



Republic of the Philippines
Department of Environment and Natural Resources
PENRO Marinduque

August 17, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region

THRU : The Chief, Legal Division

FROM : The OIC, PENR Officer

SUBJECT : **UPDATED INVESTIGATION REPORT RE: LAND CASE ENTITLED "CONCERNED CITIZENS AND MUNICIPAL OFFICIALS OF BOAC, MARINDUQUE VERSUS CLEMENCIA MICIANO PERTAINING TO LOT NO.3848, CAD.544-D LOCATED IN BRGY. LAYLAY, BOAC, MARINDUQUE**



In compliance with your instruction relative to the above-noted subject, respectfully forwarded herewith is the updated Investigation Report of the case dated March 3, 2022 for your evaluation, review and dispositive action.


IMELDA M. DIAZ



March 3, 2022

MEMORANDUM

FOR : The Provincial Environment
And Natural Resources Officer

THRU : The Chief, Technical Services Division
& Chief, RPS

FROM : Luciana M. Ricafrente
The Special Investigator-I

SUBJECT : **RE: INVESTIGATION/UPDATED REPORT OF
LAND CASE ENTITLED "CONCERNED
CITIZENS AND MUNICIPAL OFFICIALS OF
BOAC, MARINDUQUE VERSUS CLEMENCIA
MICIANO, SITUATED AT BARANGAY
LAYLAY, BOAC, MARINDUQUE.**

In compliance with your directive relative to the above-noted subject, respectfully forwarded to you herewith is the Re: Investigation Report of the case dated March 3, 2022, for evaluation and dispositive action.

BACKGROUND/FINDINGS:

1. That based on actual ground verification, the land subject of possession and occupation of late Clemencia Miciano identified in original Cadastral Lot No. 3848, Cad. 544-D, situated at Brgy. Laylay, Boac, Marinduque.
2. Per Cadastral survey executed on May 16 to June 15, 1977, which approved on June 9, 1979, the subject lot was surveyed in favor of the Municipality of Boac. It is containing an area of 3,214 square meters.
3. On February 8, 1993 Cad. Lot 3848, Cad. 544-D was subdivided under plan CSD 044001-011752-D, which was approved on February 8, 1993.
4. The parcel of land claimed by Clemencia Miciano is identified as Lot 3848-A, CSD-044001-011752-D with a highest lot number assigned Lot 22579, Cad. 544-D with an



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Department of Environment and Natural Resources
PENRO Marinduque

area of 997 square meters. The said parcel of land is covered by Patent No. P-044001-94-1063 issued in favor of said Clemencia Miciano on August 31, 1994.

5. The Lot 3848-B, CSD-044001-011752-D (Lot 22580), Cad. 544-D is a portion of the land wherein the government infrastructure erected such as Basketball court of Brgy. Laylay, Laylay Daycare Center, NFA warehouse, NFA Administration building and served as a road leading to Brgy. Hall of Laylay and of shoreline.

5. On September 19-23, 1998 the highest lot number #22580, Cad. 544-D iden. to Lot 3848-B, CSD-044001-011752-D was subdivided and segregated the 20.0 meters Salvage zone along the shoreline and the legal easement of the creek. This is in accordance with Department Administrative Order No. 97-05.

5.1 However, the assigned highest lot number #123087, Cad. 544-D, iden. to Lot 22580-A, CSD-04-017618, approved on March 23, 1999 surveyed in favor of Clemencia Miciano is in conflict or with the highest Lot number assigned under surveyed in favor of Sixto Olympia surveyed on November 17, 1998 and approved on December 17, 1998 involving Cad. Lot No. 3982-A, CSD-04-01768-D.

5.2 That Lot No. 123087, iden. to 3982-A, CSD-04-01768-D is covered by Patent No. 044001-99-6157 issued in favor of Sixto Olympia on June 7, 1999.

6. On the other hand, Foreshore Lease Application No. 044001-83-99 of Clemencia Miciano along the shoreline adjacent of Lot No. 22580-B, CSD-04-017618, situated in Brgy. Laylay, Boac, Marinduque, was found and ascertained that the subject of FLA no. 044001-83-99 is falls within the Salvage Zone area, which is considered no build zone and is intended for public use purposes. Hence, the said application was rejected per Order dated February 26, 2001.

COMMENTS AND RECOMMENDATION:

It is observed that the original Surveyed Claimant of Lot 3848, Cad. 544-D is the Municipality of Boac. When the land was subdivided, it was erroneously surveyed in favor of Clemencia Miciano, et al. Actual ground verification disclosed that the land subject of possession of Clemencia Miciano is Lot 3848-A, CSD-044001-011752-D (#22579), Cad. 544-D and 3848-B, CSD-044001-011752-D (#22580), Cad. 544-D is stands for the other claimant, the Municipality of Boac.

The Free Patent Application No. 044001-262-A filed by Clemencia Miciano over Lot No. 123087, Cad. 544-D iden. to Lot 22580, CSD-04-017618 is complicated due to assigned highest lot number is previously assigned and designated to Lot 3982-A, CSD-04-01768-D surveyed in favor of Sixto Olympia wherein the patent was issued in favor of Luis Olympia.

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In view of the foregoing, it is respectfully recommended that the highest lot number of the subdivision lot under CSD-04-017618 shall be subject for amendment.

Further recommend, that considering that there is an still pending litigation in the Regional Trial Court under Civil Case No. 12-13 involving the same parcel of land, the legal counsel of heirs of Clemencia Miciano shall be advised to pursue litigation thereof to determine the true and lawful owner of the remaining portion of the land, for the Municipality of Boac is in open and continuous possession since 1921 up to present. It is in abeyance with Republic Act No. 10023 which mandated that the land subject of Free Patent Application must be in open, continuous possession and must be free from any land claims and conflicts.

For information, record and appropriate action.


LUCIANA M. RICAFFRENTE



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

PENRO DOCUMENT ACTION AND TRACKING SLIP

DOCUMENT INFORMATION

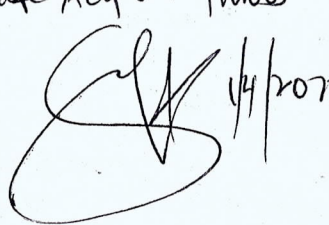
Document Category: Incoming
Document No.: 2021-IN-006477
Sender/s:
• Socrates Arevalo

Encoded By: Manoel Christian Munar
Document Type: Letter
Control Code:
Date & Time Received: 01/03/2022 10:44 AM

Originating Office:
Classification: Simple
Subject: Remand for reinvestigation/update - involving Lot 123087 CAD 544-D Laylay, Boac

Address:
Is This Urgent?: Yes

HISTORY LOGS

DOC. FROM	DOC. TO	RECEIVED	RELEASED	RUNTIME	ACTION TO BE TAKEN / REMARKS
Socrates Arevalo	Imelda Diaz	01/03/2022 10:44 AM	01/03/2022 10:45 AM	1 min.	Comment/Evaluation
In Charge, FSD Aleth Budoc					For appropriate Action. Thanks  1/4/2022
Chief, RPS 1/5 1/5					Please, for your appropriate action. Ty M
Attn. PDU c/o LMO II Yantua					
Chief, pbr/					
Attn. SLI Mirefu 1/7 1/7					For your AA, please. Defend the status of the investigation as ordered by Atty. Arevalo. Petri folder of the case at the Penro if any, for your reference.
Miciano ARMOR, ROXAS romasaxor@gmail.com					

lot 3982- SC- Sift Olympia

M. AREVALO & ASSOCIATES
ATTORNEYS-AT-LAW

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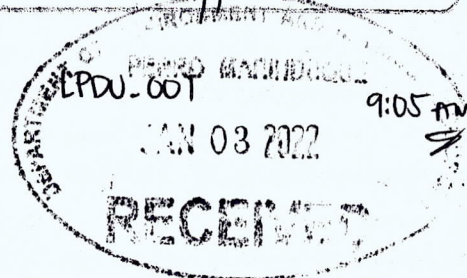
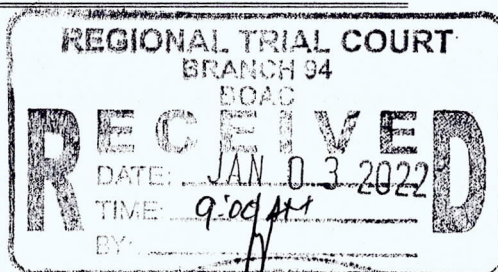
December 10, 2021

ATTY. GANDHI G. FLORES

Chief, Legal Division

Department of Environment and
Natural Resources

MIMAROPA REGION



**Subject : REMAND FOR REINVESTIGATION/UPDATE RE:
LAND CASE ENTITLED "CONCERNED CITIZENS AND
MUNICIPAL OFFICIALS OF BOAC, MARINDUQUE VERSUS
CLEMENCIA MICIANO" INVOLVING LOT NO. 123087, CAS
544-D, BRGY. LAYLAY, BOAC, MARINDUQUE"**

Dear Atty. Flores,

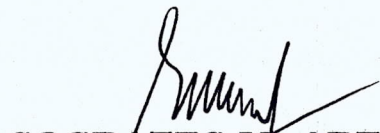
I write in relation to your letter dated December 06, 2017. We are likewise wondering what has happened to the investigation conducted by your good office in this case.

Although we took notice of the fact that you have referred this case to the OIC, PENR Officer of Marinduque "to conduct a reinvestigation and to submit a Report to your office for further evaluation" we have not received any notification of what has happened since December, 2017 and four(4) years have gone by since then.

Let it be known that the proceedings in Civil Case No. 12-13 entitled "*Heirs of Clemencia Miciano vs. Municipality of Boac*" at RTC, Branch 94, had been suspended in view of the pendency of this administrative investigation/reinvestigation, and the delay in resolving the matter by your office may be construed by the Honorable Court as lack of interest to prosecute. Lest my clients case be further prejudiced by the passage of time, we respectfully urge your good office that this matter be resolved with dispatch.

Thank you and Godspeed.

Very Truly Yours,



SOCRATES M. AREVALO

Counsel for the Heirs of Clemencia Miciano
4F Citystate Centre, 709 Shaw Blvd.,
Pasig City

Copy Furnished:

Hon. ANTONINA M. CALDERON-MAGTURO

Presiding Judge

Branch 94, RTC-Marinduque

Heirs of Clemencia Miciano

Brgy. Laylay, Boac, Marinduque