



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



October 4, 2022

**MEMORANDUM**

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

**ATTENTION:** The Chief  
Survey and Mapping Division

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

**SUBJECT :** **REQUEST FOR THE ISSUANCE OF CERTIFICATION OF  
LAND CLASSIFICATION STATUS OF A PARCEL OF LAND  
IDENTIFIED AS MLI-045211-02-A-D LOCATED AT SAN  
ISIDRO, PUERTO GALERA, ORIENTAL MINDORO**

Forwarded is the Memorandum dated September 27, 2022 from CENRO Socorro, Oriental Mindoro forwarding the emailed request of Atty. Marie Adoracion P. Dacquel of Salumbides and Delos Santos Law Firm, representing Mr. Soriano Del Mundo for the issuance of Certification of status of a parcel of land in San Isidro, Puerto Galera for the purpose of Mr. Del Mundo's application for judicial titling.

Based from the report of CENRO Socorro, the subject area is not a foreshore land in nature nor covered by any land classification in the area. Attached is the Completed Staff Work (CSW) submitted by CENRO Socorro for your reference.

For consideration.

  
ALMA E. GIBE

Tracking No.: 2209000923

TSD/RPS

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

# DOCUMENT TRACKING SLIP

DENR-Oriental Mindoro

2209000923

Description: REQUEST FOR ISSUANCE OF CERTIFICATION OF LAND CLASSIFICATION STATUS OF A PARCEL OF LAND IDENTIFIED AS MLI-045211-02-A-D LOCATED AT SAN ISIDRO, PUERTO GALERA FOR JUDICIAL TITLING

Date Created: 09-30-2022:08:09

Originating Office: CENRO-Socorro-RPS

Date Received:	Date Released:	Action Taken:
<p><i>na</i></p> <p>NOEME P. ALCANCIA In-Charge, Records Unit SEP 30 2022 Office of the PENRO Date: <u>9-30-22</u> <i>my</i></p> <p><i>JSD - 9/30/22 JH</i> <i>3:45 pm</i></p> <p><i>10/4/30</i> <i>3:00 pm</i></p>	<p>SEP 30 2022</p> <p><i>10/4/22</i> <i>9:19 Am</i></p> <p><i>10/4/22</i></p> <p><i>10/4/22</i> <i>6:18 pm</i></p>	<p>Forwarded to office of the PENRO</p> <p>forwarded to the Exchange, DENR</p> <p>Cliny RPS,</p> <p>please for action the request</p> <p><i>Thursly</i> <i>10/03/2022</i></p> <p><i>DHL,</i></p> <p><i>pruned to to to</i></p> <p><i>3</i></p> <p>Memo to Region</p>





September 27, 2022

**MEMORANDUM**

**FOR :** The Regional Executive Director  
*1515 L&S Bldg., Roxas Boulevard*  
*Ermita, Manila*

**THRU :** The In-charge, PENRO, Oriental Mindoro  
*Suqui, Calapan City, Oriental Mindoro*

**FROM :** The Community Environment and Natural Resources Officer  
*CENRO Socorro, Oriental Mindoro*

**SUBJECT : REQUEST FOR ISSUANCE OF CERTIFICATION OF LAND CLASSIFICATION STATUS OF A PARCEL OF LAND IDENTIFIED AS MLI-045211-02-A-D LOCATED AT SAN ISIDRO, PUERTO GALERA FOR JUDICIAL TITLING**

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
PENRO TRACKING NO.	ORIGINAL MINDORO
RECEIVED BY:	<i>[Signature]</i>
DATE:	SEP 30 2022
TIME:	

Forwarded is an email<sup>1</sup> received by this Office on September 16, 2022 regarding the above subject requested by Atty. Marie Adoracion P. Dacquel of Salumbides and Delos Santos Law Firm, which represents Mr. Soriano Del Mundo. It is further stated on the request that the said Certification is for the purpose of Mr. Del Mundo's application for judicial titling over the subject land.

Please be informed that as per records available in our office, MLI-045211-02-A-D located at San Isidro, Puerto Galera is the subject of case entitled **DENR Case No. 9266**, *Mr. "Gerardo Brual Vs Crescentia Del Mundo and Soriano Del Mundo"* and the draft decision of the said claim is still under the review and evaluation of DENR Central, Legal Affair Service as per Memorandum<sup>2</sup> dated June 10, 2021. Further, as per Completed Staff Work (CSW)<sup>3</sup> submitted by the personnel of this Office dated February 28, 2022, the subject land is not a foreshore land in nature nor it is covered by any existing land classification in the area, hence, it is recommended to determine first the land classification of the subject lot.

Further, as per DAO 2022-10, Revised DENR Manual of Authorities for Technical Matters under "*Issuance of Certification of status of land whether Alienable and Disposable Land (A&D) or Forestlands for Judicial Titling*" the Certifying Officer is the Chief Surveys and Mapping Division of the Regional Office.

For information and consideration.

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

<sup>1</sup> Email re: Request for Certification dated September 16, 2022

<sup>2</sup> Memorandum from The Director, Legal Affair Service, DENR Central dated June 10, 2021

<sup>3</sup> Completed Staff Work (CSW) dated February 28, 2022





R4B CENRO Socorro &lt;cenrosocorro@denr.gov.ph&gt;

**Request for Certification**

1 message

**Marie A P Dacquel** <mdacquel@abslawfirm.net>

To: cenrosocorro@denr.gov.ph

Cc: Salumbides Law Firm &lt;abs@abslawfirm.net&gt;, Benito Jose Legarda delos Santos &lt;bjdls@abslawfirm.net&gt;, Rian Del Mundo &lt;riandelmundo@gmail.com&gt;

Fri, Sep 16, 2022 at 4:51 PM

Attention:

Mr. Rodel Boyles

**CENRO ORIENTAL MINDORO**Re: Request for Certification

Dear Mr. Boyles,

Good day!

I write on behalf of our client, Mr. Soriano Del Mundo.

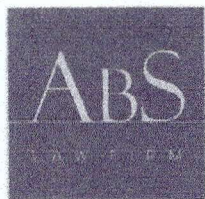
Please find the attached copy of Mr. Del Mundo's Request for Certification, dated September 14, 2022.

We look forward to your favorable response on this matter.

For the Firm,

**MARIE ADORACION P. DACQUEL**

Associate

**SALUMBIDES & DELOS SANTOS**

4th Floor, The West Wing Bldg.,

107 West Ave., Quezon City, Philippines 1105

Telephone Nos: (632) 3448-5188 / 8351-5804

URL: www.abslawfirm.net

*Micah 6:8 / Isaiah 1:17*

NOTICE: This email and any files transmitted with it are confidential and intended solely for the named addressee. If you received this in error, please notify the sender and delete this e-mail from your system. Please note that the unauthorized use, retention, reproduction, or dissemination of this e-mail is strictly prohibited.

**Request For Certification Del Mundo.jpg**

685K





**SALUMBIDES & DELOS SANTOS**  
Commercial Law and Litigation

Case Reference No. A22-014

September 14, 2022

Department of Environment and Natural Resources  
Community Environment and  
Natural Resources Office  
Pasi, Socorro, Oriental Mindoro

To: **MR. RODEL M. BOYLES**  
**CENRO ORIENTAL MINDORO**  
Subject: Request for Certification

Dear Mr. Boyles,

A blessed day to you!

We represent Mr. Soriano Del Mundo, who is the exclusive owner and present possessor of a parcel of land identified in Approved Survey Plan MLI-045211-02-A-D. I am writing to request your good office to issue a *Certification* indicating that the land is *part of alienable and disposable land of the public domain*. Such Certification is in accordance with the annotations appearing in the said Approved Plan.

This request is in view of the death of Geodetic Engineer Isidro R. Gellez, who prepared Approved Survey Plan MLI-045211-02-A-D. The said Certification is also requested for the purpose of Mr. Del Mundo's application for judicial titling or confirmation over the same parcel of land.

Thanking you in advance for a positive response at the earliest possible time.

For the Firm,

A handwritten signature in dark ink, appearing to read "Marie Adoracion P. Dacquel", written in a cursive style.

**MARIE ADORACION P. DACQUEL**

4th Floor The West Wing Building, 107 West Avenue, Quezon City, 1105 Philippines  
Trunkline: +63 2 8351 5804 Telefax: +63 2 7005 8675 Website: abslawfirm.net Email: info@abslawfirm.net





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](mailto:web@denrgov.ph)

JUN 10 2021

MEMORANDUM

FOR : The Regional Executive Director  
DENR - MIMAROPA Region

FROM : The Director  
Legal Affairs Service  
DENR - Central

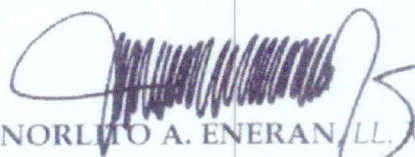
SUBJECT : REQUEST FOR STATUS UPDATE RE: DENR CASE NO. 9266,  
ENTITLED "GERARDO BRUAL, APPELLANT, VERSUS  
CRESENCIA DEL MUNDO AND SORIANO DEL MUNDO,  
APPELLEES"

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

CENRO

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

**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"**

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
RECEIVED BY	<i>[Signature]</i>
DATE	JUN 27 2022
TIME	

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.

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
RECEIVED BY	<i>[Signature]</i>
DATE	JUN 27 2022
TIME	

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

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





**COMPLETED STAFF WORK (CSW)**

MAR 12 2022

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.<sup>1</sup>

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**.<sup>2</sup>

<sup>1</sup> 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.

<sup>2</sup> Ibid, p.2.

lmq



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.<sup>3</sup>

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.<sup>4</sup>

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<sup>5</sup>

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.<sup>6</sup>

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

---

<sup>3</sup> Ibid, p. 2

<sup>4</sup> Ibid, p. 2.

<sup>5</sup> Ibid, p. 2-3

<sup>6</sup> Ibid, p. 4

mg



*Eutiquiano Del Mundo, this Court hereby dismisses the complaint and the complaint in intervention, with costs against the plaintiff and the intervenor.*"<sup>7</sup>

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.<sup>8</sup>

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.<sup>9</sup>

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.*"<sup>10</sup>

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.<sup>11</sup>

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.<sup>12</sup>

<sup>7</sup> Ibid, p.5


<sup>8</sup> Regional Trial Court Order dated February 22, 1993, Annex "B" hereof

<sup>9</sup> Regional Trial Court Order dated March 31, 1993, Annex "C" hereof

<sup>10</sup> Regional Trial Court Decision dated July 1, 1994, Annex "D" hereof

<sup>11</sup> 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

<sup>12</sup> 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."

<sup>13</sup>

Del Mundo filed a Petition for Review on Certiorari on the Decision of the Court of Appeals to the Supreme Court.<sup>14</sup>

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.<sup>15</sup> The same has become final and executory on August 26, 2005 and was recorded in the Book of Entries of Judgments.<sup>16</sup>

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.<sup>17</sup>

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.<sup>18</sup>

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

<sup>13</sup> Ibid, pp.12-13

<sup>14</sup> Entry of Judgment " G.R. No. 167080, April 4, 2005, Writ of Execution dated September 17, 2007, p.1, Annex "E" hereof

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Writ of Execution dated September 17, 2007, p. 2, Annex "F" hereof

<sup>18</sup> 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 EUTQUIANO 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.*"<sup>19</sup>

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.<sup>20</sup>

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.<sup>21</sup>

On May 25, 2009, the Court of Appeals Special 17<sup>th</sup> 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.<sup>22</sup> The said petition for certiorari was dismissed for lack of merit and the assailed orders of Judge Tomas C. Leynes were affirmed.<sup>23</sup>

## **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

<sup>19</sup> Return of Writ of Execution dated October 8, 2007, Annex "G" hereof

<sup>20</sup> Omnibus Motion dated October 7, 2007, Annex "H" hereof

<sup>21</sup> Regional Trial Court, Branch 40 Order dated October 23, 2007, Annex "I" hereof

<sup>22</sup> 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

<sup>23</sup> Ibid p. 9

bmj



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.”<sup>24</sup>

/ 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.<sup>25</sup>

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.<sup>26</sup>

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.<sup>27</sup>

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.<sup>28</sup>

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:

<sup>24</sup> Order signed by OIC, ASEC for Field Operations and Concurrent Regional Executive Director dated January 6, 2006, Annex “K” hereof

<sup>25</sup> Protest and Opposition to Miscellaneous Lease Applications dated February 8, 2008, p. 2, Annex “L” hereof

<sup>26</sup> Order signed by Regional Executive Director Antonio G. Principe dated July 1, 2010, Annex “M” hereof

<sup>27</sup> Order signed by OIC Regional Executive Director dated July 16, 2012, Annex “N” hereof

<sup>28</sup> 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."*<sup>29</sup>

## 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<sup>30</sup> and generated map<sup>31</sup> 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*

<sup>29</sup> Ibid, p.3.

<sup>30</sup> Geo-tagged photos, Annex "O" hereof

<sup>31</sup> Generated Map showing the area, Annex "P" hereof

*mg*



*"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."*<sup>29</sup>

## 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<sup>30</sup> and generated map<sup>31</sup> 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*

<sup>29</sup> Ibid, p.3.

<sup>30</sup> Geo-tagged photos, Annex "O" hereof

<sup>31</sup> Generated Map showing the area, Annex "P" hereof

mg



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.

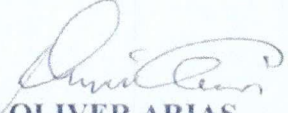
For the meantime, a technical conference should be conducted together with the concerned parties, Mr. Del Mundo and the Municipal Environment and Natural Resources Officer of Puerto Galera to properly discuss this matter.

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