

Republic of the Philippines Department of Environment and Natural Resources

MIMAROPA REGION

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE Bgy. Sta. Monica, Puerto Princesa City, Palawan

Telfax No. (048) 434-8791

Email Add:



AND

September 16, 2022

MEMORANDUM

FOR

The Regional Executive Director

Denr-Mimaropa, 1515 L & S Bldg. Roxas Blvd., Ermita, Manila

ATTENTION

The OIC-Assistant Regional Director for Technical Services

The OIC-Chief, Surveys and Mapping Division

FROM

The Provincial of Environment and

Natural Resources Officer

SUBJECT

REQUEST FOR SURVEY ORDER

CONFIRMATION/IMPLEMENTATION OF REGIONAL OFFICE TO THE DECISION OF DENR CASE NO. M-06-11-

L OF ALMA HEREDERO-KUMAR

Forwarded is the memorandum from CENRO Quezon, Palawan dated August 8, 2022 along with the report of LMI Alex A. Mallari dated August 2, 2022 requesting for Survey Order relative to the implementation of "Decision" dated August 31, 2016 in relation to DENR Case No. M-06-11-L over Lot 2476, Cad.798-D for Antero Heredero.

The CENRO recommends the issuance of Survey Order in favor of Engr. Jonathan Gellez.

For information and consideration.

Reference No: 2022-7786 TSD/RPS/SMU DENR-PALAWAN
PENRO-RECORDS
RELEASED

By
Day 3 SEP 2022 CN 12 - 14 TI



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920

Email: cenroquezon@denr.gov.ph

August 8, 2022

MEMORANDUM

FOR

The Regional Executive Director

DENR MIMAROPA

1515 L & S Bldg., Roxas Blvd.

Manila

THRU

The Provincial Environment and

Natural Resources Officer

PENRO Sta. Monica, Pto. Princesa City

FROM

The Community Environment and

Natural Resources Officer

DENR CENRO Quezon, Palawan

SUBJECT

REQUEST FOR SURVEY ORDER AND CONFIRMATION /IMPLEMENTATION OF REGIONAL OFFICE TO THE DECISION OF DENR CASE NO. M-06-11-L OF ALMA

HEREDERO-KUMAR (2022-1838)

This is in connection with the request for assistance of Alma Heredero-Kumar for clearance and issuance of a Survey Order to a government Surveyor for the implementation of DECISION dated August 31, 2016, relative to DENR Case No. M-06-11-L, over Lot No. 207, Pls-794 located at barangay Maasin, Quezon, Palawan, to quote "The parties are ORDERDED to have their respective lots resurveyed to exclude the existing road and to amend their respective public land applications to cover only the portions they are actually occupying..."

Please be informed that the parties have no enough financial capabilities to hire a private Geodetic Engineer, hence, this request.

Attached are the following documents:

- 1. Inspection Report of LMI Alex A. Mallari
- 2. A & D Certification
- 3. Affidavit of Two (2) Disinterested Persons
- 4. Notarized Barangay Certification
- 5. Special Power of Attorney to Alma H. Kumar

*



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920

Email: cenroquezon@denr.gov.ph

- 6. Government Issued ID of Lourder Talla-Heredero and Alma Heredero-Kumaraa*
- 7. Death Certificate of Antero Heredero
- 8. Regional Trial Court Clearance
- 9. Geo-tagged photos
- 10. Copy of Decision dated August 31, 2016.

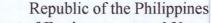
For your information and consideration.

LEGNARD T. CALUYA

Copy Furnished:

1. Alma H. Kumar

2. Simeon Heredero





COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Brgy. Alfonso XIII, Quezon, Palawan Contact Number: 0917-160-4920 Email: cenroquezonpal@gmail.com

For with & entersemble to NED.

MEMORANDUM:

FOR

The Community Environment

And Natural Resources Officer

Quezon, Palawan

THRUE

RPS CHIEF

FROM

ALEX A. MALLARI

LMI

SUBJECT

REQUEST FOR SURVEY ORDER 'AND CONFIRMATION' IMPLEMENTATION OF REGIONAL OFFICE TO THE DECISION OF DENR CASE NO. M-06-11-L OF ALMA HEREDERO-KUMAR

DENR-GENRO QU

Relative with the above-noted subject, hereunder is my report and recommendations, to wit;

- 1. DENR case no.M-06-11-L covers land dispute of spouses Simeon and Purita Heredero (Protestants) versus Antero Heredero and Rosalinda H. Sendito (Protestees) over Lot No. 207, PLS-794 with a total area of 10.0073 has. Located at Barangay Maasin, Quezon, Palawan
- 2. Lot 207, PLS-794 was resurveyed and subdivided in 1985 under Cad. 798-D of Quezon Cadastre approved on September 25, 1986, with resulting lots;
 - a. Lot No. 2475, Cad. 798-D with an area of 5.0426 has. Surveyed for Simeon Heredero
 - b. Lot No. 2476, Cad. 798-D with an area of 4.9639 has. Surveyed for Antero Heredero
 - c. Lot No. 207, PLS 794-D with an area of 10.0073 has. was covered by Homestead application No. (IV-13)8390 filed on April 22, 1974 by Simeon B. Heredero
 - d. Lot No. 2476, Cad. (portion of Lot No. 207, PLS 794-D) with an area of 4.9639 has. was covered by Free Patent Application (FPA-Unnumbered) filed on November 2, 1992 by Antero Heredero.
- 3. In the decision dated August 31,2016 signed by the Then DENR-IV-B(now MIMAROPA) Re4gional Director Oscar C. Dominguez it states that DENR Case No. M-06-11-L was dismissed with an ORDER that the parties shall have their respective lots resurveyed to exclude the existing road and to amend their respective Public Land Applications to cover only the portion they are occupying.



Republic of the Philippines

Department of Environment and Natural Resources MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Brgy. Alfonso XIII, Quezon, Palawan Contact Number: 0917-160-4920 Email: cenroquezonpal@gmail.com

- 4. Requestee, Alma H. Kumar was given a Special Power of Attorney by her mother Lourdes Talla-Heredero, widow of protestee Antero Heredero to inquire, transact, process and follow-up in all concerned agencies/Offices for the survey of Lot No.2476, Cad. 798-D allocated to his late father Antero Heredero.
- 5. Due to lack of financial capabilities to hire the services of a private Geodetic Engr., Alma H. Kumar is requesting the DENR for consideration and assistance to facilitate the survey free of charges for the survey of Lot No. 2476, Cad. 798-D

In view of the above, it is recommended that this request be forwarded to the Regional thru the PENRO for clearance and issuance of a Survey Order to a Government Surveyor for the implementation of DENR case No. M-06-11-L.

Attachments:

- 1. Barangay Certification (Notarized)
- 2. Two (2) affidavit of Disinterested Person
- 3. Special Power of Attorney to Alma H, Kumar
- 4. Government Issued I.D. of Lourdes Talla- Heredero and Alma Heredero-Kumar
- 5. Death Certificate of Antero Heredero
- 6. Regional Trial Court Clearance
- 7. Geo-tagged photos of Lot No 2476, Cad. 798-D
- 8. Complete folder of DENR Case No. M-06-11-L

For his information and approval.

ALEX A. MALLARI

Miles 14.



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Email: cenroquezon@denr.gov.ph

ANNEX "B"

CERTIFICATION

This is to certify that Lot/ Survey No. **207, PLS-794** is within Alienable and Disposable Land per Land Classification Map No. 1193, Project No. 10-A, Block No. III certified on September 21, 1935 and Land Classification Map No. 2653, Project No. 13-B, Block No. I certified on November 24, 1969.

Said lot is not covered by GSS covering areas which are within timberland.

Issued on Sth day of Angust, 2022.

LEONARD T. CAYUYA

CENR Officer Ty

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN) S.S.
MUNICIPALITY OF QUEZON)

AFFIDAVIT IN SUPPORT OF FREE PATENT APPLICATION

I, <u>NELSON A. CABRESTANTE</u>, Filipino, of legal age, married and a resident of Barangay Maasin, Quezon, Palawan, after having duly sworn in accordance with law do hereby deposes and states:

- That I personally know LOURDES TALLA HEREDERO, widow of ANTERO B.
 HEREDERO and a resident of Barangay Maasin Quezon, Palawan who has filed a Free
 patent Application No. 0453-________ for a parcel of land identified as Lot
 No. 2476, containing an area of 4.9639 HECTARES and situated at Barangay Maasin,
 Quezon, Palawan;
- 2. That I am actual resident of Barangay Maasin, Municipality of Quezon, Palawan and I know the land applied for very well;
- 3. That the said applicant has continuously occupied and cultivated the land herself or thru her predecessor-in-interest since year 1970 or prior thereto and it is free from claims and conflicts;
- 4. That I am not related to the applicant either by consanguinity or affinity and I am not personally interested in the land applied for in the granting of the patent; and
- 5. That to the best of my knowledge, belief and information, the applicant is a natural born citizen of the Philippines and is not the owner of more than twelve (12) hectares of the land.

IN WITNESS WHEREOF, I have hereunto affixed my signature this in the Municipality of Quezon, Province of Palawan, Philippines.

NELSON A. CABRESTANTE Affiant

SUBSCRIBED AND SWORN to before me this	L 12 2022, in the
Municipality of Quezon, Province of Palawan, by the affiant w	ho personally appeared and
exhibited to me his OSCA Identification Card with No.: 03080	duly issued on 11-11-2020
at Quezon, Palawan as proof of his identity.	

Doc. No.: 109; Page No.: 33; Book No.: ***/ ATTY. RYAN T. PACABIS
Notary Public
Until December 31, 2023
Attorney's Roll No. 68050

REPUBLIC OF THE PHILIPPINES).
PROVINCE OF PALAWAN) S.S.
MUNICIPALITY OF QUEZON)

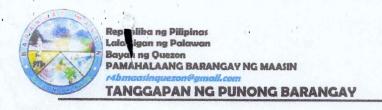
AFFIDAVIT IN SUPPORT OF FREE PATENT APPLICATION

- I, <u>RICO H. SENDITO</u>, Filipino, of legal age, married and a resident of Barangay Maasin, Quezon, Palawan, after having duly sworn in accordance with law do hereby deposes and states:
 - 1. That I personally know LOURDES TALLA HEREDERO, widow of ANTERO B. HEREDERO and a resident of Barangay Maasin Quezon, Palawan who has filed a Free patent Application No. 0453-________ for a parcel of land identified as Lot No. 2476, containing an area of 4.9639 HECTARES and situated at Barangay Maasin, Quezon, Palawan;
 - 2. That I am actual resident of Barangay Maasin, Municipality of Quezon, Palawan and I know the land applied for very well;
 - 3. That the said applicant has continuously occupied and cultivated the land herself or thru her predecessor-in-interest since year 1970 or prior thereto and it is free from claims and conflicts;
 - 4. That I am not related to the applicant either by consanguinity or affinity and I am not personally interested in the land applied for in the granting of the patent; and
 - 5. That to the best of my knowledge, belief and information, the applicant is a natural born citizen of the Philippines and is not the owner of more than twelve (12) hectares of the land.

IN WITNESS WHEREOF, I have hereunto affixed my signature this in the Municipality of Quezon, Province of Palawan, Philippines.

RICO H. SENDITO

Doc. No.: <u>|\$7</u>; Page No.: <u>33</u>; Book No.: <u>XXXV</u>; Series of 2022. ATTY. RYANT. PACABIS
Notary Public
Until December 31, 2023
Attorney's Roll No. 63050





CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that late ANTERO BANTOG HEREDERO, is a claimant to a parcel of land covered under Lot No. 2476 CAD 798-D, located at Maasin, Quezon, Palawan.

THIS CERTIFICATION is being issued upon the request of her daughter ALMA HEREDERO KUMAR for whatever legal purpose/s it may serve best.

Issued this 12th day of July 2022 at Maasin, Quezon, Palawan.

DANILO H. CARMEN
Penong Barangay

SUBSCRIBED AND SWORN to before me this JUL 1 3 2022 in the Municipality of Quezon, Palawan, Philippines. Affiant, personally appeared and known to me.

Doc. No.: 188; Page No.: 31; Book No.: 1887; Series of 2022.

Notary Public Until December 31, 2023

Attorney's Roll No. 63050 IBN 0.168470/12-24-2021

PTR No. 0875154/06-27-2022

- 1. To represent me and appear in my behalf, transact, process, follow-up and to secure in all transactions for the Land Verification Status and Request for Land Inspection before the office of Department of Environment and Natural Resources (DENR) and all other concerned agencies/offices of the two (2) parcels of land to wit: 1) a parcel of land identified as Lot No. 2476, containing an area of 4.9639 HECTARES and situated at Barangay Maasin, Quezon, Palawan;
- 2. To transact, process, follow-up, to get and secure Certification of no pending land registration proceedings covering the above-described parcel of land before the office of Regional Trial Court at Brooke's Point, Palawan;
- 3. To transact, process, follow-up, to get and secure Certification that the above-described parcel of land is not needed for public purpose before the office of Municipal Planning and Development Office (MPDO)-Quezon, Palawan;
- 4. To transact, process and follow-up the application for Tax Declaration of Real Property before the office of the Municipal Assessor of the Municipality of Quezon, Palawan for the above-described parcel of land;
- 5. To transact, process, follow-up, to get and secure Land Registration Authority (LRA) and Regional Trial Court Clearances covering the above-described parcel of land before the office of Regional Trial Court at Brooke's Point, Palawan;
- 6. To sign any papers, documents and to pay the necessary fees in my name necessary to effect the securement of Land Verification Status, request for land inspection; application for Tax Declaration of Real Property; Certification of no pending land registration proceedings; Certification that the above-described parcel of land is not needed for public purpose and Land Registration Authority (LRA) and Regional Trial Court Clearances for the above-mentioned parcel of land;
- 7. To inquire, transact, process and follow-up in all concerned offices/agencies and to pay the taxes or fees that are necessary for the above mentioned certification/clearances for the above described parcel of land;
- 8. To deliver and submit any documents, instruments, receipts certificates and clearances that are required for the securement of the above mentioned certification/clearances for the above described parcel of land;
- 9. To claim the Original Certificate of Title of the above-described) parcels of land;
- 10. To inquire, transact, process and follow-up in all concerned offices/agencies for the survey of the above-described parcel of land; and
- 11. To perform all other acts that are necessary for the accomplishment of the above mentioned purpose.

Alm

2 7 Heredus

HEREBY GIVING AND GRANTING unto our said Attorneys-in-Fact full power and authority to do and perform all every act requisite or necessary to carry into effect the foregoing authority, as fully to all intents and purposes as We might or could lawfully do if personally present.

IN WITNESS WHEREOF, We have hereunto set our hands this ________, in the Municipality of Quezon, Province of Palawan, Philippines.

I & Heredero

LOURDES TALLA HEREDERO
Principal

I hereby Accept my Appointment: ALMA H. KUMAR
Attorney-in-Fact

SIGNED IN THE PRESENCE OF:

AIZLE P. ARMEZA-CALA
Witness

KAREN M. TOLORIO

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN) S.S.
MUNICIPALITY OF QUEZON)

BEFORE ME, a Notary Public for the Municipality of Quezon and for the Province of Palawan, this _______, in the Municipality of Quezon, Province of Palawan, Philippines, personally appeared:

NAME

ID NO.

ISSUED BY/AT

LOURDES TALLA HEREDERO ALMA H. KUMAR OSCA ID No.: 0602 CRN.: 0111-92452888-2 01-23-2020 UMID

All known to me to be the same persons who executed the foregoing Special Power of Attorney and they acknowledged to me that the same are their free act and voluntary deed.

WITNESS MY HAND AND SEAL, at the place and on the date first above written.

Doc. No.: $|\Psi|$; Page No.: $|\Im|$; Book No.: $|X \times Y|$; Series of 2022.

ATTY. RYAN T. PACABIS Notary Public

Until December 31, 2023 Attorney's Roll No. 63050 IBP No.168470/12-24-2021 PTR No. 0875154/06-27-2022

005.1.200



REPUBLIC OF THE PHILIPPINES
Unified Multi-Purpose ID



CRN 0111-9245288-2



KUMAR ALMA

HEREDERO THE BERG SET DATE DEBUTE 1980/09/30 SCHOOL SET DAY OF LUIS VILL CENTRAL MATE BAVAO ORIENTAL PHL SECO

Benefits and Privileges under RA 9994

Free Medical / dental, diagnostic & laboratory service in all government facilities
 20 % discount for medicines

strate for domestic air, sea travel and public land transportation of the particles and prime commodities.

The commodities are referred to the purchase of goods & services which are entitled to the particles.

The amount for the security utilization of water and electricity, provided that we the second control to the second citizens to the second control to the section and enchance inpute basis are process.

Conting RA 9994 shall be penalized. Only for the exclusive size of another providing in a privileger is propriate by law.

CELSA B. ADIER -Municipal Mayor

REPUBLIC OF THE PHILIPPINES OFFICE OF THE SENIOR CITIZENS AFFAIRS (OSCA) MUNICIPALITY OF ABORLAN

NAME: LOURDES TALLA HEREDERO

ADDRESS: RAMON MAGSAYSAY, ABORLAN, PALA

DATE OF BIRTH

01/23/2020 DATE ISSUED

SEX E 7 Huedero

SIGNATURE OR THUMB MARK

This Card in 8



Republic of the Philippines OFFICE OF THE CIVIL REGISTRAR GENERAL CERTIFICATE OF DEATH (Fill out completely, accurately
Province Pack Notice the appropriate answer in items 2, 9, 13, 15, 16, 18, 19, 27 and 25) Province City/Municipality Provided City NAME (First) Province City Possible City City City City City City City City
Province Park Proces City NAME (First) (Middle) (Last) Antero Barries (Middle) (Middle) (Last) Antero Barries (Middle)
NAME (First) (Middle) (Last) (Last
SEX 3. RELIGION 4. A a. 1. YEAR OF ABOVE b. UNDER 1 YEAR C. UNDER 1 DAY 2. 1 MALE 2 FEMALE 2 FEMALE 2 FEMALE 3. RELIGION 4. A a. 1. YEAR OF ABOVE b. UNDER 1 YEAR C. UNDER 1 DAY 2 Completed years Months Days Hirs/Min/Sec 3 Completed years Months Days Hirs/Min/Sec 4 Completed years Months Days Hirs/Min/Sec 4 COMPLET OF THE CHILL PLACE OF Claime of ricepiters injec/nstitution/ POSATH Place of ricepiters injec/nstitution/ P
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DEATH Place No. Street, Barangay DATE OF DEATH (day) (month): (year) 7. CITIZENSHIP 12 2009: Physica RESIDENCE House No., Street, Barangay Civil STATUS 1 Single 3 Widowed 5 Unknown 1 2 MEDICAL CERTIFICATE 1 For ages 0 to 7 days, accomplish Items 11-17 at the back) CAUSES OF DEATH Immediate cause: a. Tic Uncultary activity Underlying cause: c.
RESIDENCE House No., Street, Barangay Ting has Prince. (City/Municipality) (City/Munic
CIVIL STATUS 1 Single 2 Medical Certificate (For ages 0 to 7 days, accomplish Items 11-17 at the back) CAUSES OF DEATH Immediale cause: a. Tic Uncal Hermatum Antecedent cause: b. Carbonas along accomplish Underlying cause: c.
1 Single 3 Widowed 5 Unknown Y 2 Married 4 Others MEDICAL CERTIFICATE (For ages 0 to 7 days, accomplish items 11-17 at the back) 7 CAUSES OF DEATH Interval Between Onset and Death Interval Between Onset and Death Underlying cause: b. Carfords color accordent Underlying cause: c.
(For ages 0 to 7 days, accomplish Items 11-17 at the back) 7. CAUSES OF DEATH Interval Between Onset and Death Interval Between Onset and Death Antecedent cause: a. Tic Uncal Harmatum Antecedent cause: b. Carburas cular acrisht probably blind Underlying cause: c. Uncarted Hypertonian II. Other significant conditions
Antecedent cause: b. Cerefrontes cular acristlet Underlying cause: c: Uncontented Hypertisein II. Other significant conditions
Antecedent cause: b. Cerufuras cular acristlet patably blied Underlying cause: c. Uncertaint difference Underlying cause: c. Uncertaint difference Underlying cause: c.
Underlying cause: c: Uncenterfled Hypertensin 11. Other significant conditions 59
II. Other significant conditions
B. DEATH BY NON-NATURAL CAUSES D. Manner of Death
1 Homicide 2 Suicide 3 Accident 4 Others (Specify) b. Place of Occurrence (e.g. home, farm, factory, street, sea, etc.)
ATTENDANT If attended, state duration: 71 72 1 Private Physician 4 None From 11 20 00 11 11 11 11 11 11 11 11 11 11 11 11
2 Public Health Officer 5 Others (Specify) To 12-9-0-9 41.45 M
CERTIFICATION OF DEATH I hereby certify that the foregoing particulars are correct as near as same can be ascertained and I further certify that I
have not attended the deceased and that death occurred at 4-45 Confirm on the date indicated above.
REVIEWED BY:
ame in Print DEXTER DELICANO IND Signature over printed name of Health Officer 80
ddress ONP
ate . 12 4 09
1. CORPSE DISPOSAL 22. BURIAL/CREMATION PERMIT 1 Burlal 3 Others (Specify) 2 Cremation Date Issued 23. AUTOPSY 1 Yes 2 No
A NAME AND ADDRESS OF CEMETERY OR CREMATORY
INFORMANT .
me to Print Land Invelo G. Yorkm Address
Date 27. RECEIVED AT THE OFFICE OF THE CIVIL REGISTRAR

Republic of the Philippines Fourth Judicial Region

REGIONAL TRIAL COURT

Balabac-Bataraza-Brooke's Point-Kalayaan-Quezon-Rizal-Sofronio Española, Palawan

BRANCH 165 (Single Sala)

Brooke's Point, Palawan

Landline: 726-3480 / Hotline: 0956-307-8033 Email Address: <u>rtc2bpt165@judiciary.gov.ph</u>

OFFICE OF THE BRANCH CLERK OF COURT & EX-OFFICIO SHERIFF

Justice Hall, Barangay Tubtub, Brooke's Point, Palawan

CERTIFICATION

TO WHOM IT MAY CONCERN

THIS IS TO CERTIFY that no land registration case involving Lot & Survey No. 2476, Cad 798-D located in Barangay Maasin, Quezon, Palawan is pending before this Court, which was organized since 2018 and has jurisdiction over the Municipalities of Brooke's Point, Bataraza, Quezon, Rizal, Sofronio Española, Balabac and Kalayaan.

This Certification is being issued upon request of DMO IV ROSITA F. CASTULO for whatever legal purpose it may serve.

14th day of July 2022 at Justice Hall, Tubtub, Brookes Point, Palawan.

ELENA B. DELA TORRE

OIC/Court Interpreter

Verified By:

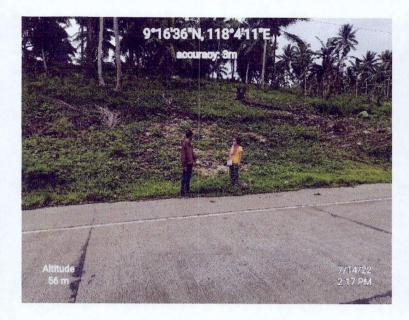
Cert Fee. P 15 / P35 / P 10

O.R. Nos. 7662429 D / 7662451 D / 2415755

Dated: July 14, 2022

GEOTAGGED PHOTOS OF LOT NO. 2476, CAP 798-D WITH ALMA H. KUMAR AND LMI ALEX A. MALLARI

ALDY A. MALLARI LM &







GEO-TAGGED BY:

BALTÂZAR A. ROGEL DPLI/ CARTO-I GEOTAGGED PHOTOS OF LOT NO. 2476, CAP 798-D WITH ALMA H. KUMAR AND LMI ALEX A. MALLARI

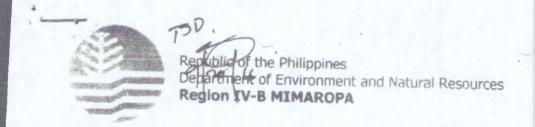
ALEX A. MALLARI LME





GEO-TAGGED BY:

BALTAZAR A. ROGEL DPLI/ CARTO-I



SPOUSES SIMEON B. HEREDERO and PURITA HEREDERO, Protestants,

versus

ANTERO B. HEREDERO and ROSALINA H. SENDITO, Protestees.

DENR CASE NO. M-06-11-L

PALAWAN RECORDS

RECEIVED

Lot No. 207, Pls-794 DATE: Brgy. Maasin, Quezon, Palawan

DATE: ON 16-20

DECISION

On April 22, 1974, Simeon Heredero filed Homestead Application No. (IV-13) 8390 over Lot 207, Pls-794, with a total area of 10.0073 hectares, located at Brgy. Maasin, Quezon, Palawan, which application remains unapproved up to now.

The same lot was resurveyed and subdivided in 1985 under Cad 798-D, of the Quezon Cadastre, approved on September 25, 1986, with the resulting lots:

- 1. Lot No. 2475 5.0426 hectares surveyed for Simeon Heredero; and,
- 2. Lot No. 2476 4:9639 hectares surveyed for Antero Heredero.

On September 30, 1986, Antero Heredero filed an application for a Homestead Patent over Lot No. 2476, which was later on substituted for a Free Patent Application (FPA-unnumbered) on November 2, 1992.

On June 3, 2002 Simeon Heredero, with his wife Purita, filed a formal Protest against the FPA of Antero Heredero, praying for the cancellation of the subdivision plan of Lot No. 207 and the disapproval of Antero's application.

ALLEGATIONS OF THE PARTIES

94 9.8.20 CM

PROTESTANTS

Simeon Heredero alleges that he and his wife have been in open, continuous, and peaceful possession and occupation of Lot No. 207 since 1962. They have introduced improvements on the lot and continuously cultivated the same. They also had it declared for taxation purposes.

Protestant narrates that it was sometime in 1986 that he was informed by the CENRO Quezon, Palawan, that the same lot was already in the name of Protestee Antero Heredero, despite the fact that they are the ones occupying the area. Protestant Simeon insists that Antero and his wife Rosalina did not reside in the area, and it was only in 2002 when the

Protestees were able to enter the lot and build a nipa hut thereon because the Protestants were forced to stay in Puerto Princesa City for medical care.

Protestant Simeon Heredero prays for the cancellation of the subdivision plan of Lot No. 207 and for the approval of his Homestead Application No. (IV-13) 8390.

PROTESTEES

Protestee Antero Heredero, in support of his claim, submitted pertinent documents such as Survey Notification Card for Lot No. 2476 issued in his favor by the Cadastral Surveyor in 1985; Certification dated October 13, 1985 from the Barangay Captain that he is the owner of a five-hectare lot separate from that of Simeon's; Certification dated January 23, 2002 of Barangay Captain Sofronio R. de Asis that Protestee Antero is the owner of Lot 2476; tax declarations and tax receipts, among other similar documents. Antero claims that his brother Simeon should give him back Lot No. 2476 as the latter has already used it for seventeen (17) years.

CRITISTO TREE PHOTO COLL

DISCUSSION

Lot No. 2476, Cad 798-D is a portion of Lot No. 207, Pls-794. Lot No. 207 with an area of 10.0073 hectares is covered by Homestead Application No. (IV-13) 8390 in the name of Simeon Heredero. Lot No. 2476, in particular, is covered by the unnumbered Free Patent Application of Antero Heredero. Both applications remain unapproved up to now.

Based on the Report of Inspection and Investigation dated September 9, 1997 submitted by Special Investigator Jimmy Villareal, it is disclosed that Lot No. 207 was first occupied in 1961 by Antero Sendito, the husband of Protestant Simeon and Protestee Antero's sister Rosalina Heredero-Sendito, who verbally waived his right to the land in favor of the parties in the instant case, on the condition that the land should be equally divided between the brothers once Antero reaches the age of maturity. Simeon became the survey claimant because Antero was then still a minor. The statement of Rosalina that Lot No. 207 was supposed to be divided between Simeon and Antero was corroborated by a neighbor Nestor Cabrestante.

In 1974, Simeon filed a homestead application without the knowledge of Antero.

On September 30, 1986, Antero Heredero filed an application for a Homestead Patent over Lot 2476, which was later on substituted for a Free Patent Application (FPA-unnumbered) on November 2, 1992.

A follow-up ocular inspection was conducted on August 6, 2004 and a conference on August 11, 2004 was presided by Land Management Officer III/LMS Chief Johnny Lilang for the parties to have an amicable settlement, but it was unsuccessful. In the conference, it was revealed by the Protestant himself that he and his brother, Protestee Antero, previously lived with their sister Rosalina Heredero-Sendito. Protestant Simeon claims that Lot No. 207 could not have been owned by his brother-in-law Antero Sendito because it is a public land.

Further, it was disclosed that Protestant Simeon made his improvements on Lot No. 2476 and entrusted Lot No. 2475 to a caretaker, which is a circumvention of the requirements in the grant of a homestead patent.

In another ocular inspection conducted by the PENRO Palawan, it was reported that the Protestants and the Protestees occupy separate portions of Lot No. 207. Protestant Simeon occupies Lot No. 2475 while Protestee Antero occupies Lot No. 2476. It was observed that the brothers have introduced improvements and fully developed their respective lots.

It was, however, noted that it was Simeon who first settled in the subject lot and exerted more time and effort in developing the same. However, in the early years he concentrated most of his improvements on Lot 2476 with the help of a caretaker.

A relevant recommendation in the ocular inspection and investigation report of LMO III/Chief LMS Lilang states that a survey of both Lot No. 2475 and 2476 is necessary to exclude the existing road traversing the disputed lot.

RULING

The instant case can be properly resolved pursuant to the provisions of DENR Memorandum Circular No. 22, Series of 1989 with the subject "Policy on the Size of Grants Covering Public Agricultural Lands," which states, in Item No. 2 thereof:

SH 9.8. 2014

"2. Five (5) hectares in the case of homestead applications

As to subsisting homestead application prior to the promulgation of R.A. No. 6657, where no vested right has yet accrued, the same shall be limited to a maximum area of five (5) hectares. $\times \times \times''$

In accordance with the foregoing, Homestead Application No. (IV-13) 8390 of Simeon Heredero over Lot 207, Pls-794 with a total area of 10.0073 hectares cannot be given due course.

On the other hand, the unnumbered Free Patent Application of Antero Heredero over Lot No. 2476 may be given due course, subject to the survey of Lot Nos. 2475 and 2476 as recommended by LMO III/LMS Chief Lilang.

The right of Protestee Antero over Lot No. 2476 is supported by the fact that he is deemed a co-owner of the whole Lot No. 207. Further, he has already filed a Free Patent application over a specific portion thereto, namely Lot No. 2476.

Protestant Simeon cannot arrogate unto himself the whole Lot No. 207 as he co-owns the same with Protestee Antero. The Supreme Court has held, in 243 SCRA 239, that:

"The possession of a co-owner cannot ripen into ownership for the reason that the possession was merely in the concept of a trustee for the other co-owners."

In addition, pursuant to the Memorandum dated May 28, 2015, signed by Undersecretary for Field Operations Demetrio L. Ignacio, Jr., CESO I, with the subject: "Suspension of Issuance of Survey Authority, Conduct and Approval of Survey of Untitled Lands and Acceptance and

Processing of Public Land Applications Within Palawan, "the processing of the appropriate public land applications in the instant case will have to be put on hold until such suspension is lifted.

WHEREFORE, premises considered, this Office finds the instant Protest UNMERITORIOUS and is hereby DISMISSED. The parties are ORDERED to have their respective lots resurveyed to exclude the existing road and to amend their respective public land applications to cover only the portions they are actually occupying, subject to the lifting of the afore-died suspension order.

SO ORDERED.

Manila, Philippines. 3 1 AUG 2016

OSCAR C. DOMINGUEZ

Regional Director

DENR Region IV-B



CC

The PENR Officer

DENR Compound, Sta. Monica, Puerto Princesa City Palawan

The CENR Officer / CONRO, Cut 201, Pa!

CFI Compound, Sta. Monica, Puerto Princesa City
Palawan

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PALAWAN RECORDS

BY: QK

DATE: 91-32-16 CH

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ARSENTO B. IBAY Verified by G. Hanten Date 8-31
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By:

ARISTOTELES E. BARC INAL

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22: Sheets

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