



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

March 20, 2023

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region

THRU : The Assistant Director for Technical Services

FROM : The OIC, PENR Officer
PENRO, Oriental Mindoro

SUBJECT : **STATUS REPORT ON THE OCCUPIED SALVAGE ZONE BY
MR. GIORGIO BORELLO IN BARANGAY ANINUAN, PUERTO
GALERA, ORIENTAL MINDORO**

Forwarded is the report submitted by CENRO Socorro regarding the status on the occupied salvage zone by Mr. Giorgio Borello (El Cañonero Beach Resort) located in Barangay Aninuan, Puerto Galera, Oriental Mindoro.

Based on the CSW report, the issued Notice to Vacate (NTV) is not yet complied due to conflict between the land owner, Mr. Zeus Atienza and the lessor, Mr. Giorgio Borello.

For information and records.


ALAN VALLE

Tracking Nos: 2212000569

TSD/RPS

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
Community Environment and Natural Resources Office

February 20, 2023

MEMORANDUM

FOR : The Regional Executive Director
THRU : The OIC, PENR Officer
FROM : The CENR Officer
SUBJECT : **STATUS REPORT ON THE OCCUPIED SALVAGE ZONE BY MR. GIORGIO BORELLO IN BARANGAY ANINUAN, PUERTO GALERA, ORIENTAL MINDORO**

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENR TRACKING NO.	
RECEIVED BY:	<i>[Signature]</i>
DATE:	MAR 10 2023
TIME:	

This pertains to your memorandum dated October 18, 2022 requesting for an update on the status of the easement zone being occupied in Barangay Aninuan, Puerto Galera, Oriental Mindoro in relation to the Notice To Vacate (NTV) issued to Mr. Giorgio Borello of El Cañonero Beach Resort.

Relative thereto, please be informed that the issued NTV is not complied yet due to the conflict between the land owner, Mr. Zeus Atienza and the lessor, Mr. Borello.

Since the easement zone, to date, remains occupied due to the mentioned conflict, the undersigned recommend that the removal of the structures that encroach the demarcated easement zone be carried out. Further, a technical conference meeting with the land owner and the lessor is hereby recommended to properly discuss the aforementioned issues.

Attached herewith is the copy of the Completed Staff Work (CSW) pertaining to this matter.

For information, reference and consideration.

[Signature]
RODEL M. BOYLES

Tracking No. (RPS) 2212000569



COMPLETED STAFF WORK

Subject : STATUS REPORT ON THE OCCUPIED SALVAGE ZONE BY MR. GIORGIO BORELLO IN BARANGAY ANINUAN, PUERTO GALERA, ORIENTAL MINDORO

References : Notice To Vacate (NTV) dated August 17, 2018 issued to Mr. Giorgio Borello, El Cañonero Beach Resort owner, by the Legal Division Chief of the DENR MIMAROPA Region;

Letter of Atty. John Rafael T. dela Cruz, Counsel of Mr. Zeus Atienza, dated May 17, 2022 pertaining to the NTV issued to Mr. Borello;

Memorandum from the DENR MIMAROPA Regional Executive Director (RED) dated October 18, 2022 requesting for an update on the status of the easement zone being occupied by Mr. Borello; and

Memorandum from the OIC-PENR Officer of Oriental Mindoro dated December 28, 2022 pertaining to the RED's Memorandum dated October 18, 2023 and received by this Office on January 10, 2023

Date : February 17, 2023

FACTUAL BACKGROUND

On May 18, 2022, the DENR MIMAROPA received a letter from Atty. John Rafael T. dela Cruz, Counsel of Mr. Zeus Atienza, requesting for the necessary legal step pertaining to the NTV issued to Mr. Giorgio Borello. Likewise, Atty. Dela Cruz cited in his letter that Mr. Borello occupied the parcel of land covered by Transfer Certificate of Title (TCT) No. 064-2016000926 owned by his client, Mr. Zeus Atienza. He also informed that Mr. Borello refused to vacate the easement zone despite of the NTV issuance of the DENR.

In relation to the letter of Atty. Dela Cruz, RED Lormelyn E. Claudio, CESO IV, issued a Memorandum to the OIC-PENR Officer of Oriental Mindoro on October 18, 2022. The said Memorandum was received by the PENRO Oriental Mindoro on December 20, 2022.

On January 10, 2023, this Office received the Memorandum from OIC-PENR Officer Alan L. Valle instructing the conduct of inspection on the area being occupied by Mr. Borello in Barangay Aninuan, Puerto Galera, Oriental Mindoro. Likewise, he instructed that the status update on this matter should be submitted in Completed Staff Work (CSW) format.

ACTIONS TAKEN

A coordination had been conducted by this Office on January 17, 2022 at the Municipal Environment and Natural Resources Office (MENRO) of Puerto Galera, Oriental Mindoro to gather pertinent information about Mr. Atienza and Mr. Borello. Dr. Joan Margareth A. Yap, MENR Officer of Puerto Galera informed that Mr. Borello, an Italian National, is leasing a portion on the property of Atienza Family in Barangay Aninuan. Dr. Yap also mentioned that the property is owned by Mr. Zeus Atienza.

On January 27, 2023, the ocular inspection in the area was scheduled. Coordination with the MENR Office of Puerto Galera was conducted to seek for assistance. Unfortunately, the inspection did not proceed due to the unavailability of the land owner. It was also learned that Mr. Atienza might be staying either in Batangas or in Manila.

Eager to obtain information about Mr. Atienza, the undersigned coordinated with the different individuals for the contact details of Mr. Atienza. A private citizen referred the undersigned to Ms. Doris Elka who helped him find Mr. Atienza. Then, on February 13, 2023, a coordination with Ms. Elka was conducted and scheduled the ocular inspection in the area.

On February 16, 2023, a site inspection was conducted with the assistance of Mr. Zeus Atienza and Barangay Councilor Edgardo Magbuhos of Barangay Aninuan, Puerto Galera. Mr. Borello was also interviewed during the said activity.

FINDINGS

The copy of the TCT No. 064-2016000926 was presented by Mr. Atienza during the ocular inspection on February 16, 2023 which is registered to his name. The said TCT covers Lot B-3-B of the Subdivision Plan PSD-04-207627 with an area of 5,052 square meters and situated in Barangay Aninuan, Puerto Galera, Oriental Mindoro.

Lot B-3-B was originally registered as follows:

Patent Type	:	Free Patent
Patent Date	:	November 18, 1986
OCT Date	:	November 20, 1986
OCT No.	:	OCT-P-3725
Original Owner	:	Herminigildo Atienza

TCT No. 064-2016000926 is a transfer from TCT No. 2011001489

According to Mr. Atienza, Mr Borello has an existing Lease Agreement with his deceased father, Mr. Herminigildo Atienza, who formerly owned the said property. He also mentioned that Mr. Borello is no longer paying his rent on the land. Likewise, his lawyer already spoke with Mr. Borello but he did not respond.

The lessor was also reminded by the lot owner thru his Counsel about the NTV that was issued by the DENR wherein he was obliged to vacate, remove and self-demolish the structures that encroach the easement zone as shown in the attached letter dated November 09, 2021.

Based on the inspection conducted in the area on February 16, 2023, **it was found that no removal of any structures has been carried out** within the demarcated easement zone. Hence, Mr. Borello was interviewed with the assistance of Barangay Councilor Magbuhos. **Mr. Borello explained that he did not perform any demolition because he is not the owner of the property** even though he built the structure. He also mentioned that he filed a petition to the DENR MIMAROPA regarding the NTV that was issued to him but he has not received yet an answer until now. Mr. Borello also informed the undersigned that he has an existing lease contract with Mr. Herminigildo Atienza until 2027. He did not initiate any conversation with Mr. Zeus Atienza since the death of Mr. and Mrs. Herminigildo Atienza because, according to him, he has verbal understanding with Mr. Zeus' sibling, a certain Poseidon Atienza.

Concerning TCT No. 064-2016000926, it shows that Lot B-3-B is bounded on the North East, along line 10-11 by existing road adjacent to foreshore land as illustrated below:

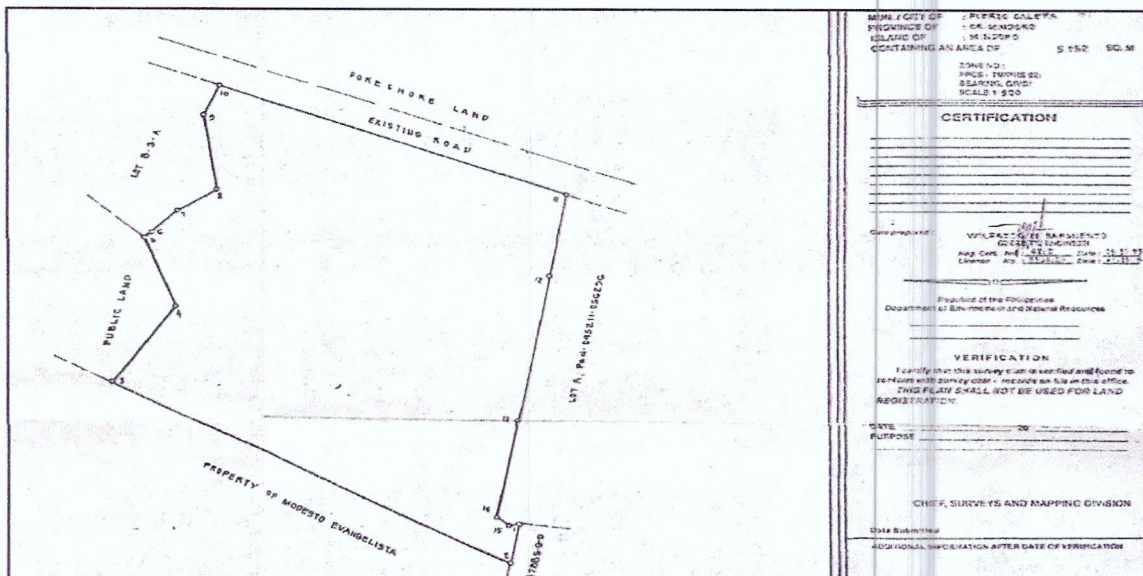


Figure 1. Sketch Plan of Lot B-3-B, PSD-04-207627 as per relocated by Geodetic Engineer Wilfredo M. Sarmiento

Another observation showed that the existing structure being occupied by Mr. Borello exceeded the corner monument specified by the property caretaker of Mr. Zeus Atienza based on the relocation survey results. Moreover, the access area indicated in the land title is no longer being used due to the presence of the structure and it is already submerged in water especially during high tide. The said "existing road" in the land title which has no given measurement serves as the easement zone in the area. This

implies that the measurement of the easement zone does not conform to the requirements stated in Article 51 of the Presidential Decree (P.D. 1067) or the Water Code of the Philippines. In addition, the DENR Task Force Puerto Galera already demarcated the area during their previous activities wherein the El Cañonero Beach Resort structure was found to be encroaching the easement zone. Hence, the NTV was issued to Mr. Borello. Currently, the resort is no longer operating.

Mr. Zeus Atienza, on the other hand, expressed his intention to demolish all the structures in the area especially those that encroach the demarcated easement zone to make the area accessible to the public. However, he could not do it easily since there is a conflict with Mr. Borello who does not cooperate with him.

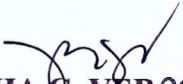
Aside from the issues on encroachment, the area is within the Timberland as shown in the attached report dated June 17, 2019 by the Task Force Puerto Galera Monitoring Team.


RECOMMENDATIONS

A portion of the easement zone in the area, to date, remains occupied due to conflict between the land owner and the lessor. Likewise, the issued NTV is not complied yet. Hence, the undersigned recommend that the removal of the structures that encroach the demarcated easement zone be carried out. Further, a technical conference meeting with the concerned individuals including Mr. Zeus Atienza and Mr. Giorgio Borello and the CENRO heads is hereby recommended to properly discuss the aforementioned issues.

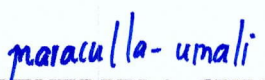
For his information, reference and consideration.

Prepared by:


VIRGINIA C. VERSOZA
Forestry Technician II


WALTER L. TOLENTINO
Special Investigator I

Reviewed by:


MARIA ALVA RENELYN A. CULLA-UMALI
Land Management Officer III/RPS Chief

Noted by:


RODELL M. BOYLES
CENR Officer



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

August 17, 2018

NOTICE TO VACATE

Mr. Giorgio Borello
El Cañonero Beach Resort
Brgy. Aninuan, Puerto Galera, Oriental Mindoro

Sir,

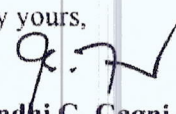
This is to notify you that by virtue of Regional Special Order No. 118 Series of 2018 dated March 6, 2018 creating the **Regional Task Force Puerto Galera**, it was surveyed and reported by the Committee on Survey of Easement Area that your establishment has encroached onto the salvage zone. By reason thereof, you are hereby directed to **REMOVE AND SELF-DEMOLISH THE STRUCTURE/S** you built within the legal easement in violation of **Presidential Decree No. 1067**, otherwise known as *The Water Code of the Philippines*, specifically:

Article 51. The banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and **forty (40) meters in forest areas**, along their margins are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

In view hereof, this Office is giving you a period of **THIRTY (30) DAYS** upon receipt of this Notice to comply, otherwise, we will be compelled to refer your act of non-compliance to the Office of the Mayor of Puerto Galera, or file a case/s against you before the proper court.

We are hoping you will give this matter your preferential and utmost attention in order to avoid a costly litigation.

Very truly yours,


Atty. Gandhi G. Gagni-Flores
Chief, Legal Division

Noted by:


HENRY A. ADORNADO, Ph.D.
Regional Director

Copy furnished:
PENRO Oriental Mindoro
CENRO Socorro, Oriental Mindoro
The Municipal Mayor of Puerto Galera, Oriental Mindoro
The Chief of Police, PNP, Puerto Galera, Oriental Mindoro

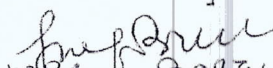
ARD-MS/LD



Department of Environment
and Natural Resources
REGION 4B



1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 7553300/30 local 2700/01
Direct Line: (632) 4050157; Facsimile: (632) 4050046
Email: denr.rdmimaropa@gmail.com

Received by

Atty. Borello Aug. 30 / 2018

ATTY. JOHN RAFAEL T. DE LA CRUZ, JD

JRDC LAW OFFICE

ATTORNEY & COUNSELOR AT LAW

C. TIRONA ST., BATANGAS CITY

Contact No.: 424-3125/0917-846-9005/0998-8826599

May 17, 2022

ATTY. GANDHI G. FLORES

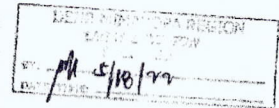
Chief Legal Division,

DENR MIMAROPA

DENR by the Bay Bldg.,

1515 Roxas Boulevard, Ermita, Manila

(02) 8405-00-06



GREETINGS:

I am writing to you in behalf of my client **MR. ZEUS ATIENZA**, who is the registered owner of a parcel of land covered by **TCT No. 064-2016000926** appurtenant to his problem with **Mr. Giorgio Borello**, occupant of the said parcel of land covered by salvage zone;

According to my client, despite of the *Notice to Vacate* you issued to Mr. Borello, he refused to vacate the said portion of the said land in contravention to your lawful orders. Copy of the Notice to Vacate is hereto attached as *Annex "A"* for your reference;

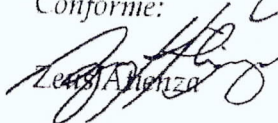
Anent therein, we are requesting your good office for the necessary legal step to be taken on this matter.

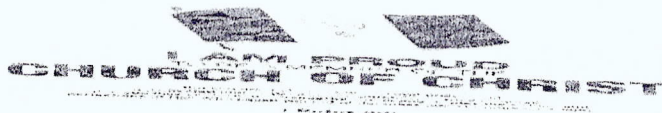
MARAMING SALAMAT PO AT NAWA AY MAGING LIGTAS TAYONG LAHAT NGAYON PANAHOON NG PANDEMYA.

Yours truly,

ATTY. JOHN RAFAEL T. DE LA CRUZ, JD
Counsel for Mr. Zeus Atienza

Conforme:


Zeus Atienza





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

MEMORANDUM

TO : The OIC, PENR Officer
Oriental Mindoro

ATTENTION : The CENR Officer
Socorro, Oriental Mindoro

FROM : The Regional Executive Director

SUBJECT : REMAND FOR STATUS UPDATE ON THE OCCUPIED SALVAGE
ZONE BY MR. GIORGIO BORELLO OF THE EL CANONERO
BEACH RESORT LOCATED IN PUERTO GALERA, ORIENTAL
MINDORO

DATE : OCT 18 2022

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENR TRACKING NO.	
RECEIVED BY:	<i>[Signature]</i>
DATE	DEC 20 2022
TIME	

This refers to the issued Notice to Vacate dated August 17, 2018 addressed to Mr. Giorgio Borello of El Canonero Beach Resort situated in Brgy. Aninuan, Puerto Galera, Oriental Mindoro regarding his occupation within a salvage zone.

May we request for an update on the status of the area if Mr. Borello is still occupying the salvage zone, and submit a report with categorical recommendations for this Office to determine whether the matter should be indorsed to the National Water Resources Board (NWRB).

In addition, attached hereto is the letter of Atty. John Rafael T. Dela Cruz, counsel of Mr. Zeus Atienza, who claims that the latter is the registered owner of a parcel of land covered by TCT No. 064-2016000926. Kindly determine the location of said parcel of land in relation to the salvage zone being occupied by Mr. Borello and include the findings in your report.

For appropriate action.

[Signature]
LORMELYN E. CLAUDIO, CESO IV



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 87414



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

December 28, 2022

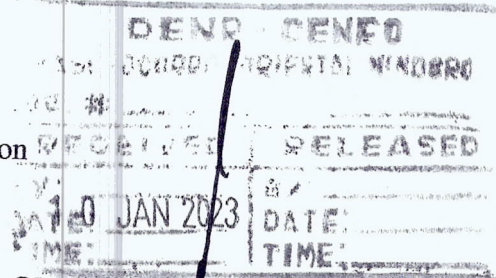
MEMORANDUM

TO : The CENR Officer
CENRO Socorro

ATTENTION: The Chief, Regulation and Permitting Section

FROM : The OIC, PENR Officer

SUBJECT : **REMAND FOR STATUS UPDATE ON THE OCCUPIED
SALVAGE ZONE BY MR. GIORGIO BORELLO OF THE EL
CAÑONERO BEACH RESORT LOCATED IN PUERTO
GALERA, ORIENTAL MINDORO**



Forwarded is the Memorandum dated October 18, 2022 from the Regional Executive Director, duly received on December 20, 2022 regarding the above-mentioned subject.

Relative to this, you are hereby instructed to conduct inspection on the area and submit status update if Mr. Giorgio Borello of El Cañonero Beach Resort is still occupying the salvage zone located in Aninuan, Puerto Galera. The report shall be in CSW format including your categorical recommendations. Attach the sketch plan, signed by a Licensed Geodetic Engineer, showing the relative position of salvage/easement zone, actual occupation of Mr. Borello and the location of TCT No. 064-2016000926.

Attached herewith are the Notice to Vacate dated April 17, 2018 issued to Mr. Borello and letter dated May 17, 2022 of Atty. John Rafael T. Dela Cruz, counsel of Mr. Zeus Atienza, who claims that the latter is the registered owner of a parcel of land covered by TCT No. 064-2016000926.

For compliance.


ALAN L. VALLE

Tracking No. 2212000569

TSD/RPS

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

20150111676067

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
Land Registration Authority
QUEZON CITY

Registry of Deeds for Calapan, Mindoro Oriental

Transfer Certificate of Title

OWNER'S DUPLICATE • OWNER'S DUPLICATE • OWNER'S DUPLICATE • OWNER'S DUPLICATE • OWNER'S DUPLICATE

No. 064-2016000926

IT IS HEREBY CERTIFIED that certain land situated in BRGY. ANINUAN, MUN. OF PTO. GALERA, PROVINCE OF OR. MINDORO, ISLAND OF MINDORO, more particularly bounded and described as follows:

A PARCEL OF LAND (LOT B-3-B, OF THE SUBDIVISION PLAN, PSD-04-207627, BEING A PORTION OF LOT B-3, PSD-04-114502; L.R.C. REC. NO.), SITUATED IN THE BRGY. OF ANINUAN, MUN. OF PTO. GALERA, PROVINCE OF OR. MINDORO, ISLAND OF MINDORO. BOUNDED ON THE SE., ALONG LINE 1-2 BY (Continued on next page)

is registered in accordance with the provision of Section 103 of the Property Registration Decree in the name of

Owner: ZEUS A. ATIENZA, MARRIED TO MARIA CRISTINA ATIENZA, BOTH OF LEGAL AGE, FILIPINOS.

Address: LEMERY, BATANGAS

subject to the provisions of the said Property Registration Decree and the Public Land Act, as well as to those of the Mining Laws, if the land is mineral, and subject, further, to such conditions contained in the original title as may be subsisting.

IT IS FURTHER CERTIFIED that said land was originally registered as follows:

Patent Type: Free Patent

Original RD: CALAPAN, MINDORO ORIENTAL

Patent Date: 11/18/1986

OCT Date: 11 20 1986

Under Act No.: 141

OCT No.: OCT-P-3725

Volume No.: P-19

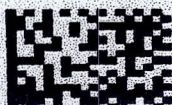
Page No.: 125

Original Owner: HERMINIGILDO ATIENZA

This certificate is a transfer from TRANSFER CERTIFICATE OF TITLE 2011001489 (TOTALLY CANCELLED) by virtue hereof in so far as the above-described land is concerned.

Entered at Calapan, Mindoro Oriental, Philippines on the 1st day of MARCH 2016 at 03:54pm.

ATTY. GHELYNNE AVRIL DESPHY DEL ROSARIO
Acting Deputy Register of Deeds



TCT No.: 064-2016000926

Page No.: 2

TECHNICAL DESCRIPTION (Continued from page 1)

MODESTO EVANGLISTA, F(IV-A-5)7885-G-D; ON THE SW., ALONG LINE 2-3 BY PROPERTY MODESTO EVANGLISTA; ON THE NW., & SW., ALONG LINES 3-4-5 BY PUBLIC LAND; ON THE NW., & SW., ALONG LINE 5-6-7-8-9-10 BY LOT B-3-A, OF THE SUBDIVISION PLAN; ON THE NE., 10-11 BY EXISTING ROAD, BEYOND, FORESHORE LAND; ON THE SE., & NE., ALONG LINES 11-12-13-14-15-1 BY LOT A, PSD-045211-056296. BEGINNING AT A POINT MARKED "1" ON PLAN, BEING S. 88 DEG. 47' W., 7592.73 M. FROM B.L.L.M. #. 1, CAD-533-D, PTO. GALERIA CADASTRE. THENCE S. 11 DEG. 24' W., 8.74 M. TO POINT 2; THENCE N. 57 DEG. 59' W., 81.50 M. TO POINT 3; THENCE N. 34 DEG. 49' E., 20.65 M. TO POINT 4; THENCE N. 18 DEG. 26' W., 16.22 M. TO POINT 5; THENCE N. 37 DEG. 45' E., 1.42 M. TO POINT 6; THENCE N. 37 DEG. 45' E., 7.06 M. TO POINT 7; THENCE N. 63 DEG. 51' E., 8.60 M. TO POINT 8; THENCE N. 5 DEG. 52' W., 16.04 M. TO POINT 9; THENCE N. 24 DEG. 15' E., 6.74 M. TO POINT 10; THENCE S. 65 DEG. 45' E., 66.35 M. TO POINT 11; THENCE S. 11 DEG. 38' W., 18.03 M. TO POINT 12; THENCE S. 11 DEG. 38' W., 32.76 M. TO POINT 13; THENCE S. 10 DEG. 58' W., 21.15 M. TO POINT 14; THENCE S. 46 DEG. 38' E., 3.23 M. TO POINT 15; THENCE N. 75 DEG. 11' E., 1.60 M. TO POINT OF BEGINNING, CONTAINING AN AREA OF FIVE THOUSAND FIFTY TWO (5,052), SQUARE METERS. ALL POINTS REFERRED TO ARE INDICATED ON THE PLAN AND ARE MARKED ON THE GROUND BY PS. ARE CYL. CONC. MONS. 15 X 40 CMS; BEARINGS TRUE; DATE OF ORIGINAL SURVEY SEPT. 12, 1983; AND THAT OF THE SUBDIVISION SURVEY AUG. 31, 2010; AND WAS APPROVED NOVEMBER 5, 2010.

2015011876088



TCT No.: 064-2016000926

Page No.: 3

MEMORANDUM OF ENCUMBRANCES

Entry No.: 2015004153

Date: August 28, 2015 10:21:19AM

GRANT ROAD RIGHT OF WAY : IN FAVOR OF EMILIANO GIUSEPPE A. CALZOLARI, REPRESENTED BY HIS FATHER, GIANLUCA CALZOLARI, COVERING A PORTION OF 3.00 METERS WIDE ROAD RIGHT OF WAY PASSABLE BY PERSON AND VEHICLE TO BE TAKEN FROM LOT B-3-B COVERED BY TCT NO. 064-2011001489 (NOW), EXECUTED BY HERMINIGILDO ATIENZA, MARRIED TO MELBA ANIS, BOTH OF LEGAL AGE, FILIPINOS, AND RESIDENT OF BARANGAY ANINUAN, PTO. GALERA, OR. MINDORO, BEFORE NOTARY PUBLIC, ATTY. GILBERTO U. REPIZO, AS PER DOC. NO. 492; PAGE NO. 100; BOOK NO. 26; SERIES OF 2011, ON FILE IN THIS REGISTRY.

DATE OF INSTRUMENT -) - - - APRIL 5, 2011

(SGD.) ATTY. GHELYNNE AVRIL DESPHY DEL ROSARIO
ACTING DEPUTY REGISTER OF DEEDS

COPIED FROM TCT 2011001489

ATTY. GHELYNNE AVRIL DESPHY DEL ROSARIO
Acting Deputy Register of Deeds

Entry No.: 2016000849

Date: March 01, 2016 03:54:05PM

LIABILITIES UNDER SECTION 4 RULE 74 : TO CREDITORS, HEIRS, AND OTHER PERSONS UNLAWFULLY DEPRIVED OF PARTICIPATION IN THE ESTATE OF THE DECEASED HERMINIGILDO A. ATIENZA, AS EXTRAJUDICIALLY SETTLED FOR A PERIOD OF TWO (2) YEARS PURSUANT TO SECTION 4 RULE 74 OF THE RULES OF COURT. FEBRUARY 16, 2015.

ATTY. GHELYNNE AVRIL DESPHY DEL ROSARIO
Acting Deputy Register of Deeds



CONTRACT OF LEASE OF LAND AND BUILDING

This contract of Lease is made and dated as of this 1st day of October 2009 by and between:

HERMENEGILDO A. ATIENZA, Filipino, of legal age, married and with residence and Postal Address at Puerto Galera, Oriental Mindoro, herein after referred to as a **LESSOR**:

AND

GERGIO BORELLO and **ERMANNO BORELLO** both Italian National, both of legal ages with both residences and Postal Addresses at Puerto Galera, Oriental Mindoro herein after referred to as a **LESSEES**.

RECITALS

- 1) The parties mutually agree that their new lease contract replace Par. 12.1 changing from rooms priority to rooms lease and refer to all the rooms as the four (4) rooms front sea near the Luca's Restaurant and the three rooms yellow color plus the two floor 1+1 rooms. The word "Management" is hereto revived which was deleted in the supplement al agreement of August 27, 2007
- 2) The Par. 12.3 Cost of the Rooms on priority is nullified and become Rental of the Lease Rooms.

AGREEMENT

1. The Leased Premises shall be that a portion of a parcel of land with existing building owned by the Lessor located in Sitio Talipanan Barangay Odalo, Abra de Ilog, Occidental Mindoro, with an area 8 x 20 or 160 sq m. which refer to the building where the five (5) yellow rooms are located and four (4) front sea rooms with balcony that are part of the building near the Luca's Restaurant. In total the new Lease Contract rooms involved a total nine (9) rooms.
The Lessee can make improvements inside and outside the rooms. The parties also agreed that the Lessee can build the future rooms at the second floor of the 160 sq m. area according to the plans approved by the Lessor. The Lessee volunteered to shoulder the cost of the construction at his expense.
2. **RENTAL/ INCREASES:** Lessee agree to pay for the premises and rooms an amount of thirty thousand pesos (P30, 000) Philippines currency for the first five years and thirty five thousand (35, 000) after five year, after that an increase of 2% a year or total of 10% every 5 years until the final term of the contract. Upon the execution of this contract the Lessee will undertake to deliver to the Lessor an amount equivalent to one year for the period covering October 1, 2009 until October 1, 2014. And the deposit of one year that will be refunded after the expiration of the contract.

3. **RENEWAL:** This contract of Lease maybe renewed subject to renegotiation of both parties after eighteen (18) years; provided, that the party desiring to renew the lease shall notify the other party in writing at least one (1) year prior to the expiration to the current term; Provided that the LESSEE is not in default under any of the terms of this contract.

4. **TAXES:** Within the period of this agreement business taxes, permits, taxes shall be in the account of the Lessees. The Real Estate for the land and the other property tax shall be on exclusive account of the Lessor.

5. **SUBLEASE AND TRANSFER/ ASSIGNMENT OF RIGHT:** The Lessee is prohibited by the Lessor to subleased the Leased Property to third persons without the Lessor's express authority/ permission. The Lessee shall not transfer its right s under this contract, either in whole or in part without the written content of the Lessor.

6. **UTILITIES:** The parties agreed that the following utility shall be paid in the following manner and assignment.

- a. Light – the payment shall be at the exclusive account of the Lessee according to their personal consumption. For this purpose an electric submeter shall be installed at the establishment of the Lessee.
- b. Water – the payment shall be at the exclusive account of the Lessee according to their personal consumption. For this purpose, they shall install a meter/ submeter to be installed at the establishment of the Lessee.
- c. Parking area shall be free of charge and refer without limit at the existing actual area.
- d. The use of jeepney services shall be on a per hour cost/ basis.

7. **IMPROVEMENTS AND ALTERNATIONS:** The parties agreed that the Lessee shall be authorized to construct and introduced improvements limited to the area subject of this lease.

Further, the construction or rehabilitation shall not go beyond the second floor or any mezzanine for that matter that may degrade the surrounding environment. Bed, bed sheets and air-conditioning units are not included in this land and building contract.

8. **PROHIBITION-** The Lessee hereby agrees NOT:


- a. To carry upon the premises any trade or business unlawful or immoral in purpose.
- b. To allow the used of the Leased properties for unlawful or immoral purpose.
- c. To keep any obnoxious, harmful or dangerous substances which may cause injury or damage to the property, or keep/ hide contrabands or articles whose possession is prohibited by law.

9. **DEFAULT OR BREACH** – both parties agree that all of the covenants and agreement herein contained shall be deemed conditions of the contract and that this contract may be terminated and cancelled by the party who is not default thereof.

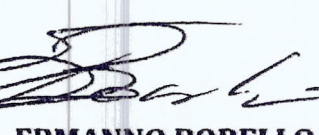
In the event that either party to this contract files suit for violation or failure to comply with the terms and conditions of the contract for specific performance, the Party at fault shall pay to the aggrieved party a sum equivalent to twenty (20) percent of the amount involved in the suit as attorney's fees, inclusive of damages that maybe awarded by the court. The party at fault shall additionally pay to the aggrieved party all expenses and costs of all the proceedings.

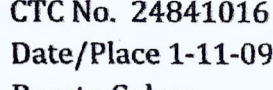
10. AMENDMENTS/MODIFICATIONS: Any amendments or modifications of this contract is allowed subject to mutual agreement and terms and conditions thereof shall be reduced in a notarized legal document.

IN WITNESS THEREOF the parties have signed these presents this 1st day of October 2009 in the Municipality of Abra de Ilog, Occidental Mindoro, Philippines.

Buyer's Office

HERMENEZILDO ATIENZA
LESSOR


GIORGIO BORELLO
LESSEE



ERMANNO BORELLO
LESSEE

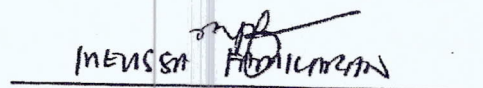
Buyer's Office

CTC No. 24841016
Date/Place 1-11-09
Puerto Galera

Passport No. D307141
Date/Place: 1-17-2005
Italy

Italian I.D. No. AG6955737
Date/Place: 6-12-2006
Italy

Signed in the presence of:

Buyer's Office

M. Ortiz

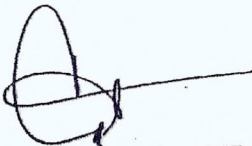

Inessa Padilla

ACKNOWLEDGEMENT

BEFORE ME, this 1st day of October 2009 in the Municipality of Abra de Ilog, Occidental Mindoro, personally appeared **HERMENEGILDO ATIENZA** Filipino, and **GIORGIO BORELLO** and **ERMANO BORELLO**, all Italian national known to me to be the same persons who executed the foregoing instrument and acknowledge to me that the same is their own free act and voluntary deed.

This instrument consisting of four (4) pages, including this page whereon the acknowledgement is written refers to a Contract of Lease has been signed the parties and witnesses on each and every page hereof.

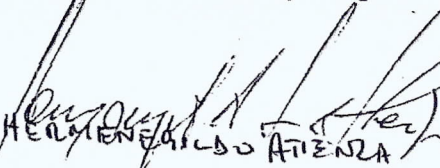
Witness my hand and notarial seal in the place and date above written.

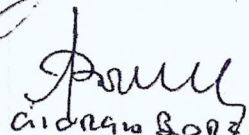

ATTY. CIRILO C. TEJOSO, JR.
Notary public
Until December 31, 2010
MY COMMISSION EXPIRES ON DEC. 31, 2010
IBP No. 75343/10-20-03/O.C.
PTR No. 90192637-II-17-08/ OCC. MD0

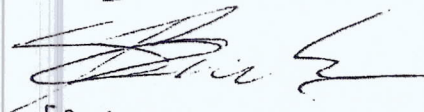
Doc. No. 28
Page No. 17
Book No. XXXVII
Series of 2009

SUPPLEMENTAL AGREEMENT

THE PARTIES AGREED FURTHER THAT AN ADDITIONAL ONE ROOM (NINE (9) IS ADDED IN THE FOREGOING CONTRACT ABOVE WITHOUT CHANGING THE RENTAL AND OTHER CONDITIONS - THE TOTAL ROOMS BECOME TEN (10)


HERMENEGILDO ATIENZA
LESSOR


GIORGIO BORELLO
LESSEE


ERMANO BORELLO
LESSEE

TALIPANAN OCT 01-2009

ATTY. JOHN RAFAEL T. DE LA CRUZ, JD

JRDC LAW OFFICE

ATTORNEY & COUNSELOR AT LAW

C. TIRONA ST., BATANGAS CITY

Contact No.: 424-3125/0917-846-9005/0998-8826599

November 9, 2021

MR. GIORGIO BORELLO

General Manager, El Cañonero

Diving & Beach Resort

Talipanan Beach 5203 Puerto Galera

Oriental Mindoro

0915-845-4399

IN THE NAME OF LAW:

I am writing to you in behalf of my client **MR. ZEUS ATIENZA** who is the registered owner of a parcel of land covered by TCT No. 064-2016000926;

As per letter from the Department of Environment and Natural Resources (DENR) MIMAROPA Region, *copy of which is hereto attached as Annex "A"*, you was obliged to vacate, remove, and self-demolish the structures you built within the said property;

As owner of the subject property, my client must ensure that all the improvements erected in his property, must comply with all government laws and regulations to prevent any conflict with the authorities. Anent therein, we are demanding you, to **VACATE** the property and **SELF-DEMOLISH** all the improvements you erected in the property of our client **within Ten (10) days from receipt of this letter.**


Failure on your part to comply with this demand within the period provided for will constraint us to coordinate and help the government to **FORCELY EVICT** you from the property.

WE RESERVE ALL RIGHTS AND WAIVE NONE.

ATTY. JOHN RAFAEL T. DE LA CRUZ, JD

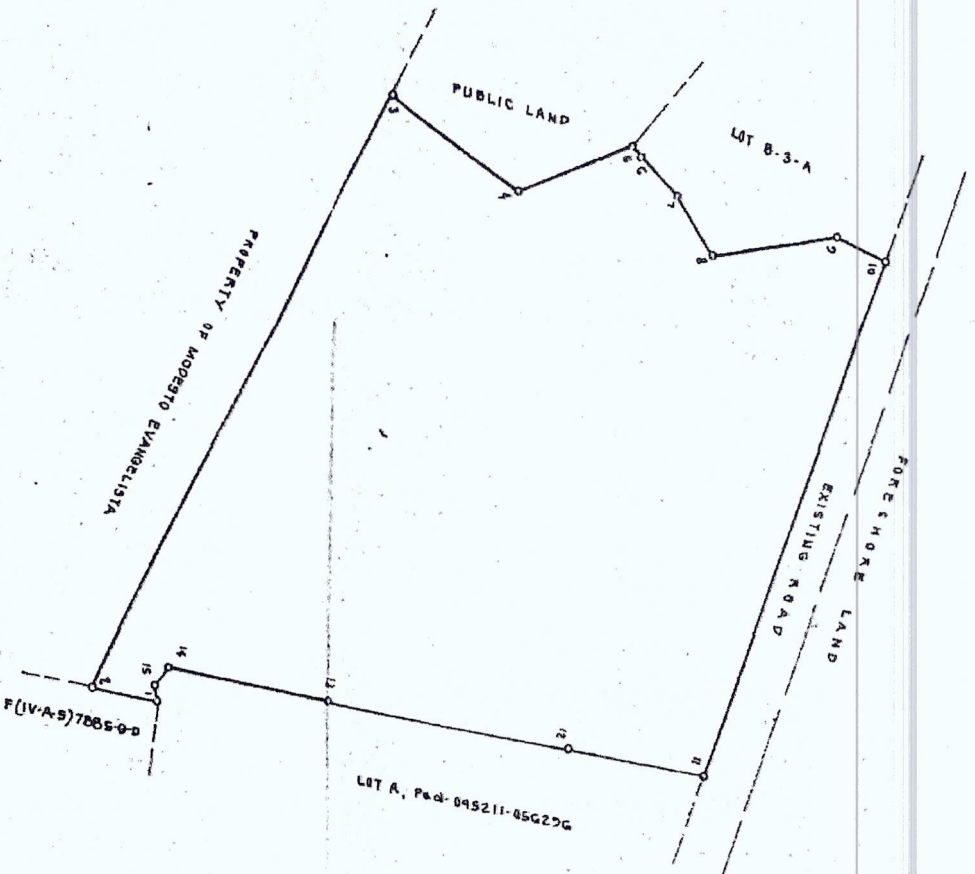
Counsel for Mr. Zeus Atienza

Conforme:


Zeus Atienza


**I AM PROUD
CHURCH OF CHRIST**

TECHNICAL DESCRIPTION		
LINE	BEARING	DISTANCE
1	N 87° 34' W	83.1 M
2	S 87° 34' W	83.1 M
3	N 87° 34' W	83.1 M
4	S 87° 34' W	83.1 M
5	N 87° 34' W	83.1 M
6	S 87° 34' W	83.1 M
7	N 87° 34' W	83.1 M
8	S 87° 34' W	83.1 M
9	N 87° 34' W	83.1 M
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97	N 87° 34' W	83.1 M
98	S 87° 34' W	83.1 M
99	N 87° 34' W	83.1 M
100	S 87° 34' W	83.1 M



VERIFICATION FEE
Paid Under
O.R. No. _____
Date _____
Lands _____
Comptroller _____

SKETCH / SPECIAL PLAN

OF LOT B 3B, PSD-04-207627
AS PREPARED FOR
ZEUS A. ATIENZA &
MARIA CRISTINA ATIENZA
SITUATED IN THE

URBAN CODE : ANILUAN
BARANGAY OF : PUERTO GALEPA
MUN / CITY OF : CALI, NUNORO
PROVINCE OF : MINORO
ISLAND OF : MINORO
CONTAINING AN AREA OF : 5.052 SQ. M

ZONE NO. :
PRICE, THOUSANDS OF :
SEALING GRID :
SCALE 1:500

CERTIFICATION


Date prepared :
WILFREDO B. BERNIERE
REGISTERED SURVEYOR
No. 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 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2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335

Summary of Number of Establishments issued with Notice to Vacate
As of June 17, 2019

Barangay	No. of Compliant (complete demolition)	Partial Demolition made	Non Compliant (no demolition made)	Total Establishment
ANINUAN	2	4	10	16
SAN ISIDRO	5	0	1	6
SABANG	23	5	2 (abandoned)	30
TOTAL	30	9	13	52

Prepared by:


LMI DALIA G. BIGTAS
 Member, PGTF Monitoring Team


LMO III DELIA T. ALMAREZ
 Chairman, PGTF Monitoring Team


Third Batch issued with Notice to Vacate (NTV)

Name of Establishment	Land Classification	Location	With Indorsement to Region through PENRO	Issued with CERTIFICATION	NOT YET Issued with CERTIFICATION	Remarks
1. Luca Miramare Cucina Italiana Resort	Timberland	Aninuan, Puerto Galera	/		/	compliant for 20-meter ea
2. El Cañonero Beach Resort	Timberland	Aninuan, Puerto Galera				non compliant
3. Bamboo House Beach Resort, Lodge & Restaurant	Timberland	Aninuan, Puerto Galera				non compliant
4. No Name (Private Property)	Timberland	Aninuan, Puerto Galera				non compliant
5. Joan Beach Resort	Timberland	Aninuan, Puerto Galera				non compliant
6. Private Property	Timberland	Aninuan, Puerto Galera				non compliant
7. De Luna Diving Center and Hotel	Timberland	Aninuan, Puerto Galera				non compliant
8. Sunny Beach Resort	Timberland	Aninuan, Puerto Galera				non compliant
9. Ara Beach Resort	Timberland	Aninuan, Puerto Galera	/		/	compliant for 20-meter ea
10. Talipanan Infinity Paradise Resort and Spa	Timberland	Aninuan, Puerto Galera	/		/	compliant for 20-meter ea
11. Mountain Beach Resort	A & D	Aninuan, Puerto Galera				partial compliar
12. Amarni Beach Resort	A & D	Aninuan, Puerto Galera				non compliant
13. Mesh Adventure and Beach Resort (former Tamaraw Beach Resort)	A & D	Aninuan, Puerto Galera				non compliant
14. Sunset Beach Resort	A & D	Aninuan, Puerto Galera	/	/		
15. Camp Rock	A & D	Aninuan, Puerto Galera	/		/	
16. Bahay Solymar	A & D	Aninuan, Puerto Galera				non compliant

Note: Total number of establishments with NTV issued with Certification of Compliance on Easement is 9.

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LMO III DELIA T. ALMAR
 Chairman, PGTF Monitoring Team

Second Batch issued with Notice to Vacate (NTV)

Name of Establishment	Land Classification	Location	With Indorsement to Region through PENRO	Issued With CERTIFICATION	NOT YET Issued with CERTIFICATION	Remarks
1. Hallap Footware (now Hanifa Footware)	A & D	Sabang, Puerto Galera	/		/	
2. Mc Jim Food Haus	A & D	Sabang, Puerto Galera	/		/	
3. Baby's Eatery	A & D	Sabang, Puerto Galera	/	/		Certification was not issued because the whole building falls within easement (to be demolished)
4. Dive You Go	A & D	Sabang, Puerto Galera	/		/	
5. PGT Diving Supplies & Dive Center (formerly Divenatic Import Diving Supplies)	A & D	Sabang, Puerto Galera	/	/		
6. Tamarind Resort	A & D	Sabang, Puerto Galera	/		/	
7. El Galleon Beach Resort & Dive Camp Inc.	A & D	Sabang, Puerto Galera	/	/		Certification was issued
8. Carmrob Inn (Residential & Commercial)	A & D	Sabang, Puerto Galera				partial compliant
9. Blue Ribbon Dive Resort (now Blue Lagoon Dive Resort)	A & D	Sabang, Puerto Galera	/		/	
10. Aura Dive Resort (Formerly Club Mabuhay)	A & D	Sabang, Puerto Galera	/	/		Certification was issued
11. Full Moon, Bar and Restaurant	A & D	Sabang, Puerto Galera				abandoned
12. Portofino	A & D	Sabang, Puerto Galera				abandoned
13. YSK Sabang Corp/Red Sun Dive Resort	A & D	Sabang, Puerto Galera	/	/		Certification was issued
14. Rob's Residence	A & D	Sabang, Puerto Galera				markings fall within the breakwater/riprap (consider demolished)
15. Hobrock Residence	A & D	Sabang, Puerto Galera				markings fall within the breakwater/riprap (consider demolished)
16. Scandi Divers Campbells Wing Inc. (formerly Campbells Beach Resort)	A & D	Sabang, Puerto Galera	/		/	
17. Three Dive Scuba Center	A & D	Sabang, Puerto Galera	/		/	
18. Quantum Bar and Disothek	A & D	Sabang, Puerto Galera				partial compliant
19. Resto Veranda	A & D	San Isidro, Puerto Galera				non compliant
20. Punta Lodging House	A & D	San Isidro, Puerto Galera	/		/	
21. Delgado's Jam House & Resto Bar	A & D	San Isidro, Puerto Galera	/		/	
22. White Beach Resort Bar and Restaurant	A & D	San Isidro, Puerto Galera	/	/		

STATUS OF ESTABLISHMENTS ISSUED WITH NTV's AND CERTIFICATION

AS OF JUNE 17, 2019

FIRST BATCH ISSUED WITH NOTICE TO VACATE (NTV)

Name of Establishment	Land Classification	Location	With Indorsement to Region through PENRO	Issued with CERTIFICATION	NOT YET Issued with CERTIFICATION	Remarks
1. Tina's Sunset Cottages Restaurant & Dive Center	A & D	Sabang, Puerto Galera	/		/	
2. Ocean Dream Lodge	A & D	Sabang, Puerto Galera	/		/	
3. Paradise Dive Zone Resort Corp.	A & D	Sabang, Puerto Galera	/		/	
4. Pink and Black Lodging House	A & D	Sabang, Puerto Galera	/		/	
5. Montani Beach Resort	A & D	Sabang, Puerto Galera	/		/	
6. Sabang Inn, Sabang Divers and Mangostin Restaurant	A & D	Sabang, Puerto Galera	/		/	
7. Dive Dojo	A & D	Sabang, Puerto Galera				partial complian
8. Mermaid Resort	A & D	Sabang, Puerto Galera			/	partial complian
9. Modern Dev't Company Inc. / Capt'n Gregg	A & D	Sabang, Puerto Galera	/		/	
10. Eddie's Place Bar and Restaurant	A & D	Sabang, Puerto Galera				total renovation of the bu (not yet completed) (par compliant)
11. Marginor Dine and Snack	A & D	San Isidro, Puerto Galera	/	/		
12. I dive at Casa Mia	A & D	San Isidro, Puerto Galera	/	/		