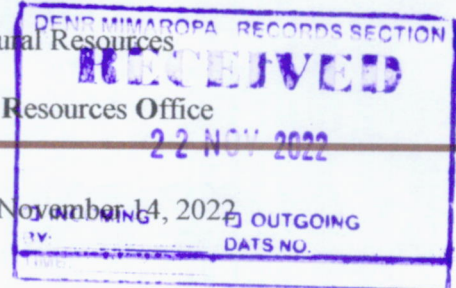




Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA REGION**  
Provincial Environment and Natural Resources Office



November 14, 2022

**MEMORANDUM**

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

**ATTENTION:** The Chief, Licenses, Patents and Deeds  
The Chief, Legal Services Division

**FROM :** The OIC, PENR Officer  
PENRO Oriental Mindoro

**SUBJECT :** **ALTERNATIVE DISPUTE RESOLUTION (ADR)  
PROCEEDINGS: ADR CASE NO. 2022-1752039-0211, VIVENCIO  
TUPAS REP. BY ENRIQUE TUPAS -VERSUS- JOVY F.  
HERRERA, COVERING LOT NO. 124, GSS-340 IDENTICAL TO  
LOT NO. 3513, CAD 957-D LOCATED AT BARANGAY  
TAGUMPAY, POLA, ORIENTAL MINDORO**

Forwarded herewith is the report of Alternative Dispute Resolution Proceedings regarding conflict between *Vivencio Tupas represented by Enrique Tupas and Jovy F. Herrera* covering Lot No. 124, Gss-340 identical to Lot No. 3513, Cad 957-D located at Barangay Tagumpay, Pola, Oriental Mindoro.

The ADR proceeding was executed by ADRO/LMO II Andres Oliver G. Arias of CENRO Socorro, Oriental Mindoro, however, parties did not settle amicably, hence, an Order of Failure of ADR was issued dated November 2, 2022 by CENRO Rodel M. Boyles.

Attached are pertinent documents relative thereto.

For information, record and reference.

  
**ALAN L. VALLE**

Copy furnished:

*PENRO Planning Unit*

Tracking Nos.: 2210000002

TSD/RPS

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



IN RE: APPLICATION OF Vivencio Tupas  
rep. by Enrique Tupas over Lot No. 124, Gss-  
340 identical to Lot No. 3513, Cad 957-D at  
Brgy. Tagumpay, Pola Or. Mindoro

Vivencio Tupas rep. by Enrique Tupas  
(Applicant)

DENR Case No. 2  
ADR Case No. 2022-1752039-0211

Jovy F. Herrera  
(Claimants-adjoining lot owners/Interested parties)  
x-----x

### ORDER OF FAILURE OF ADR<sup>1</sup>

In view of the termination of the ADR proceedings and pursuant to Section 23 of DENR Administrative Order No. 2016-30 dated 22 December 2016<sup>2</sup>, the claimant is hereby given 30 days from receipt hereof to file his/her verified Protest against the Agricultural Free Patent Application No. 9-3935 of Vivencio Tupas and comply with the requirements under Section 4 of DENR Administrative Order No. 2016-31 dated 29 December 2016<sup>3</sup> Otherwise, the Public Land Application shall be processed/ given due course.

SO, ORDERED.

Pasi, Socorro, Oriental Mindoro, Philippines, November 2, 2022.

  
RODEL M. BOYLES  
CENR Officer

<sup>1</sup> This form can be used during voluntary ADR; Voluntary ADR applies when there is no pending protest/ claims and conflict case.

<sup>2</sup> Section 23 (Failure of ADR), DENR Administrative Order No. 2016-30 dated 22 December 2016, Guidelines in the Conduct of Alternative Dispute Resolution (ADR) in Land Management and Disposition.

<sup>3</sup> DAO 2016-31, Section 4. Formal Requirements of a Protest. The Protest shall be written in clear, simple, brief and concise language either in Filipino or English and must contain the names of the parties, their addresses, the material allegations, the grounds relied upon, and the documentary and other forms of evidence to support the allegations. The Protest must be accompanied by the following documents: (a) Certificate to file action from the barangay concerned, if applicable; (b) Verification and Certification of Non-Forum Shopping; (c) Proof of payment of the Protest fee; and (d) A recent 2x2 picture of the protestant and his or her duly authorized representative and the subject lot/s. The Protest and its supporting documents must be filed in three (3) copies.





Republic of the Philippines  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
MIMAROPA Region  
Community Environment and Natural Resources Office

October 27, 2022

**MEMORANDUM**

**FOR** : The Regional Executive Director  
**THRU** : The PENR Officer  
**FROM** : The CENRO  
**SUBJECT** : **SUBMISSION OF ALTERNATIVE DISPUTE RESOLUTION**

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE ORIENTAL MINDORO	
PENRO TRACKING NO.	
RECEIVED BY	<i>[Signature]</i>
DATE	NOV 08 2022
TIME	

Respectfully submitting the unsuccessful voluntary Alternative Dispute Resolution Proceedings between Vivencio Tupaz rep. by Enrique Tupaz with the complied SPA versus Jovy Herrera regarding the land conflict on Lot No. 124 Gss-340 identical to Lot 3513, Cad 957-D situated at Brgy. Tagumpay, Pola, Oriental Mindoro.

Attached are the following documents to support the ADR Proceedings:

1. On site Investigation Report
2. Authority of the ADRO to conduct ADR proceedings
3. Agreement to Undertake Alternative Dispute Resolution Proceedings
4. SPA authorizing Enrique Tupas to represent and sign in behalf of Vivencio Tupaz
5. Notice for ADR Proceedings
6. Report on ADR Proceedings

For information and record.

*For and in the absence of the CENR Officer:*

*[Signature]*  
**LEO G. CAPON**



Republic of the Philippines  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
MIMAROPA Region  
Community Environment and Natural Resources Office

October 27, 2022

**MEMORANDUM**

**FOR** : The Regional Executive Director  
**THRU** : The PENR Officer  
**FROM** : The CENRO  
**SUBJECT** : **SUBMISSION OF ALTERNATIVE DISPUTE RESOLUTION**

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENRO TRACKING NO.	
RECEIVED BY:	<i>[Signature]</i>
DATE:	NOV 08 2022
TIME:	

Respectfully submitting the unsuccessful voluntary Alternative Dispute Resolution Proceedings between Vivencio Tupaz rep. by Enrique Tupaz with the complied SPA versus Jovy Herrera regarding the land conflict on Lot No. 124 Gss-340 identical to Lot 3513, Cad 957-D situated at Brgy. Tagumpay, Pola, Oriental Mindoro.

Attached are the following documents to support the ADR Proceedings:

1. On site Investigation Report
2. Authority of the ADRO to conduct ADR proceedings
3. Agreement to Undertake Alternative Dispute Resolution Proceedings
4. SPA authorizing Enrique Tupas to represent and sign in behalf of Vivencio Tupaz
5. Notice for ADR Proceedings
6. Report on ADR Proceedings

For information and record.

*For and in the absence of the CENR Officer:*

*[Signature]*  
**LEO G. CAPON**



C- Socorro



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

June 23, 2022

**MEMORANDUM**

**TO :** The CENR Officer  
CENRO Socorro

**ATTENTION:** The Chief  
Regulation and Permitting Section

**FROM :** The In-Charge  
PENRO Oriental Mindoro

**SUBJECT :** **ADR PROCEEDING REPORT RE: ADR CASE NO. 2022-1752039-0211, VIVENCIO TUPAS REP. ENRIQUE C. TUPAS, Potestant, -VERSUS- JOVY F. HERRERA, Protestee**

<b>DENR - CENRO</b>	
PASI SOCORRO, ORIENTAL MINDORO	
DOC. # _____	
RECEIVED	RELEASED
BY: _____	BY: _____
DATE: 6/20/22	DATE: _____
TIME: _____	TIME: _____

Returned herewith is your submitted unsuccessful ADR proceeding report regarding the ADR Case No. 2022-1752039-0211 between Vivencio Tupas represented by Enrique C. Tupas and Jovy F. Herrera covering Lot No. 124, Gss-340 identical to Lot No. 3513, Cad 957-D located at Tagumpay, Pola, Oriental Mindoro.

Be informed that upon review and evaluation of documents, it was ascertained that there is no attached Special Power of Attorney (SPA) authorizing Enrique C. Tupas to represent and to sign in behalf of Vivencio Tupas. In this regard, kindly advise the concerned party to provide the necessary document for this Office to issue an Order of Failure of ADR.

For compliance.

  
**ALMA E. GIBE**

Tracking No.: 22060000440

TSD/RPS/Del

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 3, 2022

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

**THRU** : The In-Charge, PENRO Oriental Mindoro

**FROM** : The CENR Officer  
CENRO Socorro, Oriental Mindoro

**SUBJECT** : **SUBMISSION OF ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS**

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
PENRO TRACKING NO.	RECEIVED BY: <i>[Signature]</i>
DATE: JUN 17 2022	TIME:

Respectfully submitting the unsuccessful voluntary Alternative Dispute Resolution Proceedings between Vivencio Tupaz rep. by Enrique Tupaz versus Jovy Herrera regarding the land conflict on Lot No. 124, Gss-340 identical to Lot 3513, Cad 957-D situated at Barangay Tagumpay, Pola, Oriental Mindoro.

Attached are the following documents to support the ADR Proceedings:

1. On Site Investigation Report
2. Authority of the ADRO to conduct ADR Proceedings
3. Notice of ADR Proceedings
4. Agreement to Undertake ADR Proceedings
5. Report on ADR Proceedings

For information and record.

*[Signature]*  
**RODEL M. BOYLES**





## MEMORANDUM

TO : ADR OFFICER/LMO II ANDRES OLIVER G. ARIAS

FROM : The CENR Officer

SUBJECT : **AUTHORITY OF THE ADRO TO CONDUCT ADR PROCEEDINGS ON THE PUBLIC LAND CLAIM OF VIVENCIO TUPAZ REP. BY ENRIQUE TUPAS AND JOVY HERRERA OVER LOT NO. 124, GSS-340 IDENTICAL TO LOT NO. 3513, CAD-957-D LOCATED AT BRGY. TAGUMPAY, POLA OR. MINDORO.**

DATE : March 9, 2022

In view of the agreement of the parties to undertake ADR proceedings as evidenced by the signed Agreement to Undertake ADR Proceedings, (ADR Form 4) pursuant to Section 17 of DAO No. 2016-30 dated 22 December 2016 and related laws, rules and regulations, you are hereby directed to immediately conduct ADR proceedings.

As ADR officer, you shall act with the highest degree of diligence and integrity, and perform duties not limited to the following:<sup>1</sup>

1. Personally, conduct the proceedings without delay;
2. Conduct the proceedings in the venue designated for the purpose;
3. Maintain neutrality and impartiality in all aspects of the proceedings;
4. Ensure that parties have understood and agreed with the terms and conditions, which will govern the ADR proceedings;
5. Observe confidentiality of the proceedings; and
6. In case of conflict of interest, the ADR officer shall disclose such fact, and immediately inform his/her immediate supervisor and voluntarily inhibit from the assignment.

There must be at least one (1), but not more than three (3) ADR sessions and no two (2) sessions may be held on the same day unless the parties agree otherwise. The sessions must be completed within thirty (30) days from the first ADR session.

For immediate compliance.

  
RODEL M. BOYLES





MEMORANDUM

FOR : THE CHIEF RPS

FROM : THE LMO II/ADR OFFICER

SUBJECT : INVESTIGATION REPORT ON SITE VERIFICATION ON  
THE PUBLIC LAND CLAIMS OF VIVENCIO TUPAZ rep. by  
ENRIQUE C. TUPAS AND JOVY F. HERRERA OVER LOT  
NO. 124 GSS-340 IDENTICAL TO LOT 3513, CAD-957-D AT  
BRGY. TAGUMPAY, POLA, ORIENTAL MINDORO.

DATE : March 09, 2022

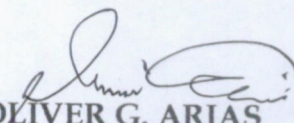
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On March 08, 2022, Enrique Tupas appeared at CENRO-SOCORRO to claimed a parcel of land identified as Lot No. 124, Gss-340 identical to Lot 3513, Cad-957-D at Brgy. Tagumpay, Pola, Oriental Mindoro.

*On site verification, it was held and determined that **Enrique Tupas** is claiming the lot stated above that was inherited from his deceased father. However, **Jovy Herrera** is also claiming the said lot through his actual occupation and already introduced an improvement seen through the planted trees inside the said lot.*

To settle their issues, the interested parties have voluntarily agreed to submit themselves to ADR proceedings.

Attached herewith is the Agreement to Undertake Alternative Dispute Resolution Proceedings.

  
ANDRES OLIVER G. ARIAS  
Land Management Officer II/ADR Officer





**IN RE:**

- ☐ Agricultural Free Patent Application
- ☐ Residential Free Patent Application
- ☐ Homestead Patent Application
- ☐ Miscellaneous Sales Patent Application
- ☐ Sales Patent under R.A. No. 730
- ☐ Tenurial Instrument Application
- ☐ Others

ADR Case No. 2022-175039-0211

**VIVENCIO TUPAS**

**REP. BY ENRIQUE C. TUPAS**

*Protestant*

**JOVY F. HERRERA**

*Protestee*

**LOT NO. 124, GSS-340, IDENTICAL TO LOT  
NO. 3513, CAD-957-D LOCATED AT BRGY.  
TAGUMPAY, POLA OR MINDORO**

X-----X

**AGREEMENT TO UNDERTAKE ALTERNATIVE  
DISPUTE RESOLUTION PROCEEDINGS**

We, **VIVENCIO TUPAS REP. BY ENRIQUE C. TUPAS** and **JOVY F. HERRERA**, claimants of the parcel of public land identified as **Lot No. 124, GSS-340, identical to Lot No. 3513, Cad 957-D**, situated at **Brgy, Tagumpay, Pola, Oriental Mindoro**, hereby declare and voluntarily agree to undergo Alternative Dispute Resolution (ADR) Proceedings in the pursuit of reaching out agreements/concessions on our dispute/s or conflict/s and work collaboratively together to obtain a mutually satisfying resolution of our issues.

This undertaking is in accordance with Chapter 4 and Chapter 6 of DENR Administrative Order (DAO) No. 2016-30 and all related laws, rules and regulations in the settlement of disputes and disposition of public land.

We stipulate and agree to submit all disputes, claims or controversies to the ADR Officer (ADRO) or competent authority in accordance with DAO No. 2016-30 and the terms and conditions which will govern the ADR Proceedings including those relating to obligations of confidentiality on the ADRO and on the parties.

We agree that we may stop the ADR process at any point of the proceeding by informing the ADRO and parties involved. Despite withdrawal, the parties shall continue to be bound by the confidentiality provisions of this agreement and agree not to use any information gained in the ADR sessions against other party.



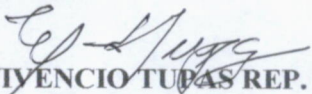
Republic of the Philippines  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
MIMAROPA Region  
Community Environment and Natural Resources Office

We abide by this Undertaking and are fully aware that any agreements reached on the ADR proceedings shall form part of the records of the pending application and be utilized in the disposition of the public land by the concerned DENR Office.

We mutually agree to meet on **March 10, 2022** at **DENR CENRO SOCORRO Office, Brgy. Pasi II, Socorro, Oriental Mindoro** for the initial ADR Proceedings and succeeding settings thereafter. Only the parties and or duly authorized representatives shall attend the ADR proceedings.

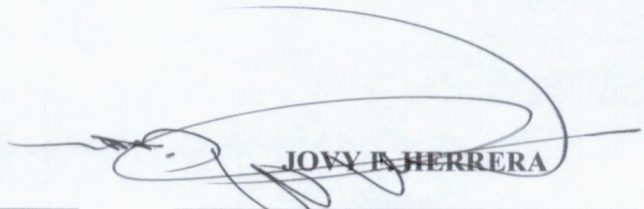
**IN WITNESS WHEREOF**, the Parties hereto have mutually and voluntarily agreed to the above stipulations, and signed this Undertaking at **DENR CENRO SOCORRO Office, Brgy. Pasi II, Socorro, Oriental Mindoro** on this **10<sup>th</sup> day of March 2022**.

*For Individuals:<sup>1</sup>*

  
**VIVENCIO TUPAS REP. BY  
ENRIQUE C. TUPAS**

*Name and Signature*

Telephone Number: 09366728084  
Address: Paitan, Naujan Or. Mindoro

  
**JOVY B. HERRERA**

*Name and Signature*

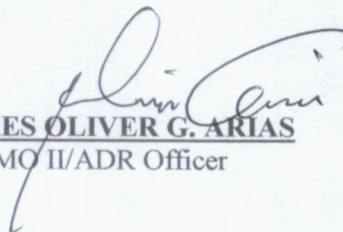
Telephone Number: 09975033938  
Address: Sabang, Lipa City, Batangas

*For Corporate Entities:<sup>2</sup>*

\_\_\_\_\_  
*Name and Signature*  
Telephone Number:  
Address:

\_\_\_\_\_  
*Name and Signature*  
Telephone Number:  
Address:

Attested by:

  
**ANDRES OLIVER G. ARIAS**  
LMO II/ADR Officer





VIVENCIO TUPAS rep. by  
ENRIQUE C. TUPAS  
(Protestant,)

- versus -

JOVY F. HERRERA  
(Actual Occupant).

x-----x

DENR CASE NO.: \_\_\_\_\_  
ADR Case No: 2022-1752039-0211  
F.P.A. No.: \_\_\_\_\_  
Lot No.: 124, Gss 340 identical to lot 3513, Cad 957-D  
CAD/PSU No. \_\_\_\_\_  
Location: Tagumpay, Pola,  
Oriental Mindoro

### NOTICE FOR ADR PROCEEDINGS

☐ Mandatory ADR Proceedings

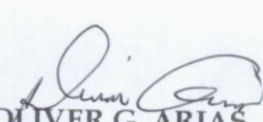
- ✓ Voluntary ADR Proceedings pursuant to Agreement to Undertake  
Alternative Dispute Resolution Proceedings dated March 10, 2022

Pursuant to the DAO No. 2016-30 you are requested to appear on March 10, 2022 at  
CENRO SOCORRO, 10:00 a.m./p.m. at the RPS Office for the  
conduct of ADR proceedings.

Your personal appearance on the above date, time, and venue is required. Should you be  
unavailable, you may send your authorized representative with a Special Power of  
Attorney/Secretary's Certificate granting full powers and authority to negotiate for mediated  
agreements, enter into amicable settlement, and enter into and sign compromise agreement.

Lawyers, in representation of their clients, shall not be allowed to participate during the  
ADR proceedings.<sup>1</sup>

Issued this 9th of March, 2022 at Pasi, Socorro, Or. Mindoro, Philippines.

  
ANDRES OLIVER G. ARIAS  
ADR Officer/LMO II





VIVENCIO TUPAS rep. by  
ENRIQUE C. TUPAS  
(Protestant,)

- versus -

JOVY F. HERRERA  
(Actual Occupant). *JFH*  
x-----x

DENR CASE NO.: \_\_\_\_\_  
ADR Case No: 2022-1752039-0211  
F.P.A. No.: \_\_\_\_\_  
Lot No.: 124, GCS 340, identical to lot 3513, Cad 957-D  
CAD / PSU No. \_\_\_\_\_  
Location: Tagumpay, Pola,  
Oriental Mindoro

### NOTICE FOR ADR PROCEEDINGS

☐ Mandatory ADR Proceedings

- ✓ Voluntary ADR Proceedings pursuant to Agreement to Undertake  
Alternative Dispute Resolution Proceedings dated March 10, 2022

Pursuant to the DAO No. 2016-30 you are requested to appear on March 10, 2022 at  
CENRO SOCORRO, 10:00 a.m./p.m. at the RPS Office for the  
conduct of ADR proceedings.

Your personal appearance on the above date, time, and venue is required. Should you be  
unavailable, you may send your authorized representative with a Special Power of  
Attorney/Secretary's Certificate granting full powers and authority to negotiate for mediated  
agreements, enter into amicable settlement, and enter into and sign compromise agreement.

Lawyers, in representation of their clients, shall not be allowed to participate during the  
ADR proceedings.<sup>1</sup>

Issued this 9th of March, 2022 at Pasi, Socorro, Or. Mindoro, Philippines.

*Andres Oliver G. Arias*  
ANDRES OLIVER G. ARIAS  
ADR Officer/LMO II





VIVENCIO TUPAS rep. by  
ENRIQUE C. TUPAS  
*Protestant*

- versus -

JOVY F. HERRERA  
*Actual occupant/Protestee*  
x-----x

ADR Case No. 2022- 1752039- 02//

DENR Case No. \_\_\_\_\_

Lot No.: 124, Gss-340 identical to Lot  
3513, Cad-957-D

Location: Brgy. Tagumpay, Pola Or.  
Mindoro

### REPORT ON ADR PROCEEDINGS

This controversy is respectfully returned to the DENR CENRO Socorro  
after ADR Proceedings:

Type of Complaint/Claims and Conflict:<sup>1</sup>

Conflict on source of rights of parties

DATE	PROTESTANT	AUTHORIZED REPRESENTATIVE	ACTUAL OCCUPANT	AUTHORIZED REPRESENTATIVE
March 10, 2022	Vivencio Tupas	Enrique C. Tupas	Jovy F. Herrera	

#### ACTION/s TAKEN:

##### ☐ ADR SESSIONS:

1<sup>ST</sup> Session      Date : March 10, 2022  
Parties Present: All parties are present and asking for another session

Proceedings:      ☒ For Continuation

☐ For Resetting/ Reason

2<sup>nd</sup> Session      Date : May 2, 2022  
Parties Present: Nonappearance of both parties

Proceedings:      ☐ For Continuation  
☐ For Resetting/Reason

3<sup>rd</sup> Session      Date : \_\_\_\_\_  
Parties Present: \_\_\_\_\_

Proceedings:      ☐ For Continuation  
☐ For Resetting/Reason

#### SUCCESSFUL SETTLEMENT (with attachment)

Compromise Agreement      ☐ Withdrawal of the Protest



**UNSUCCESSFUL SETTLEMENT** (*Protest returned to Claims and Conflicts  
Proceedings pursuant to Section 25 of DAO No. 2016-30.*)

Protestant refused to settle due to

Respondent refused to settle due to

Non - appearance of parties.

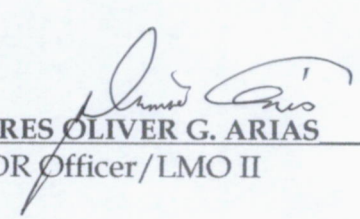
Applicant/Claimant failed/refused to submit the required offer for  
Amicable Settlement

The submitted offer(s) for Amicable Settlement appears irreconcilable  
causing impasse or impossibility to come up with Compromise  
Agreement.

Lack of authority to enter into Amicable Settlement

Others: Besides of non-appearances of both parties there are also other  
parties coming out for their claim of the said lot.

I hereby attest to the correctness of the information contained herein.

  
ANDRES OLIVER G. ARIAS  
ADR Officer / LMO II

May 5, 2022

DATE



Republika ng Pilipinas  
Lalawigan ng Silangang Mindoro  
Bayan ng Panjan  
Barangay Paifan

DENR - CENRO	
PASIGOCORRO, ORIENTAL MINDORO	
DOC. #	
RECEIVED	RELEASED
BY: JUN 24 2022	
DATE:	DATE:
TIME:	TIME:

June 23, 2022

MR. RODEL M. BOYLES

CENRO

Community Environment and Natural Resources  
Socorro, Oriental Mindoro

### KASUNDUAN NG MAGKAKAPATED

Dear Sir,

Magandang araw po!

Kami pong sampung magkakapated (10) ay nagkarundo na magpatuloy ng katakawan sa aming magkakapated na si Enrique C. Tupaz at Gerry C. Tupaz na sila ang haharap/dadalo sa mga pangpapulong na may kaugnayan sa aming kasalukuyang pinag-unsa pang lupang "MANA" mula pa sa aming mga magulang na sina Venencio Tupaz at Purita C. Tupaz na may lot # 124 GSS 340 na matatagpuan sa sitio Bakayan, Barangay Tagumpay sakop ng bayan ng Pola Oriental Mindoro.

Gumagulang:

Enrique C. Tupaz  
ENRIQUE C. TUPAZ

Gerry C. Tupaz  
GERRY C. TUPAZ  
Modelita Barce  
MODELITA BARCE  
Cardino Tupaz  
CARDINO TUPAZ

Mikandro Tupaz  
MIKANDRO TUPAZ

Eduardo E. Tupaz  
EDUARDO E. TUPAZ

Josephine A. Abellano  
JOSEPHINE A. ABELLANO

Theresa Tupaz  
THERESA TUPAZ

Masquito Tupaz  
MASQUITO TUPAZ

Romeo Tupaz  
ROMEO TUPAZ