



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

DEC 18 2023

MEMORANDUM

TO : THE PENR OFFICER
Palawan

ATTN : THE CENR OFFICER
Quezon, Palawan

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : LETTER DATED OCTOBER 19, 2023 FROM NORJERE P. ONGGONG RE: FREE PATENT APPLICATION OVER A PARCEL OF LAND IN NARRA, PALAWAN [2023-122973]

DATE :

Referred is the letter dated October 19, 2023 of Norjere P. Onggong requesting for assistance on Free Patent Application over a portion of Lot No. 146, Pls-531, covered by a decided DENR Case No. M-II-14-L and located at Aramaywan, Narra, Palawan.

For appropriate action.


FELIX S. MIRASOL, JR., CESO IV

Copy furnished:

Norjere P. Onggong
Aramaywan, Narra, Palawan

LPDD/PDS/JMA



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 122973

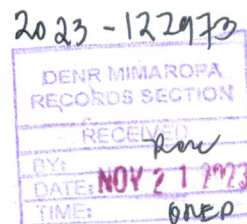
DENR by the Bay Bldg., 1515 Roxas Boulevard, Ermita, Manila 1000

DENR VOIP (02) 8248-3367/ 8249-3367 loc. 2701

Website: <http://mimaropa.denr.gov.ph>

Email: mimaroparegion@denr.gov.ph

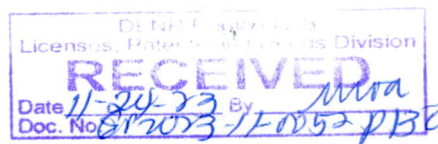
Republic of the Philippines
Province of Palawan
Municipality of Narra



October 19, 2023

G. RENATO GONZAGA

Officer-in-Charge
CENRO, Quezon-Narra Station
G.P. Cruz Street, Poblacion, Narra, Palawan



G. REX S. VELASCO

Officer-in-Charge
CENRO, Quezon-Narra Station
G.P. Cruz Street, Poblacion, Narra, Palawan


Mga Ginoo,

Ako po si NORJERE P. ONGGONG, nasa wastong edad, Filipino, may asawa, naninirahan sa Aramaywan, Narra, Palawan. Ako po ay miyembro ng katutubong Palaw'an at isa sa anak at tagapagmana ni Dagaranga Pusok (deceased).

Noong taong 1996 ay nagsumite ng "Affidavit of Protest" ang aking ina laban sa Homestead Application No. 2-4753 ni Antonio Ganancial (deceased), para sa isang parsela ng lupa na kilala bilang LOT 146, PLS-531, na may sukat na 5.8000 ektarya, at matatagpuan sa Aramaywan, Narra, Palawan. Noong SETYEMBRE 15, 2014 ay naglabas ng Decision and Department of Environment and Natural Resources, Region IV-B MIMAROPA (DENR-MIMAROPA) sa nasabing protest. Sa nasabing Decision, ibinasura ng DENR-MIMAROPA ang Homestead Application ni Antonio Ganancial, at sinabing si Dagaranga Pusok at ang mga tagapagmana ni Antonio Ganancial ay parehong may karapatan at hati sa nabanggit na lupa sa itaas. Ang mga Partido rin ay inuutusang magsumite ng kani-kanilang Free Patent Applications para sa ½ portion (2.9 hectares more or less) ng LOT 146. Ang nasabing Decision ay nakalakip dito bilang **Annex "A"**.

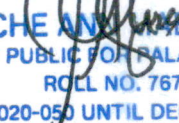
Ayon sa nakasaad sa itaas, ako po ay humihingi ng tulong upang malaman ang mga requirements na kailangan upang makapag-sumite ng Free Patent Application para sa bahagi ng LOT 146 na maaari naming aplayan, bilang pagsunod sa nasabing Decision.

Lubos na gumagalang,


NORJERE P. ONGGONG
Applicant

SUBSCRIBED AND SWORN to before me this 19th day of October 2023 at Puerto Princesa City, Philippines, by the Affiant whom I have identified through the competent evidence of their identity indicated under their names.

Doc. No.: 480 ;
Page No.: 79 ;
Book No.: III ;
Series of 2023.


ATTY. CHE ANN MAE G. FLORES
NOTARY PUBLIC FOR PALAWAN AND PPC
ROLL NO. 76714
NPL NO. 2020-050 UNTIL DECEMBER 31, 2023
IBP NO. 280869/JAN. 10, 2023
PTR NO. 1751250/JAN. 5, 2023
MCLE COMPLIANCE UNTIL APRIL 2025
(ADMITTED TO THE BAR MAY 5, 2022)
SAN MIGUEL, PUERTO PRINCESA CITY

Copy furnished:

PENRO

Sta. Monica, Puerto Princesa City

DENR-MIMAROPA

1515 L&S Vldg., Roxas Boulevard
Ermita, Manila 1000

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
REGION IV-B, MIMAROPA

DARANGA PUSOK

Protestant,

- versus -

Homestead Application No. 2-4753
HEIRS OF ANTONIO GANANCIAL,
Rep. by Norma Ganancial-Buaya
Respondents

X-----X

DENR CASE NO. M-11-14-L

Lot No. 146, Pls-531
Area: 5,8000 hectares
Aramaywan, Narra, Palawan

DECISION

For consideration is the protest dated October 1966 filed by Daranga Pusok against Homestead Application No. 2-4753 of Antonio Ganancial (deceased) now substituted by the legal heirs represented by Norma Ganancial-Buaya covering Lot no. 146, Pls-231 with an area of 5.8000 hectares, located in Aramaywan, Narra, Palawan.

Protestant's Allegations

Protestant Daranga Pusok first filed her affidavit of protest in 1966, followed by another on 29 August 1964 and on June 17, 1996 and another in January of 1997. All affidavits are one and the same in assailing Ganancial's claim over the subject land, impugning the validity of the alleged sale and also on the alleged illegal intrusion of the latter into the contested land which protestant claims to have inherited from her late parents, Pusok and Pa'dot.

That Spouses Pusok and Pa'dot (both deceased) were the original owners and possessors of the land. During their lifetime, they resided, cultivated, owned and possessed the land and introduced considerable improvements thereon such as coconuts and other fruit bearing trees. Their three (3) children namely: Boton, Tingilan and Daranga were all born, grew up and lived there even after they already have respective families of their own. That they have since birth been peacefully living in the said land until Ganancial came sometime in early 1950's. That Ganancial and cohorts threatened and harassed the Pusok to drive them out of the land which is the reason they were forced to transfer/move their house to a distance, but still well within the boundaries of the disputed land.

CERTIFIED XEROX COPY

Respondent's Allegations

The heirs of Antonio Ganancial, applicant-respondent on the other hand, claim that their late father bought the land in dispute from protestant's brother, Boton Pusok (deceased), under whose name the land was declared for taxation purposes and executed a Deed of Sale in 1953 in favor of the applicant. The Ganancial's also claim to have acquired only three (3) hectares portion of the land from Boton and the remaining 2.8 hectare portion of the lot allegedly had been purchased from a certain Barahim Ongkie. Respondent further alleged that from the time of sale, they have since occupied and possessed the land continuously, notoriously in the concept of an owner and introduced considerable improvements thereto such as coconuts and other fruit-bearing

LOAN P. PAZ
in-charge Records Unit 10/14/19

trees. The elder Ganancial filed the Homestead Application that was approved March 15, 1962 by then District Land Officer in Puerto Princesa City.

EVALUATION and FINDINGS

Upon careful evaluation of the records of the case, the land in dispute is within alienable and disposable zone of the public domain per Project No. 10-E, L.C. Map No. 1952 and particularly known as Lot 146, Pls-531 and is identical to Lot 6504 of Cad. 797-D, situated in Barangay Aramaywan, Narra, Palawan. That per ocular inspection conducted on June 10, 2005 it was found out that there are at least three (3) houses within the premises, two (2) of which pertain to Ganancial and the other one made of light materials belong to Daranga Pusok.

It is a fact that the original occupants of the subject land are Spouses Pusok and Pa'dot parents of herein Protestant as early as 1940's and after the death of her parents, Daranga Pusok continued their occupation, cultivation and introduced improvements over the subject land up to the present.

Under Section 48 (c) of the Public Land Act, Members of the national cultural minorities who by themselves or through their predecessor-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of public domain suitable to agriculture whether disposable or not, under bona fide claim of ownership for at least 30 years shall be entitled to the rights granted in subsection (b) hereof.

It is also a fact that father of herein Respondent Antonio Ganancial (deceased) started occupying portion of the subject land since 1953 after the deed of sale executed by Boton Pusok (deceased), brother of herein Protestant Daranga Pusok covering three hectares. But said deed of sale executed by Boton Pusok is contradictory to the Amicable Settlement dated December 14, 1988 entered by Antonio Ganancial and Daranga Pusok wherein Ganancial agreed to pay Daranga Pusok the amount of One Thousand Pesos (P1,000.00); said agreement was witnessed by Barangay Captain, Lupon Secretary and other officials in the locality. For whatever reason said amicable settlement did not materialize.

Said contradicting documents cast doubts as to the truthfulness of said sale between Ganancial and Boton Pusok. The remaining 2.8 hectares was allegedly bought by Ganancial from a certain Braim Onkie/Barahim Ongkie as evidenced by a Deed of Sale dated May 12, 1955.

It is worthy to mention that under paragraph 5 & 6, page 5 and last paragraph of page 7 of the Investigation Report submitted, to wit:

"5. Pusok at the time of inspection pointed to such sites as those where their ancestors house used to stand in the distant past, the burial grounds of their departed relatives, and such other improvements that were not there anymore by now as they were allegedly destroyed by the Ganancials. It bears emphasis to note that her statements-albeit relayed in their tribal dialect and translated by an interpreter-about her and that of her predecessors' occupation and possession of the land for so many years have been corroborated and affirmed by witnesses, old residents, and by

almost all of the local Barangay officials present during the investigation in the area;

6. Information has it also that this long-standing land dispute had in fact deteriorated thru the years to the point that the parties and their families are now entangled in court battles. The parties are accusing each other of such crimes as attempted homicide, serious physical injuries and others of similar import;

It does not take much ratiocination thus to discern that this investigation tends to resolve the case in protestant's favor. However, it bear emphasis to note at this point that protestant intimated to me early on that she would gladly settle for even half of the contested property. In this regard and considering all of the foregoing, including the money and effort spent by each of the contending parties and also following the spirit and intention of the Public Land Law, it is humbly submitted that justice should be tempered here with mercy."

Now, considering that both parties are the actual occupants of the subject land and both parties have complied with the requirements set forth by law for free patent grant, fairness and equity dictate that each of the contending parties should be allowed to enjoy the benefit and blessing granted by the Public Land Law.

WHEREFORE, premises considered, this Office hereby **ORDERS** that the Homestead Application No. 2-4753 of herein respondent Heirs of Antonio Ganancial, represented by Norma Ganancial-Buaya, covering the subject land be **REJECTED**. Protestant Daranga Pusok and Respondent Heirs of Antonio Ganancial are **RECOGNIZED as co-equal claimants of Lot 146, Pls -531**. As such, they are hereby **ORDERED TO FILE** their respective Free Patent Applications over 1/2 portion (2.9 hectares more or less) of Lot 146. The PENRO and CENRO concerned are directed to give due course to the said Free Patent Applications of the parties concerned.

SO ORDERED.

Manila, Philippines 10 SEP 1994

MARLENE M. BADILLA
Admin. Asst. III Records Unit-CENRO
Legal Division, DENR Manila/Region IV

OSCAR C. DOMINGUEZ
OIC, Regional Director
DENR Region IV-B



Department of Environment
and Natural Resources
REGION 4B

CC:

Daranga Pusok	-	Aramaywan, Narra, Palawan
Hrs. of Antonio Ganancial Rep. by Norma Ganancial Buaya	-	Aramaywan, Narra, Palawan
PENRO	-	Sta. Monica, PPC
CENRO	-	Narra, Palawan