



Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Puerto Princesa, Palawan

Primitiva A. Puyawan,  
Protestant,

-versus-

DENR Case No. M-14-18-L

RFP NO. 045316-13-4520  
TERESTA. A. BAUTISTA,

Lot No. 21463-A-Csd-4B-00643-D  
Area: 200 square meters

RFP NO. 045316-13-4526  
MILO A. BAUTISTA,

Lot No. 21463-B-Csd-4B-00643-D  
Area: 200 square meters

RFP NO. 045316-13-4525  
MARVIN A. BAUTISTA,  
Protestees.

Lot No. 21463-C-Csd-4B-00643-D  
Area: 200 square meters  
Brgy. Tiniguiban, Puerto Princesa

X-----X

## MOTION FOR EXECUTION

**PROTESTEES**, by the undersigned counsel, most respectfully  
move:

1. On MAY 8, 2019, the Regional Executive Director, Henry A. Adornado, Ph.D., issued the DECISION in the instant case, the dispositive portion of which states as follows:

“**WHEREFORE**, premises considered, the instant Protest is hereby **DISMISSED** for lack of merit. **AFTER** the lifting of the suspension contained in Memorandum dated May 28, 2015 of the Undersecretary for Field Operations, the PENR Officer, Palawan is **DIRECTED to RETRANSMIT** RFP No. 045316-13-4520 of Teresita A. Bautista, RFP NO. 045316-13-4526 of Milo A. Bautista and RFP NO. 045316-13-4525 of Marvin A. Bautista to the Register of Deeds of Palawan.

**SO ORDERED.”**

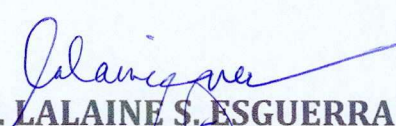


2. On DECEMBER 11, 2019, DENR Secretary Roy A. Cimatú issued the Memorandum Circular No. 2019-10 effectively lifting the suspension contained in Memorandum dated May 28, 2015.
3. On JUNE 08, 2022, the Regional Executive Director LORMELYN E. CLAUDIO, CESO IV, issued a CERTIFICATION stating that "the Decision dated May 8, 2019 in DENR Case No. M-14-18-L is declared **FINAL AND EXECUTORY.**"
4. The aforesaid CERTIFICATION also stated as follows:

"Further, Section 21 of the same DAO (DAO 2016-31 (Procedure in the Investigation and Resolution of Land Claims and Conflicts Cases) states that: "once the decision of the RD becomes final and executory in any of the instances provided in the preceding section, the prevailing party, on motion within one (1) year from its finality, can have it executed as a MATTER OF RIGHT and the granting of a writ of execution becomes a ministerial duty of the CENRO/PENRO xxx"

WHEREFORE, premises considered, Protestees earnestly pray for the issuance of the WRIT OF EXECUTION directing the duly authorized officer of PENRO to **RETRANSMIT** RFP No. 045316-13-4520 of Teresita A. Bautista, RFP NO. 045316-13-4526 of Milo A. Bautista and RFP NO. 045316-13-4525 of Marvin A. Bautista to the Register of Deeds of Palawan.

Respectfully submitted. September 6, 2022, Cainta, Rizal for Puerto Princesa, Palawan.

  
**ATTY. LALAINÉ S. ESGUERRA**  
Roll No. 42761

PTR No. 17238553/01-07-22/Rizal  
IBP No. 183667/01-03-22

MCLE No. VII-0014684/ valid until Apr.14, 2025  
Natividad Bldg., 766 A. Bonifacio Avenue,  
Brgy. San Juan, Cainta, Rizal, 1900  
Email: attylalaine@gmail.com  
Contact No. (02)85161733



## NOTICE OF SUBMISSION AND COPY FURNISHED

Lormelyn E. Claudio, CESO IV  
The Regional Executive Director  
MIMAROPA Region,  
1515 L & S Building,  
Roxas Blvd., Manila

The PENRO  
Puerto Princesa City, Palawan

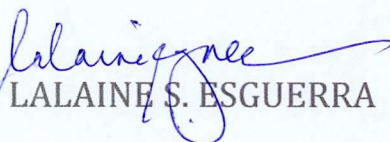
The CENRO  
Puerto Princesa City, Palawan

Primitiva A. Puyawan  
Purok Princesa, Brgy. Tiniguiban,  
Puerto Princesa City, Palawan

GREETINGS!

Copies of this Motion for Execution were served on the foregoing addressees and filed with PENRO by LBC.

This Motion for Execution being non-litigious motion is also being submitted for prompt action sans hearing.

  
ATTY. LALAIN S. ESGUERRA





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

**MEMORANDUM**

**TO :** THE PENR OFFICER  
Palawan

**ATTENTION :** THE OIC, CENR OFFICER  
Puerto Princesa City

**FROM :** THE REGIONAL EXECUTIVE DIRECTOR

**SUBJECT :** IMPLEMENTATION OF THE DECISION DATED  
MARCH 8, 2019 IN DENR CASE NO. M-14-18-L  
ENTITLED "PRIMITIVA A. PUYAWAN -VERSUS- RFP  
NO. 045316-13-4520 TERESITA A. BAUTISTA, RFP  
NO. 045316-13-4526 MILO A. BAUTISTA, RFP NO.  
045316-13-4525 MARVIN A. BAUTISTA" INVOLVING  
LOT NOS. 21463-A, 21463-B, 21463-C, ALL OF CSD-  
4B-000643-D, BARANGAY TINIGUIBAN, PUERTO  
PRINCESA CITY, WITH AN AREA OF 200 SQUARE  
METERS EACH

**DATE :** JUN 13 2022

This refers to the email dated April 18, 2022 of Atty. Lalaine S. Esguerra and letter dated March 31, 2022 of Efren P. Parales both requesting for the issuance of a Certificate of Finality in the above-cited case per Decision dated March 8, 2019 issued by then Regional Executive Director Henry A. Adornado, *Ph.D.* The dispositive portion of the Decision states that:

*"WHEREFORE, premises considered, the instant Protest is hereby **DISMISSED** for lack of merit. **AFTER** the lifting of the suspension contained in Memorandum dated May 28, 2015 of the Undersecretary for Field Operations<sup>1</sup>, the PENR Officer, Palawan is **DIRECTED to RE-TRANSMIT** RFP No. 045316-13-4520 of Teresita A. Bautista, RFP No. 045316-13-4526 of Milo A. Bautista, and RFP No. 045316-13-4525 of Marvin A. Bautista to the Register of Deeds of Palawan."*

Records show that copies of the Decision were sent to the parties via registered mail on April 9, 2019.

Records further show that a Memorandum dated November 11, 2020 was issued by the Chief, Legal Division for the PENRO Palawan requesting for the CENRO Puerto Princesa City to cause the delivery of the certified copy of the above stated Decision to the Protestant or her representative as her copy by registered mail was returned



to sender (RTS) with the notation *Unknown Address*. Consequently, a certain Vicente G. Puyawan, Jr. received the same on March 19, 2021.

Per Certification dated April 26, 2022 issued by OIC, Records Section, Michelle B. Tuyan, no Motion for Reconsideration or Notice of Appeal was filed by any of the parties in the instant case. As such, a Certification dated \_\_\_\_\_ was issued by the undersigned declaring the Decision dated March 8, 2019 issued by then Regional Executive Director Adornado, as final and executory.

As such, you are hereby directed to implement the same subject to the provisions of DAO No. 2016-31 and submit compliance report within three (3) days from receipt hereof. In case there has already been compliance with said Decision, furnish this Office with the proper documents for record purposes.

Forwarded are the records of the said case consisting of the following:

1. Folder 1 with Two Hundred Seventy Six (276) pages;
2. Folder 2 with Sixteen (16) pages;
3. Folder 3 with Fifteen (15) pages; and
4. Folder 4 with Fifteen (15) pages.

For information and immediate action.

  
**LORMELYN E. CLAUDIO, CESO IV**

Copy furnished:

**Primitiva A. Puyawan**  
Purok Princesa, Barangay Tiniguiban, PPC

**Teresita A. Bautista**  
No.1 Nadayao Road, Barangay San Pedro, PPC

**Milo A. Bautista**  
No. 1 Nadayao Road, Barangay San Pedro, PPC

**Marvin A. Bautista,**  
**Represented by Macbeth E. Bautista**  
No.1 Nadayao Road, Barangay San Pedro, PPC

**CENRO Puerto Princesa City**

**PENRO Palawan**



**CERTIFIED TRUE / PHOTO COPY**  
*My* 6.24.2022  
**MARLENE M. BADILLA**  
Admin. Asst. III/ Records Officer-Designate  
Legal Division, DENR MIMAROPA Region





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

**PRIMITIVA A. PUYAWAN,**  
Protestant,

**DENR Case No. M-14-18-L**

-versus-

**RFP No. 045316-13-4520**  
**TERESITA A. BAUTISTA**

**Lot No. 21463-A, Csd-4B-000643-D**  
Area: 200 square meters

**RFP No. 045316-13-4526**  
**MILO A. BAUTISTA**

**Lot No. 21463-B, Csd-4B-000643-D**  
Area: 200 square meters

**RFP No. 045316-13-4525**  
**MARVIN A. BAUTISTA,**  
Protestees.

**Lot No. 21463-C, Csd-4B-000643-D**  
Area: 200 square meters  
Brgy. Tiniguiban, Puerto Princesa City

X-----X

### CERTIFICATION

Records show that an email dated April 18, 2022 of Atty. Lalaine S. Esguerra and a letter dated March 31, 2022 of Teresita A. Bautista were received by this Office both requesting for the issuance of a Certificate of Finality in the above-cited case per Decision dated March 8, 2019 issued by then Regional Executive Director Henry A. Adornado, *Ph.D.* Copies thereof were sent to the parties via registered mail on April 9, 2019.

Records further show that a Memorandum dated November 11, 2020 was issued by the Chief, Legal Division for the PENRO Palawan requesting for the CENRO Puerto Princesa City to cause the delivery of the certified copy of the above stated Decision to the Protestant or her representative as her copy by registered mail was returned to sender (RTS) with the notation *Unknown Address*. Consequently, a certain Vicente G. Puyawan, Jr. received the same on March 19, 2021.

Per Certification dated April 26, 2022 issued by OIC, Records Section, Michelle B. Tuyan, no Motion for Reconsideration or Notice of Appeal was filed by any of the parties in the instant case.

Under Section 20 of DAO 2016-31<sup>1</sup>, the second paragraph states:

*"If no MR is filed, or if filed outside the reglementary period, the Decision of the RD<sup>2</sup> shall become final and executory."*

As such, the Decision dated March 8, 2019 in DENR Case No. M-14-18-L is declared **FINAL AND EXECUTORY**:

**"WHEREFORE**, premises considered, the instant Protest is hereby **DISMISSED** for lack of merit. **AFTER** the lifting of the suspension contained in Memorandum dated May 28, 2015 of the Undersecretary for Field Operations<sup>1</sup>, the PENR Officer, Palawan is **DIRECTED to RE-TRANSMIT** RFP No. 045316-13-4520 of Teresita A. Bautista, RFP

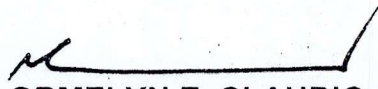

<sup>1</sup> Procedure in the Investigation and Resolution of Land Claims and Conflicts Cases  
<sup>2</sup> Now Regional Executive Director



No. 045316-13-4526 of Milo A. Bautista, and RFP No. 045316-13-4525 of Marvin A. Bautista to the Register of Deeds of Palawan."

Further, Section 21 of the same DAO states that: "once the decision of the RD becomes final and executory in any of the instances provided in the preceding section, the prevailing party, on motion within one (1) year from its finality, can have it executed as a matter of right, and the granting of a writ of execution becomes a ministerial duty of the CENRO/PENRO xxx-xxx".

City of Manila, Philippines. JUN 13 2022

  
**LORMELYN E. CLAUDIO, CESO IV**  
Regional Executive Director 

Copy furnished:

**Primitiva A. Puyawan**  
Purok Princesa, Barangay Tiniguiban, PPC

**Teresita A. Bautista**  
No. 1 Nadayao Road, Barangay San Pedro, PPC

**Milo A. Bautista**  
No. 1 Nadayao Road, Barangay San Pedro, PPC

**Marvin A. Bautista,**  
**Represented by Macbeth E. Bautista**  
No. 1 Nadayao Road, Barangay San Pedro, PPC

**CENRO Puerto Princesa City**

**PENRO Palawan**

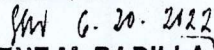


Department of Environment  
and Natural Resources  
MIMAROPA Region



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CERTIFIED TRUE / PHOTO COPY

  
**MARLENE M. BADILLA**  
Admin. Asst. III/ Records Officer-Designate  
Legal Division, DENR MIMAROPA Region





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

**PRIMITIVA A. PUYAWAN**

Protestant,

**DENR Case No. M-14-18-L**

- versus -

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**TERESITA A. BAUTISTA**

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Area: 200 square meters

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**MILO A. BAUTISTA**

**Lot No. 21463-B, Csd-4B-000643-D**  
Area: 200 square meters

**RFP No. 045316-13-4525**  
**MARVIN A. BAUTISTA**

**Lot No. 21463-C, Csd-4B-000643-D**  
Area: 200 square meters  
Brgy. Tiniguiban, Puerto Princesa City

Protestees

x-----x

### **DECISION**

For resolution is the Protest filed by Primitiva Puyawan against the Residential Free Patent Applications of Marvin Bautista, Teresita Bautista and Milo Bautista, involving Lot 21463-A, Lot 21463-B and Lot 21463-C, all situated in Barangay Tiniguiban, Puerto Princesa City.

Originally, the 600 square-meter lot was subject of Miscellaneous Sales Application (MSA) 045316-1800 in the name of Teresita Bautista. On April 4, 2013, the Bautistas divided the lot into three equal portions and opted to file their respective Residential Free Patent applications (RFPAs). Per Order dated May 30, 2013 issued by then OIC-CENR Officer Emer D. Garraez, the MSA was rejected and due course was given to the RFPAs filed by Teresita and her sons Milo and Marvin Bautista.

The CENRO has already transmitted the patents to the Office of the Register of Deeds – Puerto Princesa City. However, Protestant Puyawan, through a letter addressed to then PENRO Juan dela Cruz, opposed the processing of the titles, claiming that she is the owner of the lot. Hence, this instant case.

### **CLAIMS AND EVIDENCES OF THE PARTIES**

#### **PROTESTANT**

The Protestant, together with her family, claim that, as early as the 1970s, they have been the actual occupants and possessors of the subject lot. She avers that being in open, continuous, exclusive and notorious possession of the lot has vested her rights and title over the same. The Protestant likewise averred that the tax declarations of the Protestees do not constitute possession nor prove ownership.

The Protestant posited that the Protestees' application for Residential Free Patents under RA No. 10023 must be denied on to the following grounds:

1. The Protestees circumvented the law by subdividing the 600 square-meter lot originally subject of the MSA into three lots with 200 square meters each. Hence, making it



appear that the applications are separate and in accord with the 200 square-meter area limit in highly urbanized cities.

2. The Protestees are not the actual occupants. The Protestees themselves stated that the Protestant has entered and occupied the lot, thus the required period of ten years was not met. Additionally, the Protestees' address is at Nadayao Road, Barangay San Pedro, Puerto Princesa City. Further, per statement of Eladio P. Angus, the fencing was done only in 2011. Further, the statement of Jacquelyn Presto-Reyes is not compliant with Section 5.4 of the IRR of RA No. 10023 for failure to substantiate the material facts that would entitle the Protestees to the benefits of the law.

## **PROTESTEES**

The Protestees aver that they acquired the subject lot, through sale from De Asis, and the same was initially subject of Miscellaneous Sales Application (MSA) No. 045316-1800 in the name of Teresita Bautista. That per Appraisal Report of the Committee, a temporary residential house of Protestee Teresita Bautista was seen during the ocular inspection. Accordingly, the report stated that Protestee Teresita Bautista was the only applicant at the time of the ocular inspection. The Protestee claimed that she is qualified to acquire the subject land under the provisions of RA No. 730, since she occupied the land since 2004 and constructed a house thereon. She further asserted that she does not own any land.

Protestee Teresita claims that her occupation of the subject lot is known to local residents. The Protestees submitted a Joint Affidavit executed by Eladio P. Angus and Jacquelyn Presto-Reyes, stating that the subject lot being claimed by the Protestant is actually owned by the Bautistas. Eladio Angus declared that he resides in front of the subject lot and that he was asked by Teresita Bautista to fence the lot. On the other hand, Jacquelyn Presto-Reyes stated that based on common knowledge on the neighborhood, the subject lot was sold by De Asis to Bautista.

The Protestees state that after approval of the request for survey, the lot was subdivided into three lots with 200 square meters each. Protestee Teresita waived her rights in favor of her sons, Marvin and Milo. She said that in 2012, the subject lot was enclosed by a fence made of concrete posts and barbed wire and was planted with banana trees.

The Protestees claim that they subsequently filed their respective RFPAs for Lot No. 21463-A, Lot No. 21463-B and Lot No. 21463-C, all Csd-4B-000643-D, containing an area of 200 square meters each.

The Protestees aver that they discovered the Protestant's unlawful entry and occupation of the subject lot on June 20, 2013. They confirm that they tried to negotiate with the Protestant to vacate the lot, however, the Protestant refused. Thus, a complaint was filed before the Office of Lupong Tagapamayapa of Barangay Tiniguiban. Later, the matter was endorsed to the CENRO Puerto Princesa City for mediation proceedings. According to the Protestees, the Protestant was not able to present any document to support her claim of ownership.

The Protestees claim that they declared the lots for real estate taxation purposes and submitted the corresponding tax declarations in support thereof.

## **DISCUSSION**

The question on the Protestees' actual occupation and possession must first be resolved. The Final Investigation Report dated April 26, 2016, prepared by Supervising ECOMS/Hearing Officer Hilario Regondola Jr., stated that during the ocular inspection in the year 2004, it was found out that Teresita Bautista is the actual occupant of the area with a nipa house erected therein.



Conversely, during the hearing and investigation, the Protestant was not able to show any document to prove her claim.

Continuous possession and occupation, as defined in Department Administrative Order (DAO) No. 2010-12-94 dated May 5, 2010 (IRR of RA No. 10023), is the *"use either by the applicant herself or himself, or through her or his predecessor-in-interest, of the parcel subject of the application in the concept of an owner. This may be actual possession or occupation, or constructive possession that provides for non-residence, but with the desire to come back as soon as practicable. The possession and occupation, whether actual or constructive, must be without interruption except when prevented by force majeure or circumstances beyond human control, or not of intermittent character while it continues. A person who recovers possession unjustly lost, shall be deemed, for all purposes which may redound to her or his benefit, to have enjoyed it without interruption"*.

The Protestees were able to comply with the area limit set by the law. It is to be noted that Teresita Bautista's original MSA, corresponding to 600 square meters of lot, was already given due course. Further, Teresita's act of executing a deed of waiver of rights in favor of her sons by dividing the subject lot into three distinct lots, with 200 square meters each, was approved by the authorities. Parenthetically, Section 8 of DAO 2010-12-94 gives Miscellaneous Sales applicants the option to convert their pending MSAs into applications for Residential Free Patents.

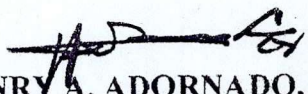
Records of the case would show that the Protestees were able to submit all the documentary requirements and comply with the conditions set by RA No. 10023, thus, they are eligible to apply for Residential Free Patents.

**WHEREFORE**, premises considered, the instant Protest is hereby **DISMISSED** for lack of merit. **AFTER** the lifting of the suspension contained in Memorandum dated May 28, 2015 of the Undersecretary for Field Operations<sup>1</sup>, the PENR Officer, Palawan is **DIRECTED to RE-TRANSMIT** RFP No. 045316-13-4520 of Teresita A. Bautista, RFP No. 045316-13-4526 of Milo A. Bautista, and RFP No. 045316-13-4525 of Marvin A. Bautista to the Register of Deeds of Palawan.

**SO ORDERED.**

Manila, Philippines MAR 08 2019



  
**HENRY A. ADORNADO, Ph.D.**  
Regional Executive Director

cc:

Primitiva A. Puyawan	-	Purok Princesa, Bgy. Tiniguiban, Puerto Princesa City
Teresita A. Bautista	-	No. 1 Nadayao Road, Bgy. San Pedro, Puerto Princesa City
Milo A. Bautista	-	No. 1 Nadayao Road, Bgy. San Pedro, Puerto Princesa City
Marvin A. Bautista Rep. by Macbeth E. Bautista	-	No. 1 Nadayao Road, Bgy. San Pedro, Puerto Princesa City
PENRO	-	DENR Compound, Bgy. Sta. Monica, Puerto Princesa City
CENRO	-	South National Highway, Bgy. Sta. Monica, Puerto Princesa City

<sup>1</sup> Suspension of Issuance of Survey Authority, Conduct and Approval of Survey of Untitled Lands, and Acceptance and Processing of Public Land Applications in the Province of Palawan