government and refer to the complaint of Mr. Jose S. Burgos, Jr. alleging that the Department of Environment and Natural Resources (DENR) MIMAROPA failed to act on his brother's application for a Miscellaneous Sales Application over two (2) lots located in Palawan. Mr. Burgos mentioned that DENR allegedly refused to execute its final and executory orders, turned around and issued a new one reversing the former. According to the complainant, the Assistant Secretary is "behind the alleged irregular procedure".

In this regard, we would like to request the Assistant Secretary to comment on the said allegations. Attached for your reference is a copy of Mr. Burgos' complaint together with its attachments.

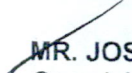
Thank you.

Very truly yours,


MARGARET V. CASTILLO-PADILLA
Assistant Secretary

Copy furnished:

HON. MENARDO I. GUEVARRA
Chairman, Operations Center
Task Force Against Corruption
DEPARTMENT OF JUSTICE
Padre Faura St., Ermita Manila


MR. JOSE S. BURGOS, JR.
Complainant
M. Tan Compound, Real St.
6541 Ormoc City

¹ Memorandum dated 27 October 2020.

Republic of the Philippines
Department of Environment and Natural Resources
OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR
Region IV
L & M Building, Roxas Boulevard
Manila



LAURENTE BURGOS,
Protestant,

-versus-

MSA (IV-26) 2508 of
ESTER MANILA,
Protestee.

DENR Case No. IV-5652
Lot No. 405, Cad 800-D
(Identical to portion of
Lot 164, Cad 37)
Brgy. Magkakaibigan,
Puerto Princesa City

x ----- x

MOTION FOR RECONSIDERATION

• COMES NOW THE PROTESTEE, by herself and to this Honorable Office, most respectfully states that:

1. On April 14, 1999, the protestee received a copy of the Order of this Honorable Office dated March 30, 1999, the dispositive portion of which reads as follows:

“WHEREFORE, viewed from all the foregoing, Miscellaneous Sales Application (IV-26) 2508 in the name of Ester Manila is hereby, as it is, ORDERED rejected and the office’s earlier stand in the controversy between Maria Maristela and Buenaventura Manila is hereby set aside. The Community Environment and Natural Resources Officer of Puerto Princesa City is hereby directed to give further due course to the Miscellaneous Sales Application of Laurente Burgos.”

2. The protestee hereby moves for the reconsideration of the said Order for reasons discussed hereunder:

First. The protestee was deprived of her constitutional right to due process. The record will show that she was not furnished a copy of the Protest

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allegedly filed against her application by Laurente Burgos. Neither was she furnished copies of the other documents on which the Order dated March 30, 1999 was based, namely: the Special Power of Attorney in favor of Jose Burgos, Jr., Miscellaneous Sales Application (MSA) of Laurente Burgos, letter of the protestant dated November 27, 1956, letter dated December 22, 1957 of then District Land Office Diomedes de Guzman to Laurente Burgos, and Waiver dated December 27, 1957.

Not having been so furnished, the protestee was unable to verify the authenticity of the said documents and, when applicable, dispute the same. Basic dictates of justice and fair play prevents the use of the said documents against the protestee. It is submitted that the Order dated March 30, 1999 must be reconsidered and set aside on such ground - violation of her constitutional right to due process - alone.

Second. The only document received by the protestee prior to the assailed Order is that dated May 28, 1998 where the herein parties were directed by Felix L. Valle, Land Management Officer of the CENRO, Puerto Princesa City to submit their respective memoranda in support of their positions. To date, the protestee has not received any Memorandum, or any pleading for that matter, from the protestant. There being no Memorandum filed in support of the Protest of Laurente Burgos, this Office has no discretion but to dismiss the same. The protestee need not file any Memorandum to controvert the allegations in the Protest for the simple reason that there is nothing to controvert, the Protest not having been substantiated.

Instead of dismissing the Protest for lack of merit, however, this Office sustained it by its Order dated March 30, 1999. There being no evidence in support of the Protest, it is submitted that the said Order must be reconsidered and set aside and the Protest dismissed.

Third. In the first paragraph of its Order dated March 30, 1999, this Office immediately assumed that the parcel of land purportedly covered by the MSA of Laurente Burgos is the same as that covered by the MSA of the protestee. From the second paragraph of the said Order, however, it would appear that the lots

3-2

allegedly applied for by Laurente Burgos are identified as Lots Nos. 165 and 168, Cad 37, Puerto Princesa, Palawan while the lot applied for by the protestee is identified as Lot No. 405, Cad 800-D (which is identical to Lot No. 164, Cad 37). It is clear that the lots applied for by the herein parties are mutually exclusive as they are different lots. There is, therefore, no conflict between the MSA's of the herein parties and both may proceed independently.

Fourth. Per findings in the said Order, the MSA of Laurente Burgos was filed on November 3, 1956 while his Protest was filed, more than 40 years later on March 26, 1997. On the other hand, the possession of the protestee started in 1957 to date or a span of more than 40 years. Based thereon and assuming that Laurente Burgos has any right over Lot No. 405, Cad 800-D (which is identical to Lot No. 164, Cad 37), the cause of action of Laurente Burgos has lapsed due to laches and extinctive prescription (Article 1141, Civil Code) while the ownership over the disputed parcel of land has become vested in the protestee by acquisitive prescription (Articles 1132 or 1137, Civil Code).

Incidentally, the proposition that laches and prescription has set in is further supported by the fact that Laurente Burgos has not paid any real property taxes over Lot No. 405, Cad 800-D (which is identical to Lot No. 164, Cad 37) contrasted with the fact that the protestee, by herself and through her predecessor-in-interest, had been in actual possession of the said parcel of land and so paid the real estate taxes thereon.

Finally. The Order dated March 30, 1999 made mention of the fact that the protestee filed her MSA in bad faith, i.e., with knowledge of the MSA of Laurente Burgos. It is submitted that the facts cited in the said Order point to the contrary. The MSA of the protestee is over a lot different from that covered by the MSA of Laurente Burgos. Under such circumstances, the protestee and her predecessor-in-interest could not be concluded to have known of the MSA of Laurente Burgos.

WHEREFORE, it is most respectfully prayed of this Honorable Office that its Order dated March 30, 1999 be reconsidered and set aside and that the Protest of Laurente Burgos be dismissed for lack of merit.

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Puerto Princesa City, Palawan, for Manila, April 28, 1999.

Ester Manila
ESTER M. MANILA
Protestee/Movant

SUBSCRIBED AND SWORN to before me this 30th day of April, 1999 at
QUEZON CITY affiants showing her Community Tax Certificate No. 13611439
issued on February 3, 1999 at Puerto Princesa City.

WITNESS MY HAND AND SEAL.

JG
JOEL G. GORDOLA
NOTARY PUBLIC
UNTIL DEC. 31, 1999
PTR NO. 190238/I-II-99; Q.C.

DOC. NO. 43
PAGE NO. 9
BOOK NO. 311-C
SERIES OF 199 9

COPY FURNISHED:

LAURENTE BURGOS
for Jose Burgos, Jr.
Ormoc City

HON. ANTONIO CERILLES
Secretary
Department of Environment and Natural Resources



Color-code's enterprise to reverse own DENR Orders on Case No. IV-5652 twice issued and unrefuted considered facts-based findings; DENR Orders sustainable, green Reversal unsustainable, red

SUMMARY OF ORDERS/DECISIONS/INDORSEMENT/ MEMORANDA ISSUED IN DENR CASE NO. IV-5652 ENTITLED "ESTER MANILA, PROTESTEE-APPELLANT, VERSUS THE REGIONAL EXECUTIVE DIRECTOR, DENR REGION IV, LAURENTE BURGOS AND MARIA QUICHO VDA. DE MARISTELA, APPELLEES" INVOLVING LOT NO. 405, CAD. 800-D IDENTICAL TO PORTION OF LOT 164, CAD-37, MAGKAKAIBIGAN, PUERTO PRINCESA CITY

March 30, 1999	<p>An Order was issued by then Regional Executive Director (RED) Antonio G. Principe:</p> <p><i>"WHEREFORE, viewed from all the foregoing, Miscellaneous Sales Application (IV-26) 2508 in the name of Ester Manila is hereby, as it is, ORDERED rejected and the office's earlier stand in the controversy between Maria Maristela and Buenaventura Manila is hereby set aside. The Community Environment and Natural Resources Officer of Puerto Princesa City is hereby directed to give further due course to the Miscellaneous Sales Application of Laurente Burgos"</i></p>
July 23, 1999	<p>An Order was issued by then RED Vicente S. Paragas:</p> <p><i>"WHEREFORE, for failure on the part of the PENR Office of Palawan to observe the required due process, the Order of this Office dated March 30, 1999 is hereby, as it is, ordered set aside. Let the records of this case be forwarded back to the PENR Office of Palawan for further proceeding."</i></p>
August 18, 2001	<p>An Order was issued by then RED Samuel R. Peñañiel:</p> <p><i>"WHEREFORE, in light of all the foregoing, the claim of Maria Quicho Vda. De Maristela over the Lot in question is hereby, as it is, ORDERED DENIED and REJECTED. Likewise, the Protest of Laurente Burgos against the Miscellaneous Sales Application of Ester Manila, is hereby, as it is, ORDERED dismissed for lack of merit. M.S.A. No. V-44506 in the name of Laurente Burgos is hereby ORDERED REJECTED. Finally, Ester Manila is hereby given the preferential right over Lot 405, Cad. 800-D having a total area of 197 square meters located at Magkakaibigan, Puerto Princesa, Palawan. The PENRO of Palawan is hereby directed to further give due course to MSA (IV-26) 2508 in the name of Ester Manila. The Order dated March 30, 1999 is hereby ORDERED SET ASIDE."</i></p>
January 17, 2002	<p>An Order was issued by then RED Samuel R. Peñañiel:</p>

	<p>"WHEREFORE, in light of all the foregoing, the motion for reconsideration filed by protestee, Ester Manila, is hereby, as it is, ordered DENIED for lack of merit"</p>
October 26, 2002	<p>An Order was issued by then Secretary Heherson T. Alvarez:</p> <p>"WHEREFORE, in view of the foregoing, this Order is hereby issued:</p> <ol style="list-style-type: none"> 1. DECLARING Laurente Burgos to have preferential right over the subject property, reinstating his MSA No. V-44506, and directing the Provincial Environment and Natural Resources Office (PENRO) of Palawan to further give it due course; 2. REJECTING MSA No. (IV-26) 2508 of Ester Manila; 3. DECLARING the subject property to be commercial in nature and therefore not covered by R.A. No. 730; and 4. MODIFYING accordingly the Order dated 18 August 2001 of the RED of DENR-Region IV"
September 11, 2003	<p>A Decision was issued by then Secretary Elisea G. Gozun:</p> <p>"WHEREFORE, IN LIGHT OF ALL THE FOREGOING:</p> <ol style="list-style-type: none"> 1. The Decision of the Office of the Secretary dated October 26, 2002 <ol style="list-style-type: none"> a. insofar as it declared Laurente Burgos to have preferential right over the property subject of MSA No. V-44506, and rejected the MSA No. (IV-26) 2508 of Appellant is hereby SET ASIDE. b. Insofar as it declared the property in question as commercial in nature is hereby MODIFIED. The said property is residential and should be disposed under R.A. No. 730. 2. The Decision of the RED DENR-Region IV dated August 18, 2001 is hereby reinstated and has attained FINALITY in so far as it rejected the claim of Maria Quicho Vda. De Maristela and rejected MSA No. V-44506 of Laurente Burgos over the subject property. MSA No. (IV-26) 2508 of Appellant Ester Manila shall be given due course by DENR Region IV"
July 16, 2004	<p>A Certification was issued by then, Chief, Records Management and Documentation Division Galo C. Martinez, Jr.:</p> <p>"xxx-xxxx no Motion for Reconsideration was filed by the aggrieved party in DENR Case No. IV-5652 entitled "ESTER MANILA, Proteste-Applicant, versus THE REGIONAL EXECUTIVE DIRECTOR, DENR-REGION IV, LAURENTE BURGOS AND MARIA QUICHO VDA. DE MARISTELA, Appellees." From the Decision issued by the Honorable Secretary on September 11, 2003."</p>
August 20, 2004	<p>A 1st Indorsement was issued by then Director, Legal Service Clarence M. De Guia:</p>

	<p><i>"In view of the Certification, dated July 16, 2004, of the Records Management and Documentation Division, DENR, Visayas Avenue, Diliman, Quezon City that no Motion for Reconsideration was filed by the aggrieved party in DENR Case No. IV-5652 entitled "ESTER MANILA, Protestee-Appellant, versus THE REGIONAL EXECUTIVE DIRECTOR, DENR REGION IV, LAURENTE BURGOS AND MARIA QUICHO VDA. DE MARISTELA, Appellees, from the Decision, dated September 11, 2003, of the Honorable Secretary, the said Decision is now final and executory.</i></p> <p><i>Forwarded herewith is the complete records of the case for execution of the subject decision."</i></p>
September 07, 2004	<p>A Memorandum was issued by the OIC, Regional Technical Director for Lands Lydia S. Lopez to the Chief Legal Division referring the 1st Indorsement issued by then Director, Legal Service Clarence M. De Guia, including the complete records of the case for the desired/required issuance of writ of execution.</p>
November 04, 2004	<p>A Memorandum was issued by then OIC-Chief, Legal Division Atty. Maria Luz M. Recelestino for the OIC, Regional Technical Director for Lands forwarding the complete records of the case consisting of eight (8 folders) since the desired action on the said matter is now within their jurisdiction. The order issued on the case has already become final and executory hence, it may now be executed.</p>
June 22, 2005	<p>An Order of Execution was issued by then OIC, RED Ernesto D. Adobo, Jr., addressed to the CENR Officer, Puerto Princesa City:</p> <p><i>"WHEREFORE, the afore-quoted Decision of the DENR Secretary which was declared final and executory by the Director, Legal Service, DENR on August 20, 2004 on the basis of the certification issued on July 16, 2004 by the Chief, Records Management and Documentation Division, DENR, may now be executed.</i></p> <p><i>In view of the fact that the winning litigant Ester Manila has already maintained possession and occupation over the subject land and has long established residency thereof, the Community Environment and Natural Resources Officer (CENRO) of Puerto Princesa City is hereby ordered to comply with and enforce the Decision by giving further due course to the miscellaneous sales application of Ester Manila over the subject land. The area shall be disposed of in accordance with the sale of public lands for residential purposes under the purview of Republic Act 730."</i></p>
November 10, 2009	<p>A Certification was issued by LMO I/Acting Records Officer Rizalina B. Francisco:</p> <p><i>"This is to certify that MSA No. (IV-A) 2508 of Ester Manila over Lot No. 405, Cad-800-D, identical to portion of Lot No. 164, Cad-37 with an area of 197 square meters more or less located at Barangay</i></p>

	<p><i>Magkakaibigan, Puerto Princesa City, Palawan has already been given favorable due course pursuant to the Order of Execution issued by the OIC, Regional Executive Director Atty. Ernesto D. Adobo, Jr. dated June 22, 2005 in compliance to the decision rendered by the Office of DENR Secretary on September 11, 2003 which decision has been declared final and executory.</i></p> <p><i>This further certify that the appraisal of the aforementioned lot has already been approved by the Regional Executive Director on September 26, 2006, and the applicant Ester Manila has paid the first installment of 10% of purchase price in the amount of P28,486.20 under Official Receipt No. 5503725 dated September 13, 2007. Issuance of Order of Award has been recommended on September 17, 2007."</i></p>
November 16, 2012	Letter of Jose S. Burgos, Jr. to the PENR Officer, Palawan, seeking to be informed of the latest status of DENR Case No. IV-5652.
October 13, 2013	A Memorandum was issued by then PENR Officer, Palawan for the RED forwarding the letter dated November 16, 2012 of Mr. Burgos, Jr., considering that the complete original records of the case is within that office level.
September 01, 2014	<p>A Memorandum was issued by the OIC-Chief, Legal Division Atty. Gandhi G. Flores for the OIC-Chief, Land Management Division, regarding the Memorandum dated October 13, 2013 of the PENR Officer, Palawan:</p> <p>"Per logbook of the Legal Division, the entire records of the said case were forwarded to your office on November 05, 2004 consisting of eight (8) folders."</p>
October 22, 2018	A Memorandum was issued by the RED to the OIC, PENR, Officer, Palawan (attention: CENR Officer, Palawan) wherein the records of the case were forwarded for implementation.

question began in the 1950's. Buenaventura Manila acted in bad faith when he filed his Miscellaneous Sales Application in October 1987 knowing fully well the claim of Laurente Burgos over the said lot and that he was able to occupy the said lot only thru the intercession of the then District Land Officer of Puerto Princesa, Palawan, Dionisio de Guzman. The waiver he executed dated December 27, 1957 only bolsters the claim of Laurente Burgos over the lot in question. The discrepancy in the lot number indicated in the application is immaterial considering that the boundaries indicated in the public application sufficiently points to the same lot applied for by Buenaventura Manila now in the name of Ester Manila. It is also clear from the facts of this case that the area claimed by Manila is the very same lot claimed by Laurente Burgos. This Office cannot therefore sustain the earlier findings made by Land Investigator Felix Valle that the area applied for by Burgos is different from that applied for by Manila.

WHEREFORE, viewed from all the foregoing, Miscellaneous Sales Application (IV-26) 2508 in the name of Ester Manila is hereby, as it is, ORDERED rejected and the office's earlier stand in the controversy between Maria Maristela and Buenaventura Manila is hereby set aside. The Community Environment and Natural Resources Officer of Puerto Princesa Office is hereby directed to give further due course to the Miscellaneous Sales Application of Laurente Burgos.

SO ORDERED. MAR 30 1999

ANTONIO G. PRINCIPLE
Regional Executive Director

Clearly, from these two documents, if Ester Manila and her predecessor-in-interest Buenaventura Manila had been in actual occupation of the subject property, it was only upon the tolerance of Laurente Burgos and his own predecessor-in-interest. Furthermore, Buenaventura Manila had previously acknowledged the superior right of Laurente Burgos over the subject property, and even waived any claim of his own over the same. Such explicit acts place Buenaventura Manila in estoppel against asserting any claim against Laurente Burgos, and such estoppel will work equally against his successor-in-interest Ester Manila.

This Ester Manila should not now be allowed to contest the claims of Laurente Burgos over the subject property, or more appropriately, to assert her own claim - which was merely based on the claim of her late father Buenaventura Manila - over the subject property.

In sum, it is therefore Laurente Burgos, and not Ester Manila, who should be given preferential right over the subject property.

SO ORDERED.

Quezon City, Philippines. OCT 26 2002

HERSON T. ALVAREZ
Secretary

OPINION

JORGE V. ARUTA, Editor



EUGENIA D. APOSTOL
Founding
Chairman

PHILIPPINE DAILY INQUIRER

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Faulty reasoning

HEdid not know.
That is President Estrada's explanation for how one



CENTRAL VISAYAS

Puerto Princesa, Palawan
December 27, 1957

KASUDOAN
(Waiver...)

Ako si Maginoeng BUENAVENTURA MANILA ay taimtimang nakikisuyo sa kakalang-galang na pamilyang SOBERANO-BURGOS, upang sana ay mapahintulatang magpatayu ng isang maliit at pangsamantalang puesto, na sapat lamang sa isang upuan ng barberya sa loob ng kanilang nabakanteng bakuran.

Kinikilala ko ang sapat nilang karapatan sa lupang ito dahil sa matagal nilang pag-ukupa nito. Alam kong napagpatayang na nila ngg kanilang bahay tirahan sa loob ng lupang ito ng malalong panahon na bage lang imutos na ipa-guiba ito ng Bureau of Lands dulot ng permal na nilang pag-"file" ng isang MISCELLANEOUS SALES APPLICATION sa pangalan ni LAURENTE S. BURGOS, neong nakalipas na taon.

At tinatangap ko rin na itong kasundoang ito, ay malakas na hadlang sa aking sarili, sa pag-mayari ng lupa ito kahit na kailan.

Sana po'y mapagbigyan naman ako ninyo.

B. Buenaventura Manila
BUENAVENTURA MANILA
(solicitor)

Attested by:

DIOMEDES Q. DE GUZMAN
Dist. Land Officer

Rosauro Torres
ROSAURO TORRES

NOTED:
JPSE B. BURGOS, Jr.

CERTIFIED

COPY: from the Regional
124 folders

GALO C. MARTINEZ, JR.
CHIEF, RECORDS MANAGEMENT
& DOCUMENTATION DIVISION

12/29/57

12/29/57

Land ownership in question

Phil. Daily Inq.

Thurs. May 28/15

SOME personnel of the Department of Environment and Natural Resources (DENR) assigned in Palawan are allegedly making a killing titling public lands and selling them to investors who cash in on the economic boom in the province and its capital, Puerto Princesa City.

Of course they are too wise to show their ownership of the lands, so these are titled in the names of their relatives or friends, if you are to believe the claim of some residents.

And if the properties are already titled to Palawan natives or poor people holding tax declaration papers, these government men take advantage of their positions to land-grab the properties.

A total of 10 current and retired DENR personnel in Palawan are the subject of a complaint for alleged land-grabbing of 1,000 hectares from 500 owners, mostly indigenous people, in Sitio Sia, Barangay Buenavista, Puerto Princesa City.

The land in question was acquired by Felix and Natividad Abrea and their relatives and fellow Cuyunin (Palawan native) in 1968 through a tax declaration after the government declared it

ON TARGET

Ramon Tulfo



"alienable and disposable."

The son of the Abrea couple, Quirino, came to this columnist to complain that the administrative case he filed against the DENR personnel was not being acted upon.

The DENR officials in Manila would do well to take a hard look at Abrea's complaint because they might stumble on other reported land-grabbing cases attributed to their subordinates in Palawan and Puerto Princesa City.

A former Palawan environment and natural resources officer, who has been assigned to another province, has become wealthy because he reportedly engaged in the malpractice.

He goes back to Puerto Princesa every now and then to sell or look after his properties which have not yet been sold.

Of course, the properties are

not in his name.

A Makati City prosecutor is reported to file in court a case against pa-
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Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

TASK FORCE AGAINST CORRUPTION
Operations Center

Reference No. 256-210928-090

19 November 2021

ATTY. DANIEL DARIUS M. NICER

Assistant Secretary
Department of Environment and Natural Resources
Visayas Avenue, Diliman
Quezon City 1100

Re: Request for Comment on the Complaint of Mr. Jose S. Burgos, Jr.


Dear Assistant Secretary Nicer:

We write on behalf of the Task Force Against Corruption created pursuant to President Rodrigo R. Duterte's directive¹ to investigate allegations of corruption in the entire government and refer to the complaint of Mr. Jose S. Burgos, Jr. alleging that the Department of Environment and Natural Resources (DENR) MIMAROPA failed to act on his brother's application for a Miscellaneous Sales Application over two (2) lots located in Palawan. Mr. Burgos mentioned that DENR allegedly refused to execute its final and executory orders, turned around and issued a new one reversing the former. According to the complainant, the Assistant Secretary is "behind the alleged irregular procedure".

In this regard, we would like to request the Assistant Secretary to comment on the said allegations. Attached for your reference is a copy of Mr. Burgos' complaint together with its attachments.

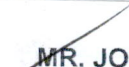
Thank you.

Very truly yours,


MARGARET V. CASTILLO-PADILLA
Assistant Secretary

Copy furnished:

HON. MENARDO I. GUEVARRA
Chairman, Operations Center
Task Force Against Corruption
DEPARTMENT OF JUSTICE
Padre Faura St., Ermita Manila


MR. JOSE S. BURGOS, JR.
Complainant
M. Tan Compound, Real St.
6541 Ormoc City

Reg

¹ Memorandum dated 27 October 2020.