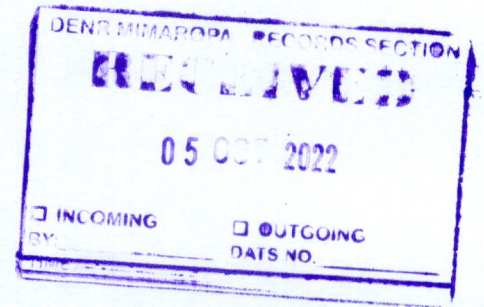


October 5, 2022

RED LORMELYN C. CLAUDIO,
CESO IV

ATTENTION : Atty. GANDHI FLORES
1515 L & S, DENR by the Bay,
Roxas Blvd., Manila



LETTER OF REQUEST

Dear Madam,

Good day!

This letter is to request to your good office the Certified Copy of **Finality and Decision Order** dated March 21, 1975 in the Case **ENRIQUE JAVIER vs HEIRS OF MARIANO ESTRADA**, represented by **Teodula Estrada** with No. B.L. Claim No. 517 (N) **D.L.O. Claim No.734,PLAN SI-3764-D** San Mariano , Roxas, Oriental Mindoro.o

Hope for your kind consideration in this matter, is highly appreciated!

Respectfully yours,

MINA E. DELA CRUZ

Represented By:


NOREL JAIME

Authorized Representative

ENRIQUE A. JAVIER
Claimant-Protestant

- VERSUS -

S.A. NO. 7364 (E-1565)
HEIRS OF MARIANO ESTRADA
REP. BY TEODULA ESTRADA
Applicants-Respondents

I - - - - - X

B.L. CLAIM NO. 517 (N)
D.L.O. " " 734.

PLAN SI-3764-D
SAN MARIANO, ROXAS,
ORIENTAL MINDORO

O R D E R

On March 21, 1975, this Office rendered a decision in the above-entitled case, the dispositive paragraph of which reads as follows:

"IN VIEW HEREOF, it is ordered that the claim of Enrique A. Javier be, as hereby it is, dismissed. The Sales Application No. 7364 (E-1565) of the Heirs of Mariano Estrada, shall be given due course.

Of this decision, claimant-protestant filed a motion for reconsideration alleging, among others, that the decision is contrary to the facts and existing laws and that the ocular inspection report has fraudulently failed to include therein the permanent improvements of protestant consisting of fruit-bearing coconuts and other fruit trees.

We have carefully reviewed the records of the case in the light of the allegations contained in the instant motion for reconsideration as well as in the opposition filed in connection therewith and have found that the grounds raised by movant have already been sufficiently discussed and considered in the decision sought to be reconsidered.

The evidence on record sufficiently shows that respondent heirs of Mariano Estrada have been in the actual occupation and cultivation of the land in question since 1925 and that they have introduced thereon considerable improvements such as five (5) houses of their tenants, coconuts, several fruit trees, coffees and bananas.

Records also show that on May 28, 1928, the land in question was sold at public auction and the late Mariano Estrada was declared the successful bidder. On November 1, 1928, an order of award was issued in favor of Mariano Estrada. It was only in November 13, 1953, when an Order Succession and Issuance of Patent was issued in favor of the heirs of Mariano Estrada, represented by Teodula Estrada. Based on the said order, the land in question which is a portion of the land covered by the Sales Application No. 7364 (E-1565) of the heirs of Mariano Estrada has acquired the character of private property and is deemed to have been segregated from the mass of public domain disposable under the Public Land Act. Thus, it has been held that a perfected valid appropriation of public land operates as a withdrawal of the tract from the body of public domain and, so long as such appropriation remains valid and subsisting, the land covered thereby is deemed private property.

"When a homesteader has complied with all the terms

thereof" x x x x x The execution and delivery of the patent, after the right to a particular parcel of land has become complete, are the mere ministerial acts of the officer charged with that duty. Even without a patent, a perfected homestead is a property right in the fullest sense, unaffected by the fact that the paramount title to the land is still in the government. Such land may be conveyed or inherited. No subsequent law can deprive him of that vested right." (Balboa vs. Ferrales, 51 Phil 498)

As regards the correctness of the findings of the investigating officer in the ocular inspection of the premises, it suffices to state that there is nothing in the records to justify the contrary view. Besides, it is presumed that official duty has been regularly performed and mere insinuation of irregularity, can not overcome such presumption.

IN VIEW HEREOF, the instant motion for reconsideration should be, as hereby it is, denied for lack of merit.

SO ORDERED.

Manila, Philippines. JUN. 30 1930

Narciso V. Villapando
NARCISO V. VILLAPANDO, CESO III
Assistant Director of Lands as
Bureau-in-Charge
ESC/jao
Q m n 9/3

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COPY FURNISHED:

Atty. Enrique A. Javier
Puerto Princesa City

The Heirs of Mariano Estrada
Rep. by Mrs. Teodula Estrada
San Mariano, Roxas, Oriental Mindoro

The District Land Officer
DLO No. IV-A-6, Bureau of Lands
Roxas, Oriental Mindoro

The Regional Land Director
RLO No. IV-A, Bureau of Lands
Gen. Solano, Manila

The Docket Clerk

(Reg. Mail) 2

(Reg. Mail)

SA 70-7064

For file, Enr. 5/8
Minister

NARCISO V. VILLAPANDO
NARCISO V. VILLAPANDO
Director, Bureau of Lands

June 12, 1930