



Republic of the Philippines

Department of Environment and Natural Resources

MIMAROPA REGION

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE



October 11, 2022

## MEMORANDUM

**FOR :** The Regional Executive Director  
DENR-R4, MIMAROPA, 1515 L&S Building  
Roxas, Blvd., Ermita, Manila

**FROM :** The Provincial Environment and  
Natural Resources Officer

**SUBJECT :** **REQUEST FOR CERTIFICATION RE: DENR CASE NO. M-08-15-1 ENTITLED "RAYMUNDO M. RAMOS, PROTESTANT VERSUS PRISCILLA F. JASMIN ET.AL, REPODENT" INVOLVING LOT NOS. 34127-A TO F, K TO L, GSS 04-26743 LOCATED UN BGY. SIMPOCAN, PUERTO PRINCESA CITY**

Forwarded is the memorandum of CENRO Puerto Princesa City dated September 14, 2022 attached the letter of Mr. Raymundo M. Ramos of August 23, 2022 asking for the status of DENR Case No. M-08-15-L.

Relative to this, the CENRO Puerto Princesa is requesting for a Certification whether a Motion for Reconsideration or Notice of Appeal was filed by the aggrieved parties.

Further request is the return of the original and complete record of the case for execution and further action.

For his information and consideration.

Copy furnished:

The CENRO Puerto Princesa

TSD-RPS DRN. 2022-9174/lmo

**FELIZARDO B. CAYATOC**

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**

By: *[Signature]*  
Date: *[Signature]* CN 22-9174/2735

Sta. Monica, Puerto Princesa City  
Telefax (048) 433-5638  
email add: [denrpalawan@gmail.com](mailto:denrpalawan@gmail.com)



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


**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
PUERTO PRINCESA CITY**

South National Highway, Bgy. Sta. Monica Puerto Princesa City  
Email Address: [cenropuertoprincesa@denr.gov.ph](mailto:cenropuertoprincesa@denr.gov.ph)  
Tel. Fax No.: (048) 717-0702

September 14, 2022

**MEMORANDUM**

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

BY:   
DATE: 10-06-2022 22-9174

**FOR :** The Regional Executive Director  
DENR MIMAROPA Region  
1515 L & S Building, Roxas Boulevard, Ermita, Manila

**ATTENTION:** Legal Services Division

**THRU :** The PENRO Palawan  
Sta. Monica, Puerto Princesa City

**FROM :** The OIC-CENRO Puerto Princesa  
Sta. Monica, Puerto Princesa City

**SUBJECT :** **REQUEST FOR CERTIFICATION RE: DENR CASE NO. M-08-15-1 ENTITLED "RAYMUNDO M. RAMOS, PROTESTANT VERSUS PRISCILLA F. JASMIN, ET. AL., RESPONDENTS" INVOLVING LOT NOS. 34127-A TO F, K TO L, GSS-04-26743 LOCATED IN BGY. SIMPOCAN, PUERTO PRINCESA CITY**

This pertains to the letter dated August 23, 2022 of Raymundo M. Ramos requesting for an update on the status of the Public Land Applications covering Lot Nos. 34127 A to F and K to I, Gss-04-26743 (portion of Lot No. 80, Gss-04-000212) located in Bgy. Simpocan, Puerto Princesa City.

The subject lots are covered by a Decision on DENR Case No. M-08-15-1 signed by then OIC Regional Director Oscar C. Dominguez dated November 26, 2015 wherein the dispositive portion of which is hereunder quoted:

*"WHEREFORE, after the lifting of the Memorandum dated May 28, 2015 of the Undersecretary for Field Operations, the following are hereby ordered:*

- 1. The Homestead Applications of the Respondents over Lot Nos. 34127-A to F, K to L, Gss-04-26743 are hereby REJECTED and DROPPED from the records of this Office. Whatever amount paid thereof is forfeited in favor of the government; and*
- 2. The PENRO/CENRO concerned is hereby directed to give FURTHER DUE COURSE to the public land applications of the Protestant.*

*SO ORDERED.*



Please be informed that Section 20 of DENR Administrative Order (DAO) No. 2016-31 provides that:

*"Any of the parties may file a Motion for Reconsideration (MR) of the Decision of the RD within fifteen (15) days from the receipt thereof. Only one MR shall be allowed. The RD shall have fifteen days (15) days to act on the MR.*

*If no MR is filed, or filed outside the reglementary period, the Decision of the RD shall become final and executory. xxx-xxx*

Further, Section 22 of DAO No. 2016-31 provides that:

*"Any aggrieved party may take an appeal to the Office of the Secretary by filing a notice of appeal and paying the appeal fee to the Office of the RD within fifteen (15) days from receipt of the Order or Resolution/Decision of the case. The appeal shall be perfected after filing of the notice of appeal and payment of appeal fee within the prescribed period. xxx-xxx*

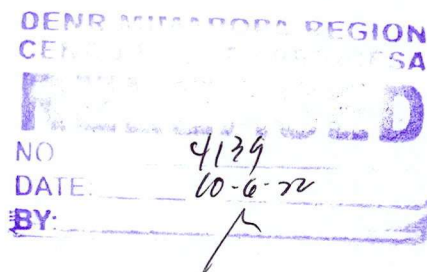
In this regard, may we respectfully request for a Certification whether a Motion for Reconsideration or Notice of Appeal was filed by the aggrieved parties, to be issued by the Records Officer of that Office and the return of the original case records to this Office for its execution and further action.

For information, record and consideration.

  
**PEDRO A. VELASCO**

Cc: Mr. Raymundo M. Ramos  
Bgy. Sta. Monica, Puerto Princesa City  
Contact No. 0917-704-8704

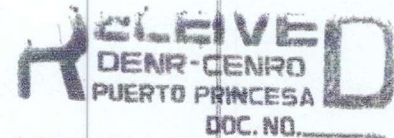
CENRO/File  
DRN-2022-7035/RPS/\*cpbm



August 23, 2022

**FELIZARDO B. CAYATOC**  
PENRO Palawan  
Brgy. Sta. Monica, PPC

**PEDRO A. VELASCO**  
CENRO Puerto Princesa  
Brgy. Sta. Monica  
Puerto Princesa City



DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
NAME: SEP 01 2022  
POSITION: \_\_\_\_\_  
SIGNATURE: [Signature]

Dear Sir,

Greetings!

I am writing this letter to inquire from your good office the status of my land application covering certain parcels of land identified as Lot No. 34127-A to F, K to L, Gss-04-26743 (portions of Lot 80, Gss-04-000212).

On November 26, 2016, a Decision was rendered by Oscar C. Dominguez, the then OIC Regional Director, DENR Region IV-B, on DENR Case No. M-08-15-L entitled Raymundo Ramos vs, Priscilla F. Jasmin, et.al. The dispositive portion of the said Decision states, that:

*WHEREFORE, after the lifting of the Memorandum dated May 28, 2015 of the Undersecretary for Field Operations, the following are hereby ordered:*

- 1. The Homestead Applications of the Respondents over Lot Nos. 34217-A to F, K to L, Gss-0426743 are hereby REJECTED and DROPPED from the records of this Office. Whatever amount paid on account thereof is forfeited in favor of the government in favor of the government; and*
- 2. The PENRO/CENRO concerned is hereby directed to give FURTHER DUE COURSE to the public land applications of the Protestants.*

SO ORDERED.

A careful perusal of the decision above-quoted reveals that the PENRO/CENRO concerned was ordered to further give due course to my public land application on the subject lots. Unfortunately, after the said Decision, I have not received any information concerning the same. As such, I am respectfully requesting for an update on the aforementioned land applications to process and comply with the pending requirements thereof, if any, and for the favorable approval thereof.

Thank you for your immediate action on this matter.

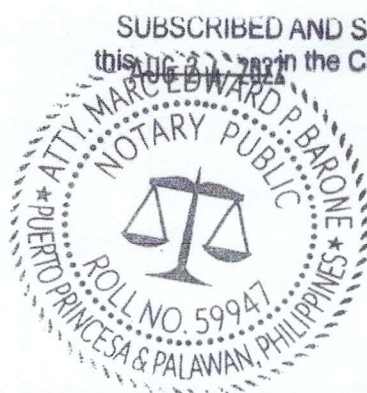
Sincerely yours,

[Signature]  
**RAYMUNDO M. RAMOS**

Applicant

Contact No. 09171048704

Doc. No. 321  
Page No. 66  
Book No. XIV  
Series of 2022



[Signature]  
**ATTY. MARG EDWARD P. BARONE**  
NPL No. 2022-046, Bar Roll No. 59947  
Until December 31, 2023  
Notary Public for the City of Puerto Princesa and in the Mun. of Aborlan, Narra, Cuyo, Agutaya, and Magsaysay, Province of Palawan  
PTR No. 1632686/PPC/01-03-2022  
IBP Lifetime No. 017976/PAL/8-29-2017  
MCLE Compliance No. VII-0005368/10-26-2021  
Chiu Bldg., Lacao St., cor Carandang St., PPC





**RAYMUNDO M. RAMOS,**  
Protestant

versus

**PRISCILLA F. JASMIN, ET.AL.,**  
Rep. by Lotie Blando  
Respondents

**DENR Case No. M-08-15-L**

Lot Nos. 34127-A to F, K to L,  
Gss-04-26743 (Portions of Lot 80,  
Gss-04-000212)  
Lot Nos. 78 and 79, Gss-04-000212  
Brgy. Simpocan, Puerto Princesa City

X-----X

### DECISION

For resolution is the Protest dated December 11, 2009 of Raymundo M. Ramos (hereafter "Protestant") against the Homestead Applications of Priscilla F. Jasmin, et.al., (hereafter "Respondents").

An Order of Investigation dated September 17, 2012 was issued by PENR Officer Juan C. Dela Cruz directing LMO III/Hearing Officer Hilario V. Regondola, Jr., to conduct formal investigation of the subject case.

Lot 34127 falls within agricultural (alienable and disposable) zone under LC Map No. 3618, Project No. 1-Z certified by the Bureau of Forest Development on August 31, 2004.

### ALLEGATIONS OF THE PARTIES

#### I. Protestant

Per Protest dated December 11, 2009, the Protestant alleged, among others: that he bought and acquired from the Almojuela family sometime in 2009, ten (10) lots denominated as follows: Lot Nos. 34127-A to F, K to L, Gss-04-26743 (Portions of Lot 80, Gss-04-000212) and Lot Nos. 78 and 79, both of Gss-04-000212; that at the time he acquired the aforesaid lots, the same had already been properly subdivided with approved survey plan in the names of the aforesaid claimants/applicants; that after acquisition of aforesaid lots, the Protestant filed application for titling, which was consequently processed by your honorable office. The application was even verbally cleared by your staff, Edgardo Libiran, Jr., before processing of application was undertaken by Matilde Caimoy. But after several weeks, the processing of our titles was halted due to existence of pending application of Lotie Blando, who is an official of the Bureau of Internal Revenue (BIR) assigned in Puerto Princesa City and other provinces of Palawan for the same lot numbers. These applications were "produced" or brought out from Mr. Libiran's records, which were not in existence in your honorable office's records during a verification made by Mrs. Rizalina Francisco, an employee of your office's records' section, as evidenced by the acceptance and eventual processing of our titling applications; that I further discovered that with the help of Edgardo Libiran of DENR CENRO Puerto Princesa as well as that of Ex-Barangay Captain Cesar Sibuyan of Brgy. Simpocan had, in collusion with each other made Lotie Blando believe that the lots she was buying were not the lots of Almojuela family as they have no claimants, when in truth and in fact, said lots were occupied and claimed by the Almojuelas, and this fact is known to both Edgardo Libiran and Ex-Barangay Captain Cesar Sibuyan, which they concealed from Lotie Blando; that what Lotie Blando was then buying is a timberland and is different from my lots, but perhaps due to the



fact that Edgardo Libiran and Ex-Barangay Captain Cesar Sibuyan had received huge amount of money from Lotie Blando, they had provided to her instead the lot plan of the ten lots which I had already bought and acquired.

## *II. Respondent*

On the other hand, per *Verified Position Paper with Motion For Leave* dated May 6, 2013, Respondent stated, among others, that sometime in the year 2006, Lotie D. Blando approached Engineer Jonathan F. Gellez of the DENR-PENRO in Sta. Monica, Puerto Princesa City to ask for help how she could buy rights from the persons already in place on parcels of lands that were already open for alienation and eventually for application for patents; that proving further the fact that Protestee (herein Respondent) Lotie Blando acquired in 2006 rights over the big parcel of land under Survey Plan No. Gss-04-000212 lot that covered 60 hectares that later included the contested lots named in the protest of Major Raymundo M. Ramos, is the December 4, 2009 Letter of Lotie Blando filed before PENRO Juan C. Dela Cruz as a response to the answer of Engr. Gellez to the complaint of Lotie Blando against him; that the same December 4, 2009 letter attached thereto ledger pages showing the signatures of Sibuyan and Gellez acknowledging payments for the said big lot that were yet to be subdivided, including the payments for the subdivision of the same lot into smaller lots because the application for homestead patents should not be more than five (5) hectares; that the protest also stated that at the time the protestant acquired the said lots, these same lots had already been properly subdivided with approved plan in the names of the said claimants or occupants but the same survey plan was not even presented; that Major Raymundo M. Ramos also said in his Protest that Lotie Blando believed that the lots she bought were not the lots of Almojuela family, without offering any evidence; that Major Raymundo M. Ramos also said in his Protest that despite that knowledge of Libiran and Sibuyan that the lots they sold to Lotie Blando were actually owned by Almojuela family, the two sold the same lots making Blando believe that the lots she bought were not lots of Almojuela family, also without offering any evidence to this claim; that Lotie Blando discovered that the withdrawals supposedly executed by Cesar Sibuyan were falsified because all the notarial numbers and the supposed notary public cannot be found in files of the Regional Trial Court of Puerto Princesa and Palawan; that due to this, Lotie Blando filed a complaint for falsification against Major Raymundo Ramos; that the records of Lotie Blando with regard to her applications for patent show that all had already been approved even(sic) Ramos can file his protest.

### *APPROVED SUBDIVISION PLAN Csd-04-026743 OF LOT 34127*

Lot 34127, Cad. 800-D contains an area of 338,867 square meters. Lot 34127-A up to 34127-L shall be equivalent to Lot 35077 up to 35088, Cad. 800-D, Puerto Princesa Cadastre inclusive respectively.

Plan Csd-04-026743 was approved in the name of Nilo Sabaulan et. al. on June 14, 2007 by then OIC, Regional Technical Director Lydia S. Lopez. It also shows that Nilo Sabaulan and Jaime Almojela signed their conformity as land owners.

### *OCULAR INSPECTION AND INVESTIGATION*

The following are stated in the Final Investigation Report<sup>1</sup> of LMO III Regondola:

*"An ocular inspection was set by the undersigned dated November 29, 2012 informing both parties of the said purpose. However, on November 26, 2012, an Omnibus Motion to set Motu Proprio the conduct of ocular inspection was filed by*

<sup>1</sup> Transmitted per Memorandum dated April 19, 2013 of the PENR Officer, Palawan



*the Protestee (herein Respondent) thru counsel opposing the undersigned order to conduct an ocular inspection. The said motion was however denied by the undersigned.*

*On December 13, 2012, an Order was issued by the undersigned ordering both parties to submit their respective Position Paper. However, to date only the Protestant submitted their Position Paper. The Protestee did not, despite repeated demand for them to file their Position Paper.*

*xxx-xxx Protestant Raymundo M. Ramos has a better and prior rights over the said contested property.*

*As per investigation of this Office show that the Protestant has long been in possession and occupation of the said contested lot long before the Protestee (herein Respondent) applied and acquired the same. Photos submitted, taken on the contested area shows that the area is fully developed planted with casoy and coconut trees and with nipa hut erected thereon owned by the Almojuela family.*

*Record further shows that at the time of the acquisition of the said lots the same had already been subdivided with approved survey plans in the name of the claimants/applicants. After acquiring the said lots the Protestant filed his applications for titling which were consequently processed by the CENR Office of Puerto Princesa. The said applications were verbally cleared by Edgardo Libiran Jr., who investigated the area.*

*As shown in the approved map, which came personally from the Protestee herself which she gave to Maria Jimenez, Protestant lots subject for titling application are totally different and distinct from that applied for by the Protestee. This is the sole reason why the Protestee is fighting to oppose and/or prevent the ocular inspection in that area for fear that the true location of her claim will be found out to be different from that of the Protestant, as her lots are located in a Timberland area."*

Records show that the Respondents derived their rights from Oscar Delfin who executed an undated and unnotarized Affidavit of Waiver of Rights in favor of Priscilla Jasmin, Rocelle Joy Lorenzana, Gerald Paderayon, Crispulo Galenero, Roan Lorenzana, Michael Stephen Namit, Josephine Gonzales and Mark Santino Namit over Lot No. 80, Gss-04-000212 containing an area of 33.8867 hectares square meters more or less located at Barangay Simpocan, Puerto Princesa City.

Per unnotarized Deed of Agreement dated August 21, 2006, Cesar Sibuyan, the previous Barangay Captain, allegedly representing the sellers, sold to Joel C. Blando (President, Palawan E-Z Greens Realty, Inc.) the area at Barangay Simpocan under Gss-04-000212 with an area of sixty (60) hectares at P12,000 per hectare with a downpayment of 30% upon execution of the waiver or transfer of rights by the occupant and the balance to be paid within 5 months after the execution of the Original Certificate of Title. Jonathan Gellez served as a witness thereto. On the same date, another unnotarized Deed of Agreement wherein it was agreed upon by Joel C. Blanco, Jonathan Gellez and Nelita Henderson that an overprice on the sale of land at Barangay Simpocan under Survey Plan Gss-04-000212 with an area of sixty (60) hectares be divided among themselves equally.

The Homestead Applicants thru Ms. Blando were sent an *Invitation for Preliminary Joint Ocular/Inspection/Investigation* dated November 21, 2011 by then CENR Officer Diosdado L. Ocampo. They were requested to appear before the Chief, Land Management



Sector Engr. Rex S. Velasco, Special Land Investigator Roland G. Talabucon and DPLI Matilde C. Caimoy on December 1, 2011 regarding the conflicting claims on Lot No. 34127. They were advised to bring documents to support their claim over the land. Failure to attend shall be construed as a waiver and lack of interest on their part that will allow that Office to proceed resolving the case without further notice.

What is telling in this case is the vehement opposition of the Respondents even at the field level to have an ocular inspection over the areas applied for. Considering that these are homestead applications which require cultivation, this prompted the Regional Office to conduct another ocular inspection on May 6, 2015 with notice to both parties. The same proved that to date, the occupants of the area and the nipa hut still belong to the Almojuela family.

The right of a homesteader to the land granted to him ripens into a vested right after the filing of the final proof and approval thereof by the Director of Lands.<sup>2</sup> This doctrine was reiterated in the cases of *Lucas v. Durian*<sup>3</sup>, and *Ingaran v. Ramelo*<sup>4</sup>, which stated in no uncertain terms that "an applicant may be said to have acquired a vested right over the homestead only when his application has been perfected by the presentation of the final proof and its approval by the Director of Lands". (underscoring supplied)

The Respondents derived their rights from Oscar Delfin as appearing in the ledger and undated Waiver of Rights. However, the name of Delfin did not appear as a land owner in the Approved Subdivision Plan Csd-04-026743 in the name of Nilo Sabaulan, et.al. To reiterate, only the names of Sabaulan and Almojela appeared and signed their conformity as land owners in the Plan.

It was held in *Estate of Margarita D. Cabacungan, represented by Luz Laigo-Ali, v. Marilou Laigo, Pedro Roy Laigo, Stella Balagot and Spouses Mario B. Campos and Julia S. Campos*<sup>5</sup> that fundamental is the rule in land registration law that the issue of whether the buyer of realty is in good or bad faith is relevant only where the subject of the sale is registered land and the purchase was made from the registered owner whose title to the land is clean, in which case the purchaser who relies on the clean title of the registered owner is protected if he is a purchaser in good faith and for value.<sup>6</sup> Since the properties in question are unregistered lands, respondents purchased the same at their own peril. Their claim of having bought the properties in good faith, i.e., without notice that there is some other person with a right to or interest therein, would not protect them should it turn out, as it in fact did in this case, that their seller, Oscar Delfin thru Ex-Barangay Captain Cesar Sibuyan, had no right to sell them.

This Office concurs with the recommendation of LMO III Regondola that the Protestant has a better right over the contested area and for the CENRO Puerto Princesa City to continue with the processing of the public land applications. However, with respect to Lot Nos. 78 and 79, Gss-04-000212 which are already titled, the same must be ventilated before the ordinary courts of justice considering that they no longer involve reversion of land to the mass of the public domain.

Per Memorandum dated May 28, 2015 of the Undersecretary for Field Operations, the undersigned and the PENR Officer of Palawan were instructed "to suspend the issuance of survey authorities (SA), the conduct and approval of survey plans for untitled lands and the acceptance and processing of all public land applications within the province of Palawan".

<sup>2</sup> Republic v. Diamanon, et al., 97 Phil. 843

<sup>3</sup> 102 Phil. 1157

<sup>4</sup> 107 Phil. 503

<sup>5</sup> G.R. No. 175073, August 15, 2011

<sup>6</sup> Estate of Margarita D. Cabacungan, represented by Luz Laigo-Ali, v. Marilou Laigo, Pedro Roy Laigo, Stella Balagot and Spouses Mario B. Campos and Julia S. Campos, G.R. No. 175073, August 15, 2011

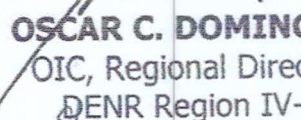


WHEREFORE, after the lifting of the Memorandum dated May 28, 2015 of the Undersecretary for Field Operations, the following are hereby ordered:

1. The Homestead Applications of the Respondents over Lot Nos. 34127-A to F, K to L, Gss-04-26743 are hereby **REJECTED** and **DROPPED** from the records of this Office. Whatever amount paid on account thereof is forfeited in favor of the government; and
2. The PENRO/CENRO concerned is hereby directed to give **FURTHER DUE COURSE** to the public land applications of the Protestant.

SO ORDERED.

Manila, Philippines, 26 NOV 2015.

  
**OSCAR C. DOMINGUEZ**  
OIC, Regional Director  
DENR Region IV-B



Department of Environment  
and Natural Resources  
**REGION 4B**



cc:

*Raymundo M. Ramos*

*Priscilla F. Jasmin*  
*Rep. by Lotie Blando*

PENRO

CENRO

*c/o Atty. Julius M. Concepcion*  
*25 Lombay St., San Jose, Puerto Princesa City*

*c/o Atty. Berteni Cataluña Causing*  
*Renta Pe Causing Sabarre Castro & Associates*  
*Unit 1, 2368 JB Roxas St. corner Leon Guinto St.*  
*Malate, Manila*

*DENR Compound, Sta. Monica, Puerto Princesa City*

*CFI Compound, Sta. Monica, Puerto Princesa City*