Office of the President
of the Philippines
Malacañang

NATHANIEL SILANGA, ET AL., Substituted by SHELTY SILANGA, ET AL.,

Appellants,

-versus-

O.P. CASE NO. 15-J-306
(DENR Case No. 7623)

HEIRS OF LUCIO B. SUAREZ, SR.,

Appellees.

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D E C I S I O N

This pertains to the appeal of appellants Nathaniel Silanga, et al. from the Resolution dated 28 August 2015 of the Secretary of the Department of Environment and Natural Resources (DENR) denying their Motion for Reconsideration of the Decision dated 12 January 2006 of the said office. Said Decision affirmed the Order dated 11 October 1993 of the Regional Executive Director (RED), Regional Office No. IV, which ordered the dismissal of appellants' protests and giving due course to various public land applications including that of Lucio Suarez, Sr. (Suarez), appellees' predecessor-in-interest.

The instant case is an offshoot of the original case already decided by the DENR involving the same protests filed by appellants. Records show that different claimants including Suarez filed their public land applications as early as 1951 covering parcels of land located in Mabuhay, Roxas, Oriental Mindoro, the subject properties of the instant case.[1] However, claiming to have priority rights over said subject properties, appellants filed several protests summarized as follows:

Kind of Application and Number	Owners/Applicants (Appellees)	Protestants (Appellants)	Lot and Area Involved
Homestead Application (HA) No. V-60531	Lucio Suarez, Jr.	Dionisio Galicia	Lot 6 (Psu-134986) 23.9960 hectares
Free Patent Application (FPA) V-10975	Lucio Suarez, Jr.	Pacifico and Juanito Ganoria	Lot 7 (Psu-134986) 24.000 hectares
FPA (unnumbered)	Julieta Tejada	Cleto Solidum and Pedro Fejer	Lot 8 (Psu-134986) 24.000 hectares
FPA No. 25265	Juanito Suarez	Nicolas Malabriga, Maximo Galicia,	Lot 9 (Psu-134986) 24.000 hectares

[1] Records of the Case (ROC), p. 15.

		and Juan Silanga	
FPA No. V-25266	Julian Tejada	Juan Silanga, Clara Francisco and Anatalia Alberto	Lot 10 (Psu-134986) 23.8923 hectares
FPA No. V-23113	Lucinita Suarez	Juan Silanga, Anatalia Alberto and Agustin Enriquez	Lot 11 (Psu-134986) 23.9994 hectares

On 20 March 1963, the Regional Office dismissed the protests.[2] It found no evidence to support the early occupation of appellants of the subject properties. Instead, it was established that they were mere tenants of appellants. In contrast, evidence showed that Suarez, as early, as 1938 declared the subject properties for taxation purposes and had been religiously paying taxes thereon. It was also established that appellants' entry to the subject properties was allowed by Suarez considering that appellees were his tenants and laborers. Finding them to be mere tenants, the Regional Office ordered appellants to vacate the subject properties.[3] On appeal, the DENR Secretary affirmed the Regional Office's rulings.

Appellants filed a Petition for Certiorari with the Court of First Instance of (CFI) Oriental Mindoro assailing the order of DENR. They claimed that the Director of Land was divested of authority to adjudicate or award the land due to the pending cadastral proceedings involving the same subject properties. However, the Petition was dismissed for lack of merit.[4] Appellants filed a Petition for Review with the Supreme Court which was likewise dismissed in the Resolution dated 9 June 1983.[5] The Supreme Court (SC) held that both appellants and appellees, petitioners and respondents, respectively in the said case, both admitted that the subject properties were public lands, the disposition and administration of which is vested in the Director of Lands and ultimately to the DENR Secretary. Considering the public character of the lands involved, the SC held that appellants have no registrable title that can be confirmed in the cadastral proceedings.[6]

On 22 November 1983, a Writ of Execution was issued in favor appellees.[7] Appellants filed a Petition for Certiorari and Prohibition with Preliminary Injunction with this Office and also with the Intermediate Appellate Court (IAC) of Mindoro. This Office ordered to maintain the status quo of the case,[8] while the IAC enjoined appellees from enforcing the Writ of Execution. However, on 01 August 1984, the said writ was permanently set aside by the IAC.

Meanwhile, appellants continued to assert their rights by writing numerous communications to the DENR claiming that their predecessors-in-interest have prior rights for having occupied their land for more than forty-seven (47) years. They

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[2] Decision, id. pp. 24 - 26.
[3] *Id.*, page 169.
[4] *Id.* p. 167.
[5] G.R. No. L-31216, id., pp. 14 – 16.
[6] *Id.*, p. 14.
[7] *Id.*, p. 167.
[8] Order dated 29 November 1983.

likewise alleged that the subject lands were illegally converted by appellees to private lands following a re-survey conducted in 1951 and 1952.[9]

Appellants claimed that the Mansalay Public Land Subdivision which covered the subject properties was originally surveyed for the Republic of the Philippines under PLS-192 (IG-1105), but the same was re-surveyed under PSU 134986 for the appellees. They averred that through the connivance of appellees with the Bureau of Lands, they were able to include the subject properties under PSU-134986. They claimed that as public lands, the subject properties cannot be surveyed and converted into private lands, much more, awarded to appellees who had already been granted by the government vast tracts of lands.

Due to these allegations, an investigation was conducted by the Regional Office which came out with an Investigation Report dated 02 August 1991.[10] It found appellants to be the actual possessors, occupants and cultivators of the subject properties for more than thirty-five (35) years. Thus, it was recommended: to cancel Psu 134986 in the name of appellees as the same overlapped with IG-1005 (Pls-192); and, to deny or reject the public land applications of appellees; and, to issue new survey authority in favor of appellants.

Notwithstanding, the above findings, in a Resolution dated 11 October 1993,[11] the Regional Office ordered the dismissal of appellants' protest and all other petitions, letters and all other protests relating to appellants' claims over the subject properties. It was held that the issue of overlapping is immaterial, the subject properties being admittedly public lands. As such, the disposition was held to be rightfully in the hands of the Director of Lands. Being mere tenants of appellees, appellants' rights cannot go beyond their landlords' rights. The claim that appellees are already owners of vast tracts of lands was held baseless for failure of appellants to present evidence to support such claim.

Appellants filed a Motion for Reconsideration which was, however, denied.

Appellants appealed to the DENR Secretary, who, in the Decision appealed from, affirmed the Regional Office's ruling that appellants are mere tenants of appellees. It was held that Suarez began his possession of the subject properties in 1952 but he had declared the said subject properties for taxation since 1938 during which time appellants had been tenants and hired laborers of Suarez. That it was only in 1953 to 1954 when appellants refused to give their shares of the produce to Suarez, which prompted the latter to file civil case against appellants which was decided in favor of Suarez. The Secretary held that there was no sufficient basis, not even the Investigation Report dated 02 August 1991 would overturn the evidence holding that appellants are mere tenants of appellees.

Hence, the present appeal.

In their Memorandum Appeal, appellants insist that the DENR Secretary erred in upholding the Regional Office whose findings were purely based on false and fabricated facts; in adopting the ruling of the Regional Office which did not give

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[9] By Surveyors Rogelio Urrutia and Mateo Villafranca.
[10] *Id.*, pp. 96 -104.
[11] *Id.*, pp. 165-169.

credence or consider the Investigation Report dated 2 August 1991; in suppressing said Investigation Report which is tantamount to obstruction of justice; and, in depriving appellants of the subject properties in favor of appellees who resorted to land grabbing.

In support of the above claims, appellants argue that: they have preferential rights over the subject properties having actual possession thereof way back in 1947; their possession for more than thirty-five (35) years was in the concept of owners; the subject properties were covered under PLS-192 (IG-1105) Survey Plan but, through fraud and falsification of documents, were included in the lands of appellees; considering their possession, they have imperfect and incomplete title over the subject properties which can be administratively confirmed in their favor; appellants resorted to land grabbing when they included the subject properties in survey Psu 13496; the issue of overlapping and illegal conversion of lands were not considered by the DENR; there could be no landlord-tenant existing over public lands; and, finally, that there were documents submitted in evidence by appellants which were lost from the records of the DENR due to the alleged illegal practice of tampering with evidence at the DENR offices.

After a careful evaluation, this Office finds appellants' allegations unmeritorious.

As can be readily gleaned from above, there are no new substantial matters that were raised by appellants that would make this Office deviate from the rulings of the DENR, except only with respect to the area which may be awarded to appellees as allowed under the law as will be discussed later.

It must be stressed that factual findings of administrative bodies charged with their specific field of expertise, are afforded great weight by the courts, and in the absence of substantial showing that such findings were made from an erroneous estimation of the evidence presented, they are conclusive.[12] These factual findings should not be disturbed on appeal, unless there are facts of weight and substance that were overlooked or misinterpreted and that would materially affect the disposition of the case.[13]

The factual findings by the DENR are well supported by evidence on record and the DENR's appreciation of the same does not appear erroneous, except for the area that can be awarded to appellees.

To emphasize, with respect to issue of possession, there is no telling that appellants were indeed in actual possession of the subject properties. However, said possession, as established, was due to the tenancy between Suarez, appellees' predecessor-in-interest, and that of appellants, which matter, was, nowhere in the record, denied by appellees. In fact, there was even an implied admission by appellant of the existence of tenancy as they claim in their Memorandum Appeal that there can be no tenancy when what is involved is public land.[14] It shows that appellants admit to tenancy albeit the same was constituted on a public land. However, as borne by the records, appellees were able to present contracts and

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[12] *Granada v. People*, G.R. No. 184092, 186084, 186272, 186488, 186570, 22 February 2017.
[13] *See, People v. Racal*, G.R. No. 224886, 04 September 2017.
[14] Appeal Memorandum, pp. 7 and 9.

other documents to prove tenancy exits between them.[15] Equally, appellees never denied the fact that they had been giving portion of their produce from the subject properties as share to appellants only that, around 1953 to 1954 they already refused to give them their shares.[16]

It is noted that it was by virtue of the tenancy that the DENR initially dismissed appellants' protests, and which decision was affirmed all the way to the SC. The matter of tenancy had already been settled and decided, and the SC's Resolution thereon has long become final and executory.

With respect to the alleged failure to consider the Investigation Report alluded to by appellants and the issue of overlapping, records are bereft of any showing the same to be true. On the contrary, these were taken into consideration by both the DENR Secretary and the Regional Office which both found that the issue of overlapping is immaterial considering that what was involved is public land, and, therefore, within the Director of Lands' authority to decide. The Director of Lands shall have direct executive control of the survey, classification, lease, sale or any other form of concession or disposition and management of the lands of the public domain, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Commerce.[17] Furthermore, it was held that factual considerations relating to lands of the public domain properly rest within the administrative competence of the Director of Lands and the DENR.[18]

Notwithstanding the above, the award, however, should be in accordance with the requirements and limitations provided under Commonwealth Act (CA) No. 141[19] or known as the Public Land Act. There appear sufficient reasons to believe that the applications were made to circumvent provisions of CA 141.

The public land applications involved in the instant case are for homestead and free patent which are covered under Sections 12 and 44 of CA 141, quoted as follows:

> Section12. **Any citizen of the Philippines over the age of eighteen years, or the head of a family, who does not own more than twenty-four hectares** of land in the Philippines or has not had the benefit of any gratuitous allotment of more than twenty-four hectares of land since the occupation of the Philippines by the United States, **may enter a homestead of not exceeding twenty-four hectares of agricultural land of the public domain**.
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> Section44. **Any natural-born citizen of the Philippines who is not the owner of more than twenty-four hectares** and who since July fourth, nineteen hundred and twenty-six or prior thereto, **has**

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[15] ROC, p. 25.
[16] *Id*. p. 25.
[17] Section 4 of CA 141, now, the Secretary of the DENR.
[18] See, Hon. Heherson Alvarez substituted by Hon. Elisea G. Gozun, in her capacity as Secretary of the DENR vs. PICOP Resources, Inc., G.R. No. 162243; PICOP Resources, Inc. vs. Hon. Heherson Alvarez substituted by Hon. Elisea G. Gozun, in her capacity as Secretary of the DENR G.R. No. 164516; The Hon. Angelo T. Reyes (formerly Hon. Elisea G. Gozun), in his capacity as Secretary of the DENR vs. Paper Industries Corp. Of The Philippines (PICOP), G.R. No. 171875, November 29, 2006.
[19] *"An Act to Amend and Compile the Laws Relative to Lands of the Public Domain."*

continuously occupied and cultivated, either by himself or through his predecessors-in-interest, a tract or tracts of agricultural public lands subject to disposition, or who shall have paid the real estate tax thereon while same has not been occupied by any person shall be entitled, under the provisions of this chapter, to have a free patent issued to him for such tract or tracts of such land not to exceed twenty-four hectares. (Emphasis supplied.)

Lots No. 6 and No. 7 are both applied for by Suarez. The applications are for homestead and free patent which cover 23.996 and 24.000 hectares (ha), respectively. Whether the lots are contiguous or not, it is evident that the applications were split into two (2) different kinds of applications in order that Suarez may take more than twenty-four (24) hectares or that which is allowed by law. This is a clear circumvention of the law. The above provisions are clear that each awardee should not get anything more than 24 ha. This is also the evident intention of the law when its grant is for a "head of a family", that is, a family or a household should only be entitled to area not exceeding 24 ha, that is why an applicant who already owns lots exceeding said area is already disqualified to apply. For this reason, only 24 hectares should be allowed for appellees' applications, whether it be for homestead or free patent.

Anent Lots No. 9 and 11, the same are applied for by Juanito Suarez and Lucynita Suarez.[20] Based on the records, there is also reasons to believe that they should only be entitled to only one application, including Lot No. 8 which is applied for Julieta Tejada. Records would bear out that at the time of the application, Julieta Tejada was a minor.[21] While section 44 may not have provided for the age requirement of the applicant, and, therefore, Julieta Tejada may not be disqualified to apply as a minor, however, it can be deduced that her application was made because she happens to be the daughter of Juanita Suarez who was widowed by (Lucio) Suarez, and who later married Julian Tejada, the applicant for Lot No. 10.

It is interesting to note that, after further scrutiny of the records, the applicant by the name of Juanito Suarez, is actually Juanita Suarez, the widow of Suarez. It appears that Juanito is a typographical error, and is actually Juanita Suarez who appeared as "Juanita" in many documents of the records of this case.[22] In fact, in the Petition dated 27 June 1989 filed by appellants before the DENR, it was Juanita Suarez' name which was named as one of the respondents. Therefore, it could be safely concluded that the free patent applications for Lot Nos. 8, 9, and 10 of Julieta Tejada, Juanito Suarez (should be Juanita), and Julian Tejada, respectively, were split or separately filed so that they could apply for more than 24 hectares for one family or household, which is again, a clear case to get around with the law.

However, anent the application of Lucinita Suarez, records, however, does not show her relation to any of the applicant, and therefore, it is incumbent upon the DENR to further investigate on this or look into the original application of Lucinita Suarez.

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[20] Decision of the Court of First Instance of Mindoro in Special Civil Action No. R041, ROC, P. 21, Lucinita Suarez appeared as Lucynita Suarez.

[21] *Id.*

[22] *Id.* pp., 30, 44, 69 and p. 17 of Appeal Memorandum of appellants.

Considering these new findings, while appellees' right to apply was already established and this was already settled in the SC's Resolution, the award should strictly comply with the provisions of the Public Land Act, hence, the case must be remanded to the DENR to ensure that appellees will only be granted that which is allowed by CA 141. Thus, it must be observed that any individual applicant who meets the requirements of the law but is not part of any family or household is entitled in his own right to not more than twenty-four (24) hectares, while the applicants found belonging to only one (1) family or household should only be entitled to not more than twenty-four (24) hectares for said family or household and not as individual applicant. The DENR may then proceed to open the other lots open for application to other qualified claimants.

WHEREFORE, premises considered, the instant appeal is **PARTIALLY GRANTED**. The case is hereby **REMANDED** to the DENR for appropriate action in accordance with the findings of this Office.

SO ORDERED.

Manila, Philippines, MAY 16 2022

By Authority of the President:

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