



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

DENR MIMAROPA RECORDS SECTION

**RECEIVED**

16 SEP 2022

September 12, 2022

☒ INCOMING ☐ OUTGOING  
DATE NO.  
TIME

**MEMORANDUM**

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

**ATTENTION:** The Chief  
Legal Services Division

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

**SUBJECT :** **INVESTIGATION REPORT RE: PROTEST FILED BY ANGELES D. BARRACA AGAINST RESIDENTIAL FREE PATENT NO. 045207-15-3454 IN THE NAME OF TESSIE B. FABELLA COVERING LOT NO. 125, CAD 1299-D C-01 LOCATED AT POBLACION, MANSALAY, ORIENTAL MINDORO**

Respectfully indorsing the herein Investigation Report dated August 5, 2022 regarding the above-mentioned case submitted by the Investigation Team of this Office.

Be informed that the team recommended for the dismissal of Protest for lack of jurisdiction considering that the same case has already been heard and judged at the Municipal Circuit Trial Court, Mansalay-Bulalacao, Mansalay, Oriental Mindoro.

Attached are pertinent documents relative to the case for your reference.

For consideration and further evaluation.

  
ALMA E. GIBE

Tracking No.: 2209000323

TSD/RPS/Dhal

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





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

August 5, 2022

**MEMORANDUM**

**FOR :** The In-Charge, PENRO Oriental Mindoro

**FROM :** LIOs/Investigation Team

**SUBJECT :** **INVESTIGATION REPORT RE: PROTEST FILED BY ANGELES D. BARRACA AGAINST RESIDENTIAL FREE PATENT NO. 045207-15-3454 IN THE NAME OF TESSIE B. FABELLA COVERING LOT NO. 125, CAD 1299-D C-01 LOCATED AT POBLACION, MANSALAY, ORIENTAL MINDORO**

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENRO TRACKING NO.	
RECEIVED BY:	<i>[Signature]</i>
DATE:	SEP 12 2022
TIME:	

In compliance to the Memorandum dated May 19, 2022 directing the undersigned to conduct investigation relative to the above-mentioned case in accordance with the provisions of DAO No. 2016-31, the following results were ascertained, to wit:

**I. FACTUAL BACKGROUND**

- A verified protest was filed by Angeles D. Barraca dated August 14, 2017, respectfully praying for the cancellation of Residential Free Patent issued to her niece Tessie B. Fabella, for she (protestant) is a possessor of Lot No. 125, Cad 1299-D, C-01 located at Sitio Nalwak, Poblacion, Mansalay, Oriental Mindoro.
- An Order of Investigation dated April 11, 2022 signed by Regional Executive Director Lormelyn E. Claudio, CESO IV, was issued duly received at PENRO Oriental Mindoro on May 16, 2022.
- A Memorandum dated March 1, 2022 signed by PENRO Mary June F. Maypa directing SI Dalia G. Bigtas, LMO II Peterson F. Fabellon and FT II Elegio C. Hio to conduct investigation re: the above-mentioned case.

**II. RECORDS VERIFICATION**

1. The undersigned initially gathered information based on available records filed at PENR Office pertaining to the Residential Free Patent Application of Tessie B. Fabella, however, no carpeta/folder of the said application was filed, only scanned copy of Transmittal to RoD, copy of RFPA No. 045207-15-3454, V-37 of Lot 125, Cad 1299-D, Application, and Investigation and Ocular Inspection Report.
2. Further research and verification on records at CENRO Roxas was conducted by the team and the following facts were ascertained based on available records:
  - a. On March 18, 2016, Tessie B. Fabella filed Residential Free Patent No. 045207-95 covering Lot No. 125, Cad 1299-D, Mansalay Cadastre, duly subscribed and sworn before Land Management Inspector Carlota F. Galit.
  - b. In a Lot Descriptions filed at CENRO Roxas, the claimant for Lot No. 125, Cad 1299-D is Magces Bapansa, which was erased and handwritten name appears, the name of Tessie B. Fabella. An Order dated March 24, 2016 was issued by CENRO Isagani Manalili dropping the name Magces Bapansa as survey claimant





in consideration of the unsubscribed *Sinumpaang Salaysay* dated May 8, 2015 executed by residents of Barangay Poblacion Mansalay.

- c. An affidavit dated March 18, 2016 executed by Mr. Allan Bautista, a resident of Poblacion, Mansalay, duly subscribed and sworn in front of LMI Carlota F. Galit, who testified that she personally knows the applicant and that the applicant actually resided on and continuously possessed and occupied for at least ten (10) years the lot being applied.
- d. In an investigation report dated April 15, 2016 submitted by LMI Carlota F. Galit, she certified that the applicant possesses all the qualifications and complied all the requirements of Residential Law leading to the issuance of patent in favor of the applicant and that the applicant or her predecessor-in-interest entered upon the residential land on year 2006.
- e. Barangay Captain Jolly Cusi issued *Pagpapatunay* dated March 18, 2016, certifying that the applicant, Tessie Fabella, is the actual owner of Lot 125, Cad 1299-D and the same lot has no claims and conflict filed in the Barangay.
- f. Barangay Captain Jolly Cusi also issued Certification dated March 18, 2016 certifying that Residential Free Patent Application No. 045207-95 of Tessie B. Fabella has been posted for a period from March 1, 2016 to March 18, 2016 and no formal protest against the application has been filed.
- g. Certificate of Posting of Application for Residential Free Patent was issued by CENRO Isagani Manalili
- h. A Residential Free Patent No. 045212-15-3454 was issued and approved on March 29, 2016 by OIC-PENRO Mary June F. Maypa, in the name of applicant.
- i. The said Patent was transmitted to Registry of Deeds dated May 19, 2016.

### III. INVESTIGATION

1. A letter/summon were sent to the protestant and protestee dated May 27, 2022 inviting them to attend for a meeting scheduled on May 31, 2022 at CENRO Roxas, San Mariano, Roxas, Oriental Mindoro.
2. On May 31, 2022, a meeting/preliminary hearing was conducted facilitated by Special Investigator I Dalia G. Bigtas, and assisted by LMO II Peterson F. Fabellon and FT II Elegio C. Hio. Both parties attended the meeting.
  - It was ascertained during the meeting that both parties are claiming rights over the land.
  - That the parties have a Civil Case No. 451 for Recovery of Possession Damages with Preliminary Injunction filed by Plaintiff, Tessie B. Fabella and Fraile Fabella against Angeles Barraca and Ronnie Jalos, Defendants.
  - That a JUDGMENT dated November 17, 2021 was issued by Judge Divina Lea A. Perdigueria of Municipal Circuit Trial Court of Mansalay-Bulalacao, Mansalay, Oriental Mindoro, stated as: "*WHEREFORE, premises considered, judgment is hereby rendered ordering the defendants and all other representing and /or acting on their behalf to vacate the premises and to remove and demolish whatever improvements and/or structures they introduced on the premises in question. Anent Attorney's fees and damages, no evidence was adduced to justify an award, they are hereby **DENIED.***"
3. This Office requested an authentic copy of the decision and other relative documents regarding the case filed at the MCTC in Mansalay, Oriental Mindoro, as per letter dated June 02, 2022, but no response yet has been received by this Office.





#### IV. FINDINGS


1. No available records of carpeta/folder of the said application could be found in the PENRO Land Records.
2. The Residential Free Patent No. **045212-15-3454** did not match with the date of approval of patent which was dated May 19, 2016. The number **15** in the patent number indicates the year of approval of patent, which is not the same as the year approved which is only in year **2016**.
3. The *Sinumpaang Salaysay* that served as basis for cancellation of survey claimant, is not a firm document because the document was not duly notarized or subscribed by authorized official.
4. The date of acceptance of application is only on March 18, 2016, however, posting of application in the Barangay was done from March 1-18, 2016. Posting was done prior to acceptance of application which is not a proper procedure.
5. Considering that the case was filed and already judged and decided at the Municipal Trial Court, our Office lose jurisdiction over the matter.

#### V. RECOMMENDATIONS

In view of the above findings, the following recommendations were formulated:

1. The decision of the Municipal Circuit Trial Court shall be honored and strictly implemented.
2. The protest filed in our office by Protestant, Angeles Barraca against Residential Free Patent No. 045212-15-3454 in the name of Tessie B. Fabella shall be dismissed for lack of jurisdiction.

For information and further instruction.

  
**DALIA G. BIGTAS**  
Special Investigator I

  
**PETERSON F. FABELLON**  
Land Management Officer II

  
**ELEGIO C. HIO**  
Forest technician II

Noted:

  
**ALMA E. GIBE**  
In-Charge, PENRO Oriental Mindoro

Tita A



*Done*  
*Tessie!*

Republic of the Philippines  
MUNICIPAL CIRCUIT TRIAL COURT  
Mansalay-Bulalacao, Mansalay, Oriental Mindoro

TESSIE B. FABELLA and  
FRAILE FABELLA,

Plaintiff,

CIVIL CASE NO. 451

- versus -

ANGELES BARRACA and  
RONNIE JALOS,

Defendants.

-FOR-  
RECOVERY OF POSSESSION  
DAMAGES WITH PRELIMINARY  
INJUNCTION

X ----- X

**J U D G M E N T**

For resolution is an action for Recovery of Possession filed by Plaintiffs Tessie R. Fabella and Fraile Fabella against Angeles Barraca and Ronnie Jalos. Subject matter of this case is a small hut erected in One Hundred Eighty Six (186) square meter lot located at Sitio Nalwak, Poblacion Mansalay, Oriental Mindoro covered in the Original Certificate of Title 064-2018000153 and Residential Free Patent No. 04520715-3454.

In her complaint, Tessie Fabella alleged that her aunt, defendant Angeles Barraca requested plaintiff that she be allowed to temporarily stay in their ancestral house located on the subject lot and constructed by the plaintiff's father, Vicente. Being an aunt, plaintiff Tessie B. Fabella conceded to the request. Thus, Defendant Angeles Barraca together with her live-in partner Ronnie Jalos continued staying on the house. However, when plaintiffs demanded that she turn over possession and occupation of the same, things turned sour and the defendants refused to leave said house and lot. Defendant Angeles Barraca categorically made a pronouncement before the barangay officials of Poblacion, Mansalay that she will not leave the premises, hence the filing of the instant case.

Plaintiffs prayed for the following reliefs:

1. To order defendants to vacate the premises and all other representing and /or acting on their behalf;
2. To order defendants to remove and demolish whatever improvements and/or structures they introduced on the premises in question;
3. to order defendants to pay Attorney's fees; and
4. To order the defendants to pay exemplary damages as well as other reliefs and judgement just and equitable under the premises.



Defense countered that Angeles Barraca has been in possession of the contested property since 2009 where she set up a house made of light materials. Since then, she has been open, exclusive, and continuous and recognized by adjoining residents in the area. Defendant Barraca also contends that sometime in 2004 Tessie asked her permission to be allowed to stay therein since she is transferring from Manila. As a kind-hearted aunt, she allowed her niece to occupy half of her property.

Subsequently, Angeles learned of Tessie's application for titling of the property. Upon her discovery, Angeles immediately filed a Protest to the said Free Patent Application at the DENR-CENRO in San Mariano, Roxas, Oriental Mindoro. It is further alleged that Tessie has never been in possession of the portion possessed and occupied by Angeles. Thus, it follows that even if Tessie now holds a title, it cannot defeat Angeles' legitimate possession of the property.

A mediation proceeding took place before the Public Attorney's Office however the parties were not able to settle the matter. Parties thereafter submitted this case to the jurisdiction of this Court. And after failed mediation at Philippine Mediation Center, Roxas, Oriental Mindoro and at the Tanggapan ng Lupong Tagapamayapa of Brgy. Poblacion, Mansalay, Oriental Mindoro parties through their counsels mutually agreed that the instant case be submitted for summary judgment (TSN dated July 6, 2021). Hence this resolution.

#### **ELEMENTS OF ACCION PUBLICIANA**

*A) Initially, the defendant lawfully possessed the property, either by contract or by plaintiff's tolerance;*

Defendants Barraca and Jalos allege that their niece, herein plaintiff, Tessie Fabella asked permission to stay in a portion of the property subject of this case sometime in 2014. However, they never denied that it was Barraca's brother and Tessie's father, the late Vicente Baracca who initially occupied and improved the entire property prior to Tessie's occupation. This same property was eventually conferred by the DENR in plaintiffs' names and was resultantly covered by Original Certificate of Title No. 064-2018000153 and Residential Free Patent NO. 045207. Thus, the only logical inference is that it was Baracca who was foremost tolerated by Vicente to stay in the property. It is not uncommon for relatives to welcome their kin and allow them to stay as long as needed. However, this does not mean that they have relinquished ownership of the property just like in the instant case. Had it been the case, Fabella would not have pursued her father's application with the DENR. It is clear from her actions that she intended, as Vicente's lawful successor-in-interest, to acquire legal title over the subject property.



*B) The plaintiff notified the defendant that his right of possession is terminated;*

Defendants likewise never denied that plaintiffs asked them to vacate the property and that the matter was brought before the Public Attorney's Office for mediation in 2018. However, defendants continue to refuse to vacate the subject property even if they had been already informed that their stay is already unwelcome.

*(C) The defendant remained in possession and deprived plaintiff of its enjoyment;*

Despite numerous oral demands of the plaintiffs and even after submitting the matter to several attempts at mediation, (PMC, PAO & Lupong Tagpamayapa) defendants continue to possess and occupy a small hut within the subject property up to present to the prejudice and detriment of the plaintiffs.

*(D) The dispossession has lasted for more than one year*

It is evident that prior to their mediation in 2018 at the PAO, the defendants' continued occupation and possession of the hut within the subject property has become unwelcome. And that the very reason why plaintiffs asked for the intervention of the PAO is to finally end the controversy and eject the defendants. When the plaintiffs filed the instant case more than one year has lapsed since the dispossession took place.

Having complied with the requisites of *accion publiciana*, we now delve into the ownership of the subject property. While the instant case does not call upon the court to rule on its ownership, it is incumbent to pass upon it to determine who has better right between the parties to possess the same.

As the undisputed title owner, plaintiffs have a right of action against the holder and possessor of the thing in order to recover it. Rights of the titled owner are clearly established under jurisprudence. The resolution in the case of ***Heirs of Maligaso, Sr. et al vs Sps. Encinas (G.R. No. 182716 June 20, 2012)*** falls squarely on the matter at hand:

*In Soriente v. Estate of the Late Arsenio E. Concepcion, a similar allegation – possession of the property in dispute since time immemorial – was met with rebuke as such possession, for whatever length of time, cannot prevail over a Torrens title, the validity of which is presumed and immune to any collateral attack.*

*In this case, the trial court found that respondent owns the property on the basis of Transfer Certificate of Title No. 12892, which was "issued in the*



name of Arsenio E. Concepcion, x x x married to Nenita L. Songco." It is a settled rule that the person who has a Torrens title over a land is entitled to possession thereof. Hence, as the registered owner of the subject property, respondent is preferred to possess it.

The validity of respondent's certificate of title cannot be attacked by petitioner in this case for ejectment. Under Section 48 of Presidential Decree No. 1529, a certificate of title shall not be subject to collateral attack. It cannot be altered, modified or cancelled, except in a direct proceeding for that purpose in accordance with law. The issue of the validity of the title of the respondents can only be assailed in an action expressly instituted for that purpose. Whether or not petitioner has the right to claim ownership over the property is beyond the power of the trial court to determine in an action for unlawful detainer. (Citations omitted)

In Salandanan, the prohibition against the collateral attack of a Torrens title was reiterated:

In Malison, the Court emphasized that when [a] property is registered under the Torrens system, the registered owner's title to the property is presumed and cannot be collaterally attacked, especially in a mere action for unlawful detainer. In this particular action where petitioner's alleged ownership cannot be established, coupled with the presumption that respondents' title to the property is legal, then the lower courts are correct in ruling that respondents are the ones entitled to possession of the subject premises. (Citation omitted)

Given the foregoing, the petitioners' attempt to remain in possession by casting a cloud on the respondents' title cannot prosper.

Neither will the sheer lapse of time legitimize the petitioners' refusal to vacate the subject area or bar the respondents from gaining possession thereof. As ruled in Spouses Ragudo v. Fabella Estate Tenants Association, Inc., laches does not operate to deprive the registered owner of a parcel of land of his right to recover possession thereof:

It is not disputed that at the core of this controversy is a parcel of land registered under the Torrens system. In a long line of cases, we have consistently ruled that lands covered by a title cannot be acquired by prescription or adverse possession. So it is that in Natalia Realty Corporation vs. Vallez, et al., we held that a claim of acquisitive prescription is baseless when the land involved is a registered land because of Article 1126 of the Civil Code, in relation to Act 496 (now, Section 47 of Presidential Decree No. 1529).

x x x x

Petitioners would take exception from the above settled rule by arguing that FETA as well as its predecessor[-]in[-]interest, Don Dionisio M. Fabella, are guilty of laches and should, therefore, be already precluded from asserting their right as against them, invoking, in this regard, the rulings of this Court to the effect that while a registered land may not be acquired by prescription,



*yet, by virtue of the registered owner's inaction and neglect, his right to recover the possession thereof may have been converted into a stale demand.*

*While, at a blush, there is apparent merit in petitioners' posture, a closer look at our jurisprudence negates their submission.*

*To start with, the lower court found that petitioners' possession of the subject lot was merely at the tolerance of its former lawful owner. In this connection, Bishop vs. Court of Appeals teaches that if the claimant's possession of the land is merely tolerated by its lawful owner, the latter's right to recover possession is never barred by laches.*

*As registered owners of the lots in question, the private respondents have a right to eject any person illegally occupying their property. This right is imprescriptible. Even if it be supposed that they were aware of the petitioners' occupation of the property, and regardless of the length of that possession, the lawful owners have a right to demand the return of their property at any time as long as the possession was unauthorized or merely tolerated, if at all. This right is never barred by laches. (emphasis supplied)*

Without a doubt, the Fabellas as registered owners have the right to evict defendants Angeles Barraca and her partner Ronnie Jalos. Even if they raised their protest against the award of the DENR in favor of the plaintiffs, this Court cannot pass upon the proceedings undertaken by the department when it evaluated and eventually awarded the subject land to the Fabellas. However, the Court takes judicial notice of Section 3, R.A. No. 10023 (An Act Authorizing the Issuance of Free Patents to Residential Lands) and its accompanying Implementing Rules and Regulations that for purposes of applying for residential free patents, occupation and possession of the applicant and his predecessor-in-interest for at least ten (10) years is considered a compliance of the DENR's requirements. Assuming for argument's sake that the allegation that plaintiffs only returned from Manila in 2014, it did not extinguish Tessie's successional rights over the property. It appears that the previous occupation and possession of Vicente was duly taken into consideration in Tessie's application.

This Court can only infer that the DENR found sufficient grounds to award the ownership of the property to the plaintiffs and despite the alleged protest lodged by herein defendants, no evidence has been adduced that DENR has taken a corrective action over it. Hence, the indefeasibility of Torrens title and/or Free Patent shall be upheld following the presumption that the DENR officers who processed and evaluated the application of the Fabellas did so in accordance with established rules and procedures. On this matter, the cases of **Bustillo et. al vs. People of the Philippines (G.R. No. 160718, May 12, 2010)** and **Farolan et. al. vs. Solmac Marketing**



**Corp. and CA (G.R. No. 83589 March 13, 1991), both cited in Republic vs. Amor Hachero (G.R. No. 200973, May 30, 2016) are instructive:**

*"The presumption of regularity of official acts may be rebutted by affirmative evidence of irregularity or failure to perform a duty. The presumption, however, prevails until it is overcome by no less than clear and convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer's act being lawful or unlawful, construction should be in favor of its lawfulness."*

*"In the same vein, the presumption, disputable though it may be, that an official duty has been regularly performed applies in favor of the petitioners. Omnia praesumuntur rite et solemniter esse acta. (All things are presumed to be correctly and solemnly done.) It was private respondent's burden to overcome this juris tantum presumption."*

Assuming that there was fraud in the acquisition of title by the Fabellas there is an appropriate proceeding on that matter. As explained in the quoted jurisprudence below:

*"Nonetheless, a free patent that was fraudulently acquired, and the certificate of title issued pursuant to the same, may only be assailed by the government in an action for reversion, pursuant to Section 101 of the Public Land Act. In Sherwill Development Corporation v. Sitio Sta. Nino Residents Association, Inc., the Court pointed out that:*

*It is also to the public interest that one who succeeds in fraudulently acquiring title to a public land should not be allowed to benefit therefrom, and the State should, therefore, have an even existing authority, thru its duly-authorized officers, to inquire into the circumstances surrounding the issuance of any such title, to the end that the Republic, thru the Solicitor General or any other officer who may be authorized by Jaw, may file the corresponding action for the reversion of the land involved to the public domain, subject thereafter to disposal to other qualified persons in accordance with law. In other words, the indefeasibility of a title over land previously public is not a bar to an investigation by the Director of Lands as to how such title has been acquired, if the purpose of such investigation is to determine whether or not fraud had been committed in securing such title in order that the appropriate action for reversion may be filed by the Government." (Yap vs Republic G.R. No. 199810, March 15, 2017)*

*"The determination on the existence or nonexistence of fraud is a factual matter that is beyond the scope of a petition for review on certiorari. Although there are exceptions to this rule, petitioners failed to allege and prove that this case falls under the exceptions. Assuming that private respondents procured their free patents and certificates of title through extrinsic fraud and misrepresentation, the petition must still be denied."*



While it is true that "a title emanating from a free patent which was secured through fraud does not become indefeasible ... because the patent from whence the title sprung is itself void[.]" petitioners are not the proper parties to bring an action for the cancellation of free patents and certificates of title. The validity or invalidity of free patents granted by the government and the corresponding certificates of title is a matter between the grantee and the government. In explaining this rule, this Court in *Sumail v. Court of First Instance of Cotabato* underscored the nature of a free patent application, thus:

Consequently, Sumail may not bring such action or any action which would have the effect of cancelling a free patent and the corresponding certificate of title issued on the basis thereof, with the result that the land covered thereby will again form part of the public domain. Furthermore, there is another reason for withholding legal personality from Sumail. He does not claim the land to be his private property. In fact, by his application for a free patent, he had formally acknowledged and recognized the land to be a part of the public domain; this, aside from the declaration made by the cadastral court that lot 3633 was public land. Consequently, even if the parcel were declared reverted to the public domain, Sumail does not automatically become owner thereof. He is a mere public land applicant like others who might apply for the same. (Emphasis supplied)

This principle was reiterated later in *Cawis v. Cerilles*, a case involving the validity of a sales patent. Thus:

[W]e must point out that petitioners' complaint questioning the validity of the sales patent and the original certificate of title over Lot No. 47 is, in reality, a reversion suit. The objective of an action for reversion of public land is the: cancellation of the certificate of title and the resulting reversion of the land covered by the title to the State. This is why an action for reversion is oftentimes designated as an annulment suit or a cancellation suit.

Coming now to the first issue, Section 101 of the Public Land Act clearly states:

SEC. 101. All actions for the reversion to the Government of lands of the public domain or improvements thereon shall be instituted by the Solicitor General or the officer acting in his stead, in the proper courts, in the name of the Republic of the Philippines.

Even assuming that private respondent indeed acquired title to Lot No. 47 in bad faith, only the State can institute reversion proceedings, pursuant to Section 101 of the Public Land Act and our ruling in *Alvarico v. Sola*. Private persons may not bring an action for reversion or any action which would have the effect of canceling a land patent and the corresponding certificate of title issued on the basis of the patent, such that the land covered thereby will again form part of the public domain. Only the Office [of the] Solicitor General or the officer acting in his stead may do so. Since the title originated from a grant by the government, its cancellation is a matter between the grantor and the grantee.



Similarly, in *Urquiaga v. CA*, this Court held that there is no need to pass upon any allegation of actual fraud in the acquisition of a title based on a sales patent. Private persons have no right or interest over land considered public at the time the sales application was filed. They have no personality to question the validity of the title. We further stated that granting, for the sake of argument, that fraud was committed in obtaining the title, it is the State, in a reversion case, which is the proper party to file the necessary action. (Emphasis supplied, citations omitted)

*Lorzano v. Tabayag*, citing *Kayaban v. Republic*, explained the purpose of the rule:

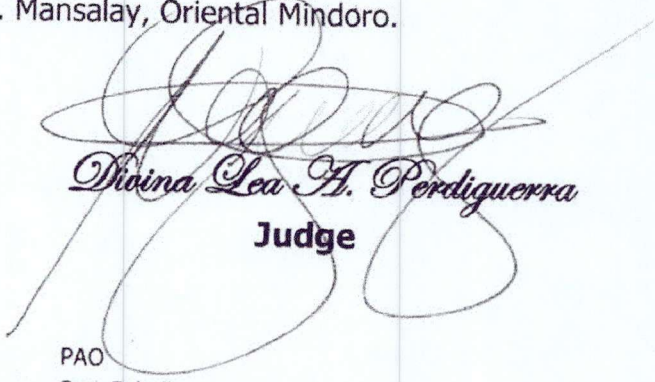
In *Kayaban, et al. v. Republic, et al.*, this Court explained the reason for the rule that only the government, through the OSG, upon the recommendation of the Director of Lands, may bring an action assailing a certificate of title issued pursuant to a fraudulently acquired free patent:

Since it was the Director of Lands who processed and approved the applications of the appellants and who ordered the issuance of the corresponding free patents in their favor in his capacity as administrator of the disposable lands of the public domain, the action for annulment should have been initiated by him, or at least with his prior authority and consent."

Based on the foregoing discussion and taking into consideration the guidelines set forth regarding the weight of evidence required in civil cases, it has been found with certainty that the combined testimonies of the plaintiffs' witnesses as well as the documentary exhibits presented are sufficient to rule in their favor.

**WHEREFORE**, premises considered, judgment is hereby rendered ordering defendants and all other representing and /or acting on their behalf to **vacate the premises and to remove and demolish whatever improvements and/or structures they introduced on the premises in question.** Anent Attorney's fees and damages, no evidence was adduced to justify an award, they are hereby **DENIED**.

November 17, 2021. Mansalay, Oriental Mindoro.

  
**Dina Lea A. Perdigueria**  
**Judge**

CC:  
Atty. Fetizanan  
Angeles Barraca & Ronnie Jarlos

PAO  
Sps. Fabella

dlap/rbcm





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

IN RE : PROTEST FILED BY ANGELES D. BARRACA  
AGAINST THE RESIDENTIAL FREE PATENT NO.  
045207-15-3454 IN THE NAME OF TESSIE B.  
FABELLA COVERING LOT NO. 125, CAD-1299-D,  
C-01 LOCATED AT POBLACION, MANSALAY,  
ORIENTAL MINDORO

MIMAROPA REGION	
REGIONAL EXECUTIVE DIRECTOR'S OFFICE	
RECEIVED	<i>[Signature]</i>
DATE	MAY 16 2022
TIME	

### ORDER OF INVESTIGATION

A Protest, which will be treated as a Petition, pursuant to Sections 28 and 29 of DAO 2016-31<sup>1</sup>, was filed by Angeles D. Barraca against the issuance of Residential Free Patent No. 045207-15-3454 under Residential Free Patent Application No. 045207-95 in the name of Tessie B. Fabella, covering Lot No. 125, Cad-1299-D situated in Poblacion, Mansalay, Oriental Mindoro.

Petitioner alleged that she has been in possession of the subject lot since 2009 and that it was only in 2014 that her niece, Tessie B. Fabella, asked her permission to stay therein after transferring from Manila. Petitioner allowed Respondent Fabella to occupy half of her property. Respondent eventually filed an application for titling of the portion she occupies under RFP No. 045207-95 and is now RFP No. 045207-15-3454. Further, Petitioner prayed for the cancellation of the title under the name of the Respondent as her possession thereof was merely by the Petitioner's permission and tolerance.

Pursuant to the pertinent provisions of DAO 2016-31, an office-initiated investigation may be conducted.

**WHEREFORE**, the PENRO Oriental Mindoro is hereby directed to assign a Land Investigation Officer (LIO) to act on the Petition in accordance with Sections 33 and 34 of DAO 2016-31 and submit the corresponding investigation report on the matter. Moreover, secure certified copies of the Original Certificate of Title and derivative title/s of Lot No. 125, Cad-1299-D, C-01 to form part of the records of the case, at the instance of the parties.

**SO ORDERED.**

City of Manila, Philippines. APR 11 2022

*[Signature]*  
**LORMELYN E. CLAUDIO, CESO IV**  
Regional Executive Director

Copy furnished:

**Angeles D. Barraca**  
Sitio Nalwak, Poblacion, Mansalay, Oriental Mindoro

**Tessie B. Fabella**  
Sitio Nalwak, Poblacion, Mansalay, Oriental Mindoro

**Pilarita T. Lapitan**  
Assistant Ombudsman – Proper  
Office of the Ombudsman  
Agham Rd., Diliman, Quezon City  
(IC-OL-18-1270)

**The Undersecretary for Field Operations and Environment**  
(DENR-ASRMD-2019-000473)

**PENRO Oriental Mindoro**

**CENRO Roxas, Oriental Mindoro**

Department of Environment  
and Natural Resources  
MIMAROPA Region



Doc ID: 80122

<sup>1</sup> Procedure in the Investigation and Resolution of Land Claims and Conflicts Cases





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

May 19, 2022

**MEMORANDUM**

**TO :** SI I DALIA G. BIGTAS  
FT II ELEGIO C. HIO  
PENRO Oriental Mindoro

LMO II PETERSON F. FABELLON  
CENRO Roxas

**FROM :** The PENR Officer  
Oriental Mindoro

**SUBJECT :** **ORDER OF INVESTIGATION IN RE: PROTEST FILED BY ANGELES D. BARRACA AGAINST THE RESIDENTIAL FREE PATENT NO. 045207-15-3454 IN THE NAME OF TESSIE D. FABELLA COVERING LOT NO. 125, CAD 1299-D C-01 LOCATED AT POBLACION, MANSALAY, ORIENTAL MINDORO**

This refers to the Order of Investigation dated April 11, 2022 signed by the Regional Executive Director Lormelyn E. Claudio, CESO IV regarding the above-mentioned case.

In this regard, the above-mentioned personnel of PENRO Oriental Mindoro and CENRO Roxas are hereby directed to conduct in-depth investigation and ocular inspection relative to the case and submit corresponding report with categorical recommendation pursuant to Sections 32 and 34 of DAO No. 2016-31.

For strict compliance.

*Mary June F. Maypa*  
MARY JUNE F. MAYPA

Copy furnished:

DENR-CENRO Roxas  
San Mariano, Roxas, Oriental Mindoro

Tracking No.: 22050000337

TSD/RPS/Dhal

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

red'd by:

Dhal 5/20/22  
8:57





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

September 08, 2017

**MEMORANDUM**

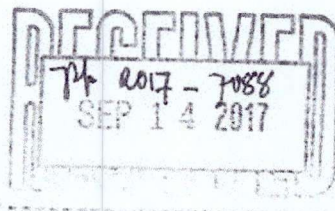
*cf 9/20/2017  
1:30 p.m.*

FOR : The OIC- Regional Director  
MIMAROPA Region

ATTN : The Assistant Regional Director  
For Technical Services

FROM : The OIC-PENRO

SUBJECT : **PROTEST OF ANGELES BARRACA IN THE MATTER OF  
CANCELLATION OF F.P.A. NO. 045207-95 OF TESSIE  
FABELLA OVER LOT NO. 125, CAD-1299-D**

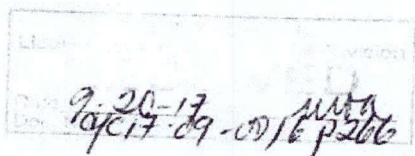


Submitted are the following documents regarding the protest of Angeles Barraca regarding the Residential Free Patent Application No. 045207-95 of Tessie Fabella covering Lot No. 125, Cad-1299-D, C-01 located at Poblacion, Mansalay, Oriental Mindoro.

1. Protest of Angeles D. Barraca dated August 14, 2017
2. Protest fee of Php 50.00
3. Joint Affidavit of Luzveminda M. Besitulo and Romy S. Jalos dated August 14, 2017
4. Barangay Certification signed by Jolly F. Cusi, Barangay Captain, Poblacion, Mansalay, Oriental Mindoro.
5. Recent 2x2 picture of the protestant

Be informed that R.F.P.A No. 045207-95 of Tessie Fabella was patented on May 19, 2016 under Residential Patent No. 045207-15-3454.

May we respectfully request for an Order of Investigation as basis of CENRO Roxas for formal hearing of the case.



*Mary June F. Maypa*  
**MARY JUNE F. MAYPA**

Reference No. PENRO Tracking No. 1708000424

TSD/bonz

Ilang-ilang St. Sitio II, Suqui, Calapan City, Oriental Mindoro  
DENR Contact Nos. (043) 288-3017, Tel. Fax 288-3006

DENR-RIVE OFFICE OF THE ENFORCEMENT DIVISION	
DOC. NO. 137-2	
RECEIVED	RELEASED
BY: JAK	BY:
DATE: 9-18-17	DATE:
TIME: 2pm	TIME:





August 17, 2017

**MEMORANDUM**

FOR : The OIC, PENR Officer

FROM : The Development Management Officer V  
In-charge, CENRO-Roxas, Oriental Mindoro

SUBJECT : **PROTEST OF ANGELES BARRACA IN THE MATTER  
OF CANCELLATION OF F.P.A. NO.045207-95 OF  
TESSIE FABELLA OVER LOT 125, CAD-1299-D**




Forwarded is the protest of Angeles Barraca regarding the Residential Free Patent Application No. 045207-95 of Tessie Fabella covering Lot No. 125, Cad-1299-D, C-01 located at Poblacion, Mansalay, Oriental Mindoro. Submitted by the protestant are the following documents to support her protest and for an Order of Investigation be rendered:

1. Protest duly notarized;
2. Protest Fee of Php50.00;
3. Affidavit of two Dis-interested persons;
4. Barangay endorsement;
5. Latest 2x2 picture

As per record verification it was found out that R.F.P.A. No. 045207-95 of Tessie Fabella was patented on May 19, 2016 under Residential Patent No. 045207-15-3454.

For information and further instruction.

  
**ALMA E. GIBE**



February 10, 2022

OFFICE OF THE DIRECTOR  
Department of Environment and Natural Resources  
MIMAROPA Roxas Boulevard E.

Ang aming komento;

1. Wala po siyang residente. April 2015 lang po sila dumating dito sa Mansalay, at ako po ay October 9, 2010 pa.
2. Saan siya nag-apply? Yan ang tanong sa Barangay iisa lang ang nakita namin na nag-apply dito sa Barangay at iyon ay si Angeles D. Barraca.
3. Lot 125 ay sinukat sa aking pangalan ng surbeyor ng D.E.N.R.
4. Lot 125 ay hindi susukatin ng ng surbeyor ng D.E.N.R para sa aking pangalan kung ito ay may claim.
5. Bakit sila inisyuhan ng Titulo samantalang ito ay nakapangalan sa akin at ito po sinisiguro ko hanggang sa D.E.N.R MIMAROPA Region, Roxas Boulevard, E.
6. Nag file po kami ng protesta walang nangyaring imbistigasyon at naireles po nila ang titulo na nang mga panahon na iyon nakita po namin na nasa mesa pa ni Madam Mery Ann Galit.
7. Ang kasama po sa pagsukat ng Lot 125 ay ang nagseminar kay Rony Jalos noong siya ay nasa serbisyo pa, na ang sabi kung sino ang nakatira ay doon ipangalan ang lupa at ang donor ay ang ating Gobyerno.
8. Natanggap po namin itong sulat kahapon lang po February 9, 2022.

Maraming Salamat po,

Angeles D. Barraca

Rony S. Jalos



*Angeles & Ronnie*

Republic of the Philippines  
MUNICIPAL CIRCUIT TRIAL COURT  
Mansalay-Bulalacao, Mansalay, Oriental Mindoro

TESSIE B. FABELLA and  
FRAILE FABELLA,

*Plaintiffs,*

CIVIL CASE NO. 451

-FOR-

- versus -

RECOVERY OF POSSESSION  
DAMAGES WITH PRELIMINARY  
INJUNCTION

ANGELES BARRACA and  
RONNIE JALOS,

*Defendants.*

X-----X

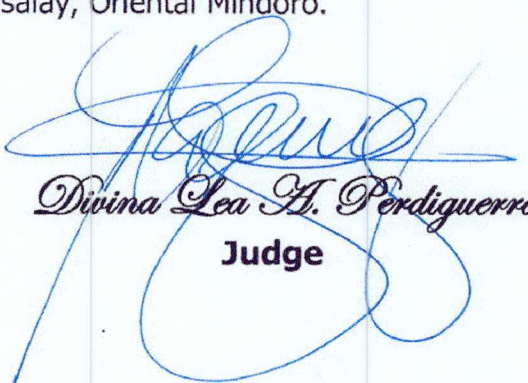
**ORDER**

Before this court is a Motion for Execution filed by Plaintiffs Tessie B. Fabella and Fraile Fabella through counsel.

In light of the said Motion, defendants are given five (5) days from receipt of this Order to file their comment, otherwise, the instant Motion shall be resolved.

**SO ORDERED.**

January 10, 2022. Mansalay, Oriental Mindoro.

  
*Divina Lea A. Perdiguerra*  
**Judge**

Copy Furnished:

Atty. Fetizanan  
Angeles Barraca & Ronnie Jalos

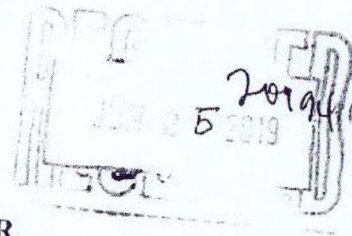
PAO  
Sps. Fabella

*dlap/rrem*





Republic of the Philippines  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, 1106 Quezon City  
☎ (632) 927-6726; (632) 929-6626 loc. 2113; 2071; Fax (+632) 928-9732  
E-mail: web@denr.gov.ph; Website: www.denr.gov.ph



**MEMORANDUM**

**TO :** THE REGIONAL EXECUTIVE DIRECTOR  
DENR, Region IV-B

**FROM :** THE UNDERSECRETARY  
Field Operations and Supervising USEC for EMB

**SUBJECT :** INDO DTD 04-12-2019 FIRST INDO RE: THE COMPLAINT OF  
ANGELES BARRACA AGAINST UNNAMED PERSONNEL OF  
DENR REGION IV-B, SAN MARIANO ROXAS, ORIENTAL  
MINDORO. (DENRCO-ASRMD-2019-000473)

**DATE :** JUN 19 2019

Referred herewith for appropriate action is the First Indorsement dated 12 April 2019 of the Assistant Ombudsman - Proper, Office of the Ombudsman with attachments.

Please submit to this Office your report of action taken thereon citing document no. DENRCO-ASRMD-2019-000473 for monitoring and record.

  
ATTY. JUAN MIGUEL T. CUNA

cc: - The Undersecretary and Chief of Staff  
DENR

Pilarita T. Lapitan  
Assistant Ombudsman - Proper  
Office of the Ombudsman  
Agham Road, Diliman, Quezon City  
Referencing IC-OL-18-1270

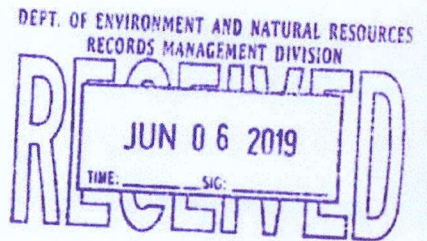
Mrs. Angeles Barraca  
Sitio Nalwak, Poblacion Mansalay  
5213 Oriental Mindoro

Encl.: a/s





Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
Ombudsman Building, Agham Road  
Diliman, Quezon City

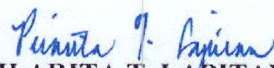


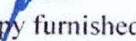
**FIRST INDORSEMENT**  
12 April 2019

Respectfully referred to **HON. ROY A. CIMATU**, Secretary, Department of Environment and Natural Resources (DENR), Visayas Avenue, Diliman, 1100 Quezon City, the complaint of Angeles Barraca against Unnamed Personnel of Department of Environment and Natural Resources – Region IV-B, San Mariano Roxas, Oriental Mindoro.<sup>1</sup> Your advice on the action taken, directly to the complainant, copy furnished this Office by referencing IC-OL-18-1270, will be highly appreciated.

Very truly yours,

By authority of the Ombudsman:

  
**PILARITA T. LAPITAN**  
Assistant Ombudsman - Proper

  
Copy furnished:  
Angeles Barraca  
Sitio Nalwak, Poblacion Mansalay  
5213 Oriental Mindoro

EOA/cmb

<sup>1</sup> The referral is pursuant to Section 23 of Republic Act No. 6770 (The Ombudsman Act) and Administrative Order 07 (Rules and Procedure of the Office of the Ombudsman).

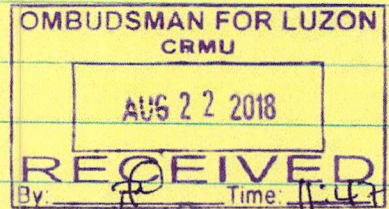
2261



NO.:  
DATE:

Aug. 21, 2018

The Head  
Ombudsman  
Quezon City



Sir/Madam,

Magandang buhay

Ako po si Bb. Angeles Barraca, may sapat na gulang at kasabuknyang naninirahan dito sa Sitio Malwak, Poblacion Mansalay, Silangan Mindoro. Lumapit po ako sa inyong tanggapan upang humanap ng katarungan.

Ang akin pong suliraan ay tungkol po sa lupa. Ito po ay sinukat ng Department of Environment and Natural Resources (DENR) Subalit ang akings application form ay nawala sa tanggapan ng DENR.

At ng lumabas po ang titulo ito ay naka pangalan kay Gng. Tessie Fakilla na wala naman ito dito noong tatlong taong sunod sunod ng mag Census at ito po ay hindi nakatira dito sa Sitio Malwak, Poblacion, Mansalay, Silangan Mindoro ng mga panahan na iyon.

At ako po ay nag file ng protesta sa DENR at nakahold ang titulo at ang sabi sa akin ay may darating na imbustigador at kami ay mag haharap, subalit hanggang ngayon po ay wala pa.

At nalalaman ko po ngayong ika 20 ng Agosto ng ako ay mag follow-up na ang mga dokumento ay lumakad na galing DENR, San Mariano Roxas, Silangan Mindoro na ito ay nasa



Registry of Deeds Calapan Sillangan Mindoro  
para mai-release sa pangalan ni Gng. Tessie Fabilla  
na kahit ito po ay under protest.

Kalakip po nito ang aking patunay na  
ako po ang naka posisyon o naka tira sa nasab-  
bing luya.

Umaasa po ako na ako po ay inyong  
matutungan sa aking suliranin.

Umaasa,

Ad. Barraca  
Angeles Barraca  
09386721616

CC:

Protest letter

Patunay ng mga tao

Verification and Certification of Non-Forum Shopping



Republic of the Philippines  
Department of Environment and Natural Resources  
REGION IV  
OFFICE OF THE COMMUNITY ENVIRONMENT AND NATURAL RESOURCES  
San Mariano Roxas, Oriental Mindoro



IN THE MATTER OF CANCELLATION OF  
FPA-045207-95, LOT 125,  
Tessie Fabella,  
Protestee;

-vs-

Angeles Barraca,  
Protestant.



PROTEST

Protestant, for and in her behalf, to the Honorable Community Environment and Natural Resources Officer most respectfully files her protest and alleges;

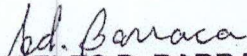
1. That Protestant is of legal age, Filipino Citizen, married and resident of Poblacion, Mansalay, Oriental Mindoro; while Protestee, likewise of legal age, Filipino Citizen, married and a residence of Poblacion, Mansalay, Oriental Mindoro, Philippines, where service of summons and other processes may be served;
2. That Protestant is a possessor of a parcel of land situated at Sitio Nalwak, Poblacion, Mansalay, Oriental Mindoro;
3. That Protestant has been in possession of this property for the past eight years or since the year 2009;
4. That sometime the year 2014 Tessie Fabella, who is my niece, asked permission that she be allowed to stay therein after she transferred from Manila;
5. That Protestant allowed said Tessie Fabella to occupy half of her property;



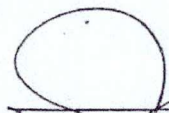
6. That Protestant eventually know that said Tessie Fabella has filed an application for titling of that portion which I merely allowed her to occupy now under RFP No. 045207-95;
7. That since Tessie Fabella's possession thereof was merely by my permission and tolerance she has no right over that portion of subject property which is owned and possessed by the Protestant.

WHEREFORE, Premises Considered, it is respectfully prayed that after notice and hearing, that the RFP No. 045207-95, LOT 125, of Tessie Fabella be cancelled.

Such other reliefs deemed just and equitable in Premises,  
Roxas, Oriental Mindoro, August 14, 2017

  
**ANGELES D. BARRACA**  
Protestant

**SUBSCRIBED AND SWORN** to before me this 14<sup>th</sup> day of August, 2017, at Roxas, Oriental Mindoro, Philippines. Protestant exhibiting to me her ORMECO Membership Identification Card No. 123276 issued by the office of ORMECO, Calapan City, Oriental Mindoro.

  
**LYSANDER L. LETIZANAN**  
Notary Public for Oriental Mindoro  
Until December 31, 2017  
Roll of Attorney's No. 50913  
MCLE Comp. No. V-0005437  
IBP OR No. 1028918; 01-03-17  
PTR No. 8360589; 01-03-17  
Roxas, Oriental Mindoro

Doc. No. 369  
Page No. 74  
Book No. XLI  
Series of 2017.

0004



REPUBLIC OF THE PHILIPPINES )  
PROVINCE OF ORIENTAL MINDORO )S.S.  
MUNICIPALITY OF ROXAS )

**JOINT AFFIDAVIT OF TWO DISINTERESTED PERSONS**

We, **LUZVEMINDA M. BESITULO** and **RONY S. JALOS**, both Filipino citizen, of legal ages and both residents of Nalwak, Poblacion, Mansalay Oriental Mindoro, Philippines, after being duly sworn in accordance with law, do hereby depose and say:

1. That we personally know Angeles M. Barraca who is a resident of Nalwak, Poblacion Mansalay Oriental Mindoro;
2. That Angeles Barraca is a possessor of a parcel of land situated in Sitio Nalwak, Poblacion Mansalay, Oriental Mindoro;
3. That said Angeles Barraca has been in possession of the above property for the past eight years since the 2009;
4. That sometime in year 2014 Angeles Barraca allowed her niece Tessie Fabella to occupy the half of her property;
5. That we executed this affidavit to attest to the truth of the foregoing statements and for all legal intents and purposes this may serve best.

**IN WITNESS WHEREOF**, we have signed this 14<sup>th</sup> day of August, 2017 at Roxas, Oriental Mindoro, Philippines.

*Luzveminda M. Besitulo*  
**LUZVEMINDA M. BESITULO**  
Affiant

*Rony S. Jalos*  
**RONY S. JALOS**  
Affiant  
OSCA ID No. 2375

**SUBSCRIBED AND SWORN** to before me this 14<sup>th</sup> day of August, 2017 at Roxas, Oriental Mindoro, Philippines.

~~**LYSANDER L. FETIZANAN**~~  
Notary Public for Oriental Mindoro  
Until December 31, 2017  
Roll of Attorney's No. 50913  
MCLE Comp. No. V-0005437  
IBP OR No. 1028918; 01-03-17  
PTR No. 8360589; 01-03-17  
Roxas, Oriental Mindoro

Doc. No. 373  
Page No. 75  
Book No. XLI  
Series of 2017.

0005

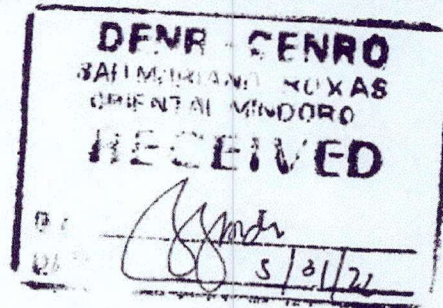




Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA REGION**  
Provincial Environment and Natural Resources Office

Ika-27 ng Mayo, 2022

**ANGELES D. BARRACA**  
Sitio Nalwak, Poblacion, Mansalay  
Oriental Mindoro



**Gng/Bb. Barraca:**

Ito po ay may kinalaman sa inyong protesta o reklamo laban sa *Residential Free Patent No. 045207-15-3454* sa pangalan ni **TESSIE B. FABELLA**, na may Lote Bilang 125, Cad 1299-D, C-01, may sukat na 186 metro at matatagpuan sa Barangay Poblacion, Mansalay, Oriental Mindoro

Kaugnay po nito, kayo po ay magalang naming inimbitahan na dumalo sa isang pagpupulong na gaganapin sa tanggapan ng CENRO Roxas, San Mariano, Roxas sa ganap na ika-1:00 ng hapon, sa ika-31 ng Mayo, taong kasalukuyan, upang talakayin ang usaping ito.

Maraming Salamat po.

Sumasainyo,

*For the PENR Officer:*

**ALMA E. GIBE**  
DMO V/In-Charge, Office of the PENRO

*Copy Furnished:*

**DENR CENRO Roxas**  
San Mariano, Roxas, Oriental Mindoro

TSD/RPS/Dhal

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

May 31, 2022  
11:40 Am  
Bencoso  
Alia Galoso  
Tel. 09319659735





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

Ika-27 ng Mayo, 2022

**TESSIE B. FABELLA**

Sitio Nalwak, Poblacion, Mansalay  
Oriental Mindoro

**Gng/Bb. Fabella:**

Ito po ay may kinalaman sa protesta o reklamo ni Gng./Bb. Angeles D. Barraca laban sa inyong *Residential Free Patent No. 045207-15-3454*, Lote Bilang 125, Cad 1299-D, C-01 na may sukat na 186 metro matatagpuan sa Barangay Poblacion, Mansalay, Oriental Mindoro.

Kaugnay po nito, kayo po ay magalang naming inimbitahan na dumalo sa isang pagpupulong na gaganapin sa tanggapan ng CENRO Roxas, San Mariano, Roxas sa ganap na ika-1:00 ng hapon, sa ika-31 ng Mayo, taong kasalukuyan, upang talakayin ang usaping ito.

Inaasahan po namin ang inyong pagtugon sa aming paanyaya. Maraming Salamat po.

Sumasainyo,

*For the PENR Officer:*

**ALMA E. GIBE**

DMO V/In-Charge, Office of the PENRO

*Copy Furnished:*

**DENR CENRO Roxas**

San mariano, Roxas, Oriental Mindoro

TSD/RPS/Dhal

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



NO.:

DATE:

Preliminary Hearing / Meeting

May 31, 2022, CENRO ROXAS

Name	Signature
1. Romy S. Jalos	Romy Jalos
2. Angeles R. Barrera - 09386721616	Ad. Barrera
3. Julie B. Fabella 09319659735	Fabella
4. Patricio Fajales	Fajales
5. Dalia G. Bigtas	Bigtas
6. Elegio C. Hio →	Hio
7. Peterson F. Fajellon →	Fajellon
8. Lilia Galos —	Galos
9. Carlo I. Ganan	Ganan





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

June 02, 2022

**Atty. Divina Lea A. Perdiguerra**  
Judge, Municipal Circuit Trial Court  
Mansalay-Bulalacao  
Mansalay, Oriental Mindoro

Dear **Atty. Perdiguerra**:

*Makakalikasang Araw po!*

This pertains to Civil Case No. 451 -for- *Recovery of Possession Damages* with Preliminary Injunction filed by Tessie B. Fabella and Fraile Fabella, Plaintiffs, against Angeles Barra and Ronnie Jalos, Defendants, Sitio Nalwak, Poblacion, Mansalay, Oriental Mindoro.

Be informed that this Office is currently conducting investigation regarding protest filed by Angeles D. Barraca against the Residential Free Patent No. 045207-15-3454 in the name of Tessie B. Fabella covering Lot No. 125, Cad 1299-D, C-01, situated in Poblacion, Mansalay, Oriental Mindoro, in accordance with the provisions of Sections 32 and 33 of DAO No. 2016-31 or the "Procedure in the Investigation and Resolution of Land Claims and Conflicts Cases".

A meeting/hearing was conducted with the parties to discuss the petition last May 31, 2022 at DENR, CENRO, Roxas, Oriental Mindoro and it was ascertained that the same case has been heard and judged before a Municipal Circuit Trial Court, Mansalay-Bulalacao, Mansalay, Oriental Mindoro. A copy of judgment was presented by Mrs. Tessie B. Fabella.

In this regard, may we respectfully request for a detailed status of the case or any document pertaining to the case for our reference and records.

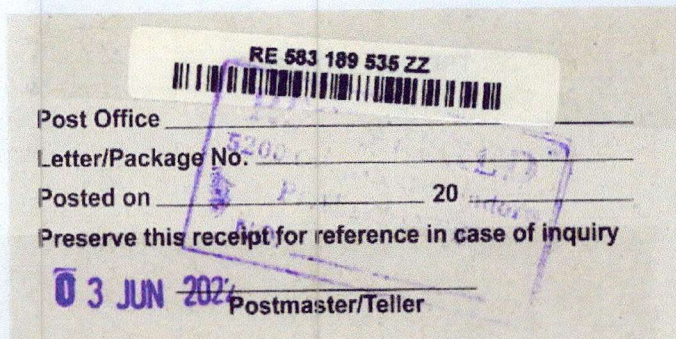
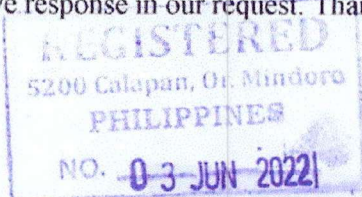
Looking forward for a positive response in our request. Thank you very much.

Very truly yours,

  
**ALMA E. GIBE**

In-Charge, Office of the PENRO

TSD/RPS/Dhal





# LOT DESCRIPTIONS

Survey No. CAD 1299-D Case No. 01 Mun. of MANSALAY Prov. of ORIENTAL MINDORO

Lot No.	BEARINGS AND DISTANCES						Area In Sq. Meters
	Claimant	Mon. to	Line 1-2	Line 2-3	Line 3-4	Line 4-5	
			<del>continuation of CADASTRAL LOTS</del>				
119	Carlo Gamcer	S.35°22'W. 623.94	S.66°55'E 13.37	S.30°50'W. 8.14	N.68°55'W. 12.14	N.22°05'E 8.49	105
120	Victorio De Pedro	S.33°29'W. 652.48	S.63°59'E 26.29	S.42°36'W. 24.52	N.63°08'W. 18.92	N.25°06'E 23.22	528
121	Armando Antaran	S.33°29'W. 652.48	N.16°06'E 22.93	S.66°51'E 16.22	S.58°30'E 21.03	S.43°53'W. 22.48	723
122	Barangay Road	S.36°28'W. 638.90	S.79°29'E 15.65	S.68°55'E 12.14	S.66°52'E 16.28	S.58°25'E 11.27	10.08
			S.43°53'W. 1.32	N.58°30'W. 21.03	N.66°51'W. 16.22	N.69°58'W. 11.86	15.65
			N.15°08'E 1.50				88
123	<del>S.31°38'W.</del> Remold Gap	S.31°38'W. 616.51	S.31°21'W. 9.83	N.58°25'W. 11.27	N.66°52'W. 16.28	N.30°50'E 8.14	N.28°35'E 8.68
			S.69°03'E 7.52	S.65°46'E 23.92	S.65°14'E 11.69	S.43°53'W. 0.95	N.66°45'W. 26.35
			S.29°28'W. 6.37	S.62°01'E 11.53			415
124	Arthur Gamcer	S.31°38'W. 616.51	S.62°03'E 12.46	S.43°53'W. 10.85	N.58°32'W. 10.08	N.31°21'E 9.83	115
125	<del>Tessie B. B...</del> Magcos Bapansa	S.31°38'W. 616.51	N.62°01'W. 11.53	N.29°28'E 6.37	S.66°45'E 26.35	S.43°53'W. 8.88	N.62°03'W. 12.46
126	Rosteco Angan	S.29°59'W. 584.20	S.43°53'W. 12.44	N.65°14'W. 11.69	N.29°42'E 12.24	S.63°31'E 14.72	159
127	Reclio Gamcer	S.33°37'W. 596.74	S.61°06'E 23.21	S.29°42'W. 12.24	N.65°46'W. 23.92	N.24°38'E 12.91	N.82°21'E 2.20
128	Barangay Road	S.33°37'W. 596.74	N.77°47'E 4.56	S.61°06'E 15.17	S.57°37'E 2.81	S.63°56'E 17.49	S.46°22'W. 3.23
			N.63°31'W. 14.72	N.61°06'W. 23.21			109
129	Alberto Descarte	S.33°47'W. 598.19	S.24°38'W. 12.91	N.69°03'W. 7.52	N.61°34'W. 8.84	N.28°03'E 13.17	S.64°07'E 15.55
130	Basketball Court	S.33°37'W. 596.74	S.82°21'W. 2.20	N.84°07'W. 15.55	S.86°41'W. 2.02	N.28°34'E 2.22	S.70°06'E 4.38
			N.24°11'E 9.67	N.26°03'E 9.47	N.25°17'E 2.16	N.23°04'E 17.43	N.20°05'E 22.74
			N.24°43'E 33.00	N.31°31'E 49.59	S.80°06'E 16.73	S.24°47'W. 35.35	S.24°47'W. 22.82
			S.37°37'W. 25.47	S.15°06'W. 16.59	S.01°28'E 2.49	S.26°33'W. 12.68	S.23°21'W. 31.68

CERTIFIED CORRECT: All tie lines are from BLM 1, CAD 1299-D, MANSALAY CADASTRE

Approved: \_\_\_\_\_

Copied by \_\_\_\_\_ : \_\_\_\_\_, 20 \_\_\_\_\_ Surveyed JUN 1-DEC 30, 2012

ROMAN G. LEGASPI  
Chief, Surveys & Mapping Division

Checked by \_\_\_\_\_ : \_\_\_\_\_, 20 \_\_\_\_\_ by FLORENDO P. MANGASAR

Geodetic Engineer

Checked by \_\_\_\_\_ : \_\_\_\_\_, 20 \_\_\_\_\_

By: \_\_\_\_\_

Verified by \_\_\_\_\_ : \_\_\_\_\_, 20 \_\_\_\_\_ Sheet No. 4 of \_\_\_\_\_ sheets

MARISSA A. ARROYO

OIC, CHIEF AGGREGATE SURVEY SECTION  
& CONCURRENT REGIONAL CADASTRAL PROJECT COORDINATOR





Republic of the Philippines  
Department of Environment and Natural Resources  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
San Mariano, Roxas, Oriental Mindoro

CENRO  
RECORDS UNIT

APPLICATION FOR RESIDENTIAL FREE PATENT

3-18-16

Application No.: RFPA 045 207-95 Entry No.: \_\_\_\_\_  
Name of Applicant: TESSIE B. FABELLA  
Address: Poblacion, Mansalay Oriental, Mindoro  
Citizenship: Filipino Civil Status: Married To Fraile Fabella  
Age: 47yrs If minor, name of legal guardian \_\_\_\_\_  
Date of Birth: Oct. 23, 1969 Place of Birth: Roxas, Oriental, Mindoro  
Location of residential land applied for Poblacion Mansalay, Oriental, Mindoro

Lot No.: 125, Cad-1299-D, Mansalay Cadastre

Pls: \_\_\_\_\_

Land Area: 186 Square Meters

Cad: \_\_\_\_\_

Applicant's predecessor-in-interest (if any): \_\_\_\_\_

Date of entry by applicant or predecessor-in-interest upon the residential land applied for (or about): 3-18-16

DATE

SIGNATURE

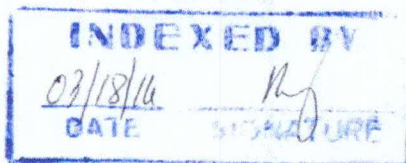
I declare, under the penalties of perjury, that my total land holdings are not more than 12 hectares and that this application has been made in good faith and to the best of my knowledge all information contained herein are true and correct.

*T. Fabella*

**TESSIE B. FABELLA**

Applicant's Name and Signature

SUBSCRIBED AND SWORN TO before me this 18th day of March, 2016 at Roxas, Oriental, Mindoro



*Carlota F. Galit*  
**CARLOTA F. GALIT**  
Land Management Inspector

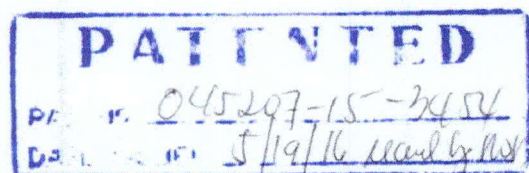
This form is not for sale  
This form must be accomplished in five (5) copies.

POSTED IN THE REGISTRY BOOK

3-18-16

DATE

SIGNATURE





REPUBLIC OF THE PHILIPPINES )  
PROVINCE OF ORIENTAL MINDORO )S.S.  
MUNICIPALITY OF Mansalay )  
X-----X

**AFFIDAVIT**  
**(IN SUPPORT OF RESIDENTIAL FREE PATENT APPLICATION)**

I, Allan Bautista, Filipino, single / married, of legal age and a resident of Pob. Mansalay, Oriental Mindoro, after having been duly sworn to, do hereby depose and state:

1. That I personally know Tessie B. Fabella who has filed an application for residential free patent over a piece of land located at Poblacion Mansalay, Oriental Mindoro.
2. That I am an actual resident of Pob. / Municipality of Mansalay and that I know the land applied for very well;
3. That I personally know that the said applicant or his/her predecessors-in-interest has actually resided on and continuously possessed and occupied, under a bonafide claim of acquisition of ownership, the subject land for at least ten (10) years by himself or through his predecessors-in-interest;
4. That I am not related to the applicant either by consanguinity or affinity and not, in any way, interested in the residential land applied for or in the granting of a residential free patent; and
5. That to the best of my knowledge, belief and information, he/she has the qualifications to apply for a residential free patent under R.A. 10023.

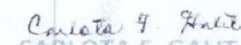
IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of March, 2016 in the place above first written.

  
**Allan Bautista**

Affiant

CTC NO.: 17043326  
Issued on 01-18-2016 Pob. Mansalay,  
Oriental, Mindoro

SUBSCRIBED AND SWORN TO before me on the date and place stated above.

  
**CARLOTA F. GALIT**  
Land Management Inspector



Application No.  
Applicant  
Surveyed for  
Surveyed by  
Date of Survey

045 207-95  
TESSIE B. FABELLA  
TESSIE B. FABELLA  
FLORENDO P. MANGASAR  
JUNE 1 - DECEMBER 30, 2012

Survey No. CAD 1299-D  
Lot No.  
Cadastral Map  
Location  
Approved on

Case No. 1  
125  
MANSALAY ORIENTAL MINDORO  
15-May-15

TIE LINE : S. 31° 38' W. 616.51 m from BLLM 1, CAD 1299-D, MANSALAY CADASTRE

AREA : 186 sq. m

[illegible]

T.D Researched by : DELFIN N. CASTICIMO JR  
T.D Verified by : \_\_\_\_\_  
T.D Checked by : \_\_\_\_\_

Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_



**COMPLETE STAFF WORK**

for

**TESSIE B. FABELLA**

Residential EPA No. 04527-95

Poblacion, Mansalay, Or. Mindoro

Lot 125, Cad1299 D, C-1

Area: 186 Square Meters

**FACTUAL BACKGROUND**

The subject Public Land Application was investigated by LMI Carlota F. Galit of CENRO-Roxas, Oriental Mindoro, who ascertained that the area applied, is free from all claims and conflicts and the applicant was found to be qualified to acquire the subject land having complied with the standard legal procedures pertaining thereto.

**LEGAL BASIS**

The issuance of patent to the land applied for is in accordance with the pertinent provisions of the Public Land Law.

**AGENCIES INVOLVED**

The Local Government Poblacion, Mansalay, Oriental Mindoro issued a certification which is hereto attached stating that the land applied for is free from claims and conflict and that DENR-CENRO Isagani V. Manalili has certified that the subject land is within the alienable and disposable zone.

**POTENTIAL PROBLEM**

As far as could be ascertained, there is no potential problem if the patent is issued, on the contrary, the applicant patentee will be benefited and that the security of tenure on the land applied for is enhanced.

**CERTIFICATION**

This is to certify that based from the reports submitted, the applicant is a bonafide occupant/claimant of the land applied for. The land subject hereof has been verified by the CENRO to be within alienable and disposable zone. Wherein the submitted documents of the applicant are in order and the requirements are all complied in accordance to rules and regulations.

**RECOMMENDATION**

That in accordance with DAO 2003-15 dated June 3, 2003 which re-affirmed the authority of the Provincial Environment and Natural Resources Office (PENRO) and Community Environment and Natural Resources Office (CENRO) to sign and approved patents covering an area five (5) hectares below, it is strongly recommended that patent be approved TESSIE B. FABELLA covering Lot 125, Cad-1299-D, C-1 with an area of 186 Square meters located at Poblacion, Mansalay, Oriental Mindoro.

IN WITNESS WHEREOF, I have hereunto set my signature this 21st day of March, 2016 at DENR-CENRO, San Mariano, Roxas, Oriental Mindoro.

PREPARED BY:

ATTESTED BY:

  
NANETTE S. CAPACIO

Land Management Officer III

  
ISAGANI V. MANALILI

CENRO Officer





Republic of the Philippines  
Department of Environment and Natural Resources  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
San Mariano, Roxas, Oriental Mindoro

**INVESTIGATION AND OCULAR INSPECTION REPORT**

**April 15, 2016**

Date

This is to certify that on **April 13, 2016** I was on and examined the residential land applied for by **TESSIE B. FABELLA** under **Residential Free Patent Application No. 045207-95** situated at **Poblacion, Mansalay, Oriental Mindoro;**

**Findings:**

1. The applicant is a Filipino Citizen.
2. The land applied for is within a residential area as per LC Map No. 622; Project 8-A, dated November 15, 1926.
3. The land applied for is not needed for public use or purpose
4. The land applied for is within a residential zone as approved by Zoning Ordinance No. \_\_\_\_\_ by the Sangguniang Bayan of Mansalay, Oriental Mindoro.
5. The applicant or her/his predecessor-in-interest has actually resided on and continuously possessed and occupied, under a bona fide claim of acquisition of ownership, the subject land for at least ten (10) years prior to the filing of the application, by himself or through his predecessor-in-interest.
6. The applicant or his predecessor-in-interest entered upon the residential land applied for on or about **2006**.
7. The applicant is not the owner of more than twelve (12) hectares of land.
8. The sketch of the land applied for is produced at the back hereof showing the boundaries.
9. The applicant possesses all the qualifications and none of the disqualifications provided for under the provisions of R.A. 10023.

**REMARKS:**

That the applicant has complied with all the requirements of the Residential law leading to issuance of Residential Free Patent in her favor.

In view of the following findings, it has been satisfactorily proven by the applicant that she is qualified for the grant of residential free patent under R.A. 10023. It is my recommendation that the applicant be granted a residential free patent.

*Carlota F. Galit*  
**CARLOTA F. GALIT**  
LMI



S \_\_\_\_\_ S

### SINUMPAANG SALAYSAY

Kami mga may lagda sa ilalim ng kasulatang ito, mga kapitbahay ni TISSIE BARACA FABELLA nasa hustong gulang naninirahan sa Sitio Nalwak Poblacion, Mansalay Oriental Mindoro, matapos manumpa ayon sa ipinag-uutos ng batas ay nagsasabi ng mga sumusunod:

1. Na personal naming kilala si TESSIE BARACA FABELLA na aming kapitbahay.
2. Na siya ang naka posisyon na may – ari ng lote na humigit kumulang sa 300 metro kuwadrado sukat dito sa aming Barangay.
3. Na ang nasabing lote ay nagkaroon ng Cadastral Survey na nalagay sa pangalan ni ALICE BARACA hindi tunay na may – ari ng nasabing lupa.
4. Na aming pinatutunayan na ang nasabing lupa ay hindi pag-aari o posisyon ni ALICE BARACA.
5. Na aming pinatutunayan na ang nasabing bahay at lote ay pag-aari ni TISSIE BARACA FABELLA
6. Na aming ginawa ang salaysay na ito para patunayan ang mga bagay at kaganapan sa anumang layuning legal ng salaysay na ito.

SA KATUNAYAN NG LAHAT NG ITO. Ay lumagda kami ng aming pangalan ngayong ika-08 ng Mayo 2015 dito sa Sitio ng Nalwak Barangay Poblacion, Mansalay Oriental Mindoro.

Maximo Aduan  
Myrna Gigan

A. Dulcati

R. Ortega

RECTOR GAMER

Nora de Pedro

Jennel Garib

Renato Gain

Susan Malandac

Edescartin

NILAGDAAN AT SINUMPAAN sa harap ko ngayon ika-08 ng Mayo 2015 dito sa Mansalay, Oriental Mindoro.

\_\_\_\_\_  
Public Attorney





Republic of the Philippines  
Department of Environment and Natural Resources  
REGION IV (MIMAROPA)  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
San Mariano, Roxas, Oriental Mindoro

SUBJECT:

**MAGCES BAPANSA**  
(Claimant)

X-----X

: Lot No. : 125, Cad-1299-D, C-1  
: : Mansalay Cadastre  
: Barangay : Poblacion  
: Municipality of : Mansalay  
: Province of : Or. Mindoro  
: Area : 186 Square Meters

**ORDER**

In an investigation conducted by a representative of this Office, it was found out that Lot No. 125, Cad-1299-D, Mansalay Cadastre situated at Barangay Poblacion, Mansalay, Oriental Mindoro and consisting of an area of One Hundred Eighty Six (186) square meters was listed in the name of a certain MAGCES BAPANSA. The Barangay Chairman of the locality and neighbors where the land is located, in their "Sinumpaang Salaysay" stated and attested that the it was erroneously entered to as claimant during the cadastral survey and the true owner and occupant of the above-mentioned lot is TESSIE B. FABELLA.

WHEREFORE, it is ORDERED that the name Magces Bapansa, is hereby cancelled and dropped from the records, forfeiting in favor of the government whatever amount had been paid on account hereof and the Free Patent Application filed by Tessie B. Fabella is hereby accepted, recorded and the same is given due course in her favor.

SO ORDERED. 24rth day of March, 2016

ISAGANI V. MANALILI  
CENRO





Republic of the Philippines  
Department of Environment and Natural Resources  
REGION IV (MIMAROPA)  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
San Mariano, Roxas, Oriental Mindoro

MEMORANDUM

March 23, 2016

FOR : The CENR OFFICER  
THRU : The LMO III/ Chief, LMS  
FROM : Land Management Inspector  
SUBJECT : **LOT NO. 125, CAD-1299-D, C-1  
MAGCES BAPANSA  
POBLACION, MANSALAY, OR. MDO.  
AREA: 186 SQUARE METERS**

---

Please be informed that the undersigned conducted ocular inspection and verification on the above-mentioned subject and the following information were ascertained:

That the subject area is known as Lot 125, Cad-1299-D, C-1, Mansalay Cadastre containing an area of 186 square meters located at Poblacion, Mansalay, Oriental Mindoro;

That upon further verification it was found out that as per record of this office, Lot No. 125, Cad-1299-D, C-1, Mansalay Cadastre was listed in the name of Magces Bapansa;

That during the time of inspection the above-mentioned lot is free from claims and conflicts and peacefully occupied by **TESSIE BARACA FABELLA**, who filed corresponding public land application;

That the Barangay Chairman of the locality together with the neighbors of Tessie B. Fabella in their document entitled "Sinumpaang Salaysay" stated and attested that the owner and actual occupant of Lot 125, Cad-1299-D, C-1, Mansalay Cadastre is TESSIE B. FABELLA and the name Magces Bapansa was erroneously listed during the Cadastral survey.

That the land subject of this report is outside any civil or military reservation, not needed by the government for public or quasi-public purposes. It is a public land solely devoted for residential purposes evidenced by improvement such as concrete house and fence built thereon;

That in view of the foregoing, it is hereby recommended that the name Magces Bapansa be cancelled and dropped from the records and the name Tessie B. Fabella be accepted and recorded and the same be given due course leading to the issuance of patent in her favor.

*Carlota F. Galit*  
**CARLOTA F. GALIT**  
LMI



Republika ng Pilipinas  
Lalawigan ng Silangang Mindoro  
Bayan ng **Mansalay**  
Barangay **Poblacion**

TANGGAPAN NG PUNONG BARANGAY

PAGPAPATUNAY

SA MGA KINAUKULAN:

Ito ay isang pagpapatunay na si **Tessie B. Fabella** ang tunay na nagmamay-ari at aktuwal na nakaukupa sa **125, Cad-1299-D, Mansalay Cadastre, Case-01** na may sukat na **186** metros kwadrados at matatagpuan sa **Poblacion, Or. Mindoro.**

Pinatutunayan ko pa rin na ang nasabing lote ay hindi nasasangkot sa anumang usapin o reklamo tungkol sa mga problema ng lupa.

Iginawad ang pagpapatunay na ito ngayong ka- **18** ng **Marso, 2016** dito sa Barangay **Pob.** Bayan ng **Mansalay** awigan ng Silangang Mindoro.

  
**JOLLY CUSI**

Punong Barangay



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF ORIENTAL MINDORO  
MUNICIPALITY OF Mansalay  
BARANGAY Poblacion

OFFICE OF THE BARANGAY CAPTAIN

CERTIFICATION

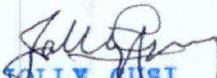
TO WHOM IT MY CONCERN:

This is to certify that the Notice of Posting of Residential Free Patent Application No. 045207-RT of Tessie B. Fabella covering 125, Cad-1299-D, Mansalay Cadastre, Case-01 with an area of 186 square meters and situated at Barangay Poblacion Or. Mindoro was properly posted to the Barangay Hall from March 1, 2016 to March 18, 2016

This is to certify, further that no formal protest against the above-noted application has been filed in this Office.

This is to certify, finally that the above-mentioned land is absolutely free from claims and conflicts.

Issued this 18th day of March, 2016 in support with the issuance of patent for the above-numbered lot.

  
**JOLLY CUSI**

Barangay Captain



**Lot 125, CAD-1299-D, C-1**

Beginning at a point marked "1" on plan of Lot 125, CAD-1299-D, C-1, being S.31°-38'W., 616.51m. from BLLM No. 1, CAD-1299-D, Mansalay, Oriental Mindoro;

Thence:

N.62°-01'W., 11.53m. to point 2;  
N.29°-28'E., 6.37m. to point 3;  
S.66°-45'E., 26.35m. to point 4;  
S.43°-53'W., 8.88m. to point 5;  
N.62°-03'W., 12.46m. to point 1;  
to the point of beginning.

Containing an area of **ONE HUNDRED EIGHTY SIX (186) SQUARE METERS.**

All points referred to are indicated on the plan and are marked on ground by P.S. Cyl. Conc. Mons. 15 x 60 cm. in diameter.

Bounded on the SW., along line 5-1 by Lot 124, CAD-1299-D, C-1; and on the SW., NW., & NE., along lines 1-2-3-4 by Lot 123, CAD-1299-D, C-1; and on the SE., along line 4-5 by Salvage Zone (20.00m. wide), Mansalay Bay.

Bearings Grid.

This lot was surveyed accordance with law and existing rules and regulations promulgated thereunder by Geodetic Engineer Florendo P. Mangasar on June 1- December 30, 2012 which was approved on May 15, 2015.

CERTIFIED CORRECT:

**CHARISMA C. JUNCO**  
Engineer-II

NOTE:

This lot was covered by Residential F.P.A. No. 045207-95.

Prepared by: **MA. VICTORIA T. MONTELEJA**

Checked by: **NOLI R. FILLARCA**



**Province of Oriental Mindoro**

**IV-B, MIMAROPA**

**TESSIE B. FABELLA** married to Fraile Fabella  
Poblacion, Mansalay, Oriental Mindoro

Poblacion, Mansalay, Oriental Mindoro  
**ONE HUNDRED EIGHTY SIX**

**186**

**MARY JUNE F. MAYPA**  
**OIC-PENRO**

**Poblacion, Mansalay, Or. Mindoro**





Republic of the Philippines  
Department of Environment and Natural Resources  
REGION IV (MIMAROPA)  
COMMUNITY ENVIRONMENT and NATURAL RESOURCES OFFICE  
San Mariano, Roxas, Oriental Mindoro


**CERTIFICATION**

TO WHOM IT MAY CONCERN:

This is to certify that Lot 125, CAD-1299-D, C-1 situated at Poblacion, Mansalay, Oriental Mindoro, Philippines which is covered by Residential Free Patent Application No. 045207-95 in the name of **TESSIE B. FABELLA** to be within the alienable and disposable area/zone under Block No. \_\_\_\_\_; Project No. 8-A, L.C. Map No. 622; Certified on November 15, 1926 by the then Director of Forestry.

March 21, 2016. San Mariano, Roxas, Oriental Mindoro, Philippines.

VERIFIED BY:

  
**REY G. FIRMANES**  
Forester-II

REVIEWED & ATTESTED BY:

  
**EBENEZER S. PALMEJAR**  
Chief, FMS

SUBSCRIBED AND SWORN to before me on the date and place stated above.

  
**ISAGANI V. MANALILI**  
CENRO



XII. Parcel Information Sheet Form

PARCEL INFORMATION SHEET

Cadastral Survey No. \_\_\_\_\_

Lot No. \_\_\_\_\_

Date: 5-25-16 Time: \_\_\_\_\_ Brgy: Sitio Nakwak, Brgy. Poblacion,  
Mansalay Or. Mindoro

Name of Owner/s: Tessie Barroca Fabella Signature: [Signature]  
FRAILE B. FABELLA JR.

Name of Claimants/Occupants of adjoining lots:	Lot No.	Signature to signify conformity:
<u>North - Recto Gamarier</u>	_____	<u>[Signature]</u>
<u>South - Myrna Gan</u>	_____	<u>[Signature]</u>
<u>West - Renato Gan</u>	_____	<u>[Signature]</u>
<u>East - Mansalay Bay</u>	_____	_____

SKETCH OF THE LOT

SPECIFIC LAND USE	CULTIVATION/IMPROVEMENTS
<u>Residential lot</u>	commercial, industrial,
(residential,	institutional, reserve.)
agricultural,	

We hereby certify that the information contained herein are true and correct to the best of our knowledge and belief, except the indicated distances, which may be approximate.

\_\_\_\_\_  
Land Management Officer/Adjudicator

[Signature]  
Barangay Representative

\_\_\_\_\_  
Geodetic Engineer/Chief of Party

Note: All distances are approximate and are subject to final survey. As per agreement of both parties, the lot corners whenever feasible will be marked with concrete monuments.





Republic of the Philippines  
Department of Environment and Natural Resources  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
San Mariano, Roxas, Oriental Mindoro

**CERTIFICATE OF POSTING OF NOTICE OF  
APPLICATION FOR RESIDENTIAL FREE PATENT**

This is to certify that the 15 days posting requirement for the application for residential free patent under R.A. 10023 of TESSIE B. FABELLA covering a parcel of land identified as Lot 125, Cad-1299-D, Case-01 located at Poblacion, Mansalay, Oriental Mindoro has been completed on April 15, 2016.

Posting date: March 18, 2016 to April 15, 2016

Posted at: **Barangay Hall Poblacion,  
Mansalay, Or. Mindoro**

and **DENR-CENRO  
San Mariano, Roxas, Or. Mindoro**

ISAGANI V. MANALILI  
CENR Officer



Republic of the Philippines  
Department of Environment and Natural Resources  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
San Mariano, Roxas, Oriental Mindoro

**NOTICE OF APPLICATION FOR  
RESIDENTIAL FREE PATENT**

Notice is hereby given that **TESSIE B. FABELLA** has filed with the office of the CENR Officer an application under the provisions of Republic Act No. 10023 or "An Act Authorizing the Issuance of Free Patents to Residential Lands" for a Residential Free Patent over a parcel of land situated in **Brgy. Poblacion, Mansalay, Oriental Mindoro** and more particularly described as follows:

**CONCRETE HOUSE with FENCE.**

Containing an area of **186 Square Meters.**

**ISAGANI V. MANALILI**  
CENR Officer