



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
Community Environment and Natural Resources Office
Pasi II, Socorro, Oriental Mindoro

DENR MIMAROPA RECORDS SECTION	
RECEIVED	
BY: <i>[Signature]</i>	DATE: APR 14 2023
TIME:	

March 7, 2023

MEMORANDUM

FOR : The Regional Executive Director
THRU : The OIC - PENR Officer
FROM : The CENR Officer
Socorro, Oriental Mindoro

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENR TRACKING NO.	
RECEIVED BY:	
DATE: MAR 10 2023	TIME:

SUBJECT : SERVICE OF COPIES OF THE DECISION IN DENR CASE NO. M-5-16-L ENTITLED PRICINIO REYES, PROTESTANT, - VERSUS - M.S.A. NO. V-16255 MISCELLANEOUS SALES PATENT NO. V-1736 ORIGINAL CERTIFICATE OF TITLE NO. P-5183 ARACELI Y. ENCARNACION, PROTESTEE, DANTE MARTINEZ, ET.AL., INTERVENOR, LOT NO. 74, CAD104, QUEZON DRIVE, BARANGAY IBABA, CALAPAN CITY, ORIENTAL MINDORO

Respectfully submitting the report on the service of *Decision* in DENR Case No. M-5-16-L to the parties, Dante Martinez, Pricinio Reyes and Araceli Y. Encarnacion.

Please be informed that during the conduct of service, the following facts were ascertained:

1. Araceli Y. Encarnacion is no longer residing in Calapan City as attested by Barangay Official and statement of neighborhood in the given address; copy of the *Decision* is hereby returned
2. Dante Martinez already passed away whereby the *Decision* was received by his daughter Donnalee S. Martinez. Acknowledgment Receipt is attached.
3. Pricinio Reyes is also deceased as well as his son Armando Reyes. The *Decision* was received by Ms. Evangeline N. Reyes, his daughter in law, wife of Armando Reyes. Acknowledgment Receipt is attached.

For information and reference.

[Signature]
RODEL M. BOYLES



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
Community Environment and Natural Resources Office
Pasi II, Socorro, Oriental Mindoro

March 6, 2023

MEMORANDUM

FOR : The CENR Officer

THRU : The RPS Chief

FROM : The RPS Personnel

SUBJECT : **SERVICE OF COPIES OF THE DECISION IN DENR CASE NO. M-5-16-L ENTITLED PRICINIO REYES, PROTESTANT, - VERSUS - M.S.A. NO. V-16255 MISCELLANEOUS SALES PATENT NO. V-1736 ORIGINAL CERTIFICATE OF TITLE NO. P-5183 ARACELI Y. ENCARNACION, PROTESTEE, DANTE MARTINEZ, ET.AL., INTERVENOR, LOT NO. 74, CAD104, QUEZON DRIVE, BARANGAY IBABA, CALAPAN CITY, ORIENTAL MINDORO**

This pertains to the instruction of RPS Chief Maria Alva Renelyn A. Culla-Umali to serve the *Decision* signed on June 8, 2022 by the Regional Executive Director Lormelyn E. Claudio regarding the DENR Case No. M-5-16-L filed by Pricinio Reyes against the Miscellaneous Sales Patent No. V-1736 issued in favor of Araceli Y. Encarnacion by virtue of Miscellaneous Sales Application No. V-16255 over a parcel of land situated in Quezon Drive, Ibaba, Calapan, Oriental Mindoro.

Through the coordination with the Barangay Local Government of Units of Libis, San Vicente East and Ibaba East and interview with the people who have known the families of the persons to be served with the *Decision*, following salient facts were found and ascertained by the undersigned:

That, Araceli Y. Encarnacion, the Protestee, and who was issued with Miscellaneous Sales Patent No. V-1736 over the parcel of land situated in Quezon Drive, Ibaba, Calapan, Oriental Mindoro is no longer residing in Calapan City as attested by the Barangay Official and statement of neighborhood in the given address.

That, Dante Martinez, the Intervenor, who filed a complaint of Recovery of Possession with Damages against Pricinio Reyes over the disputed land before Branch 39 of the Regional Trial Court of Oriental Mindoro docketed as Civil Case No. R-3940. The said person already passed away whereby the *Decision* was received by his daughter Donnalee S. Martinez.

Email: cenrosocorro@denr.gov.ph



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That, Pricinio Reyes, the Protestant is also ^{deceased} as well as his son Armando Reyes. The *Decision* was received by Ms. Evangeline N. Reyes, his daughter in law, wife of Mr. Armando Reyes.

Attached are the Acknowledgment Receipt signed for and behalf of Mr. Dante Martinez and Mr. Pricinio Reyes and geotagged photos during the service of the *Decision*.

For information.


VIRGINIA G. VERSOZA
Forest Technician II


JOSEPHINE V. GUECO
AO I/DPLI

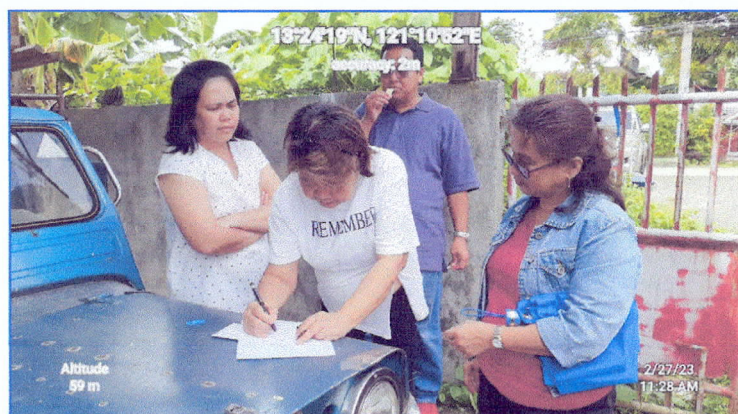

ANDRES OLIVER G. ARIAS
Land Management Officer II



GEOTAGGED PHOTOS



During the service of the **Decision** in behalf of Dante Martinez was received by his daughter Ms. Donnalee S. Martinez



In the course of the service of the **Decision** in behalf of Pricinio Reyes was received by his daughter in law Ms. Eva Reyes



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
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Coordination with BLGU of Libis, Calapan City regarding the **Decision** to be served to Mr. Dante Martinez



Coordination with Barangay Captain of San Vicente East, Calapan City regarding the **Decision** to be served of Mr. Dante Martinez and Ms. Araceli Y. Encarnacion



Coordination with Barangay Captain of Ibaba East, Calapan City regarding the **Decision** to be served to Mr. Pricinio Reyes

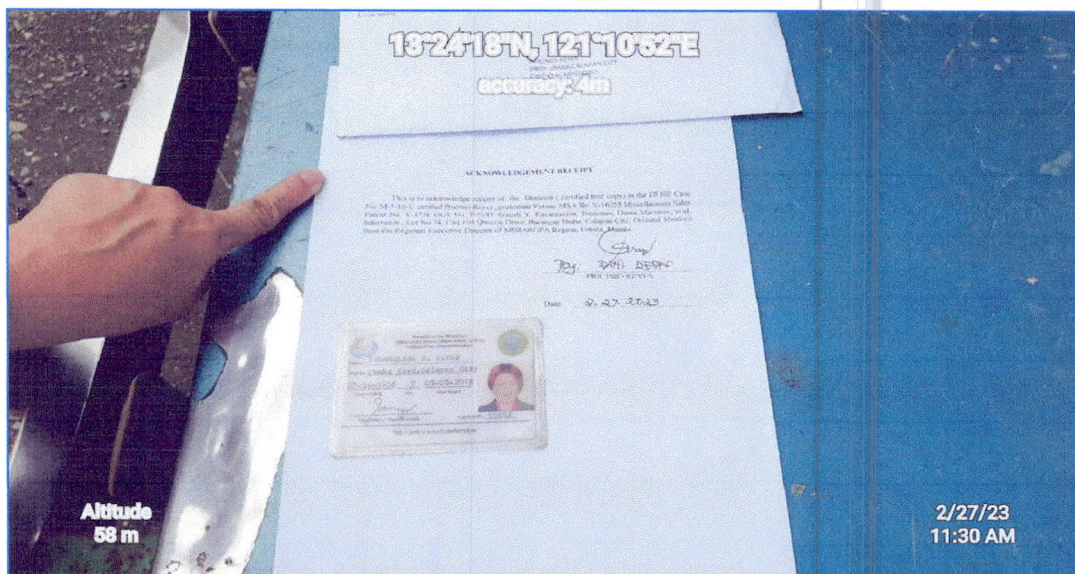
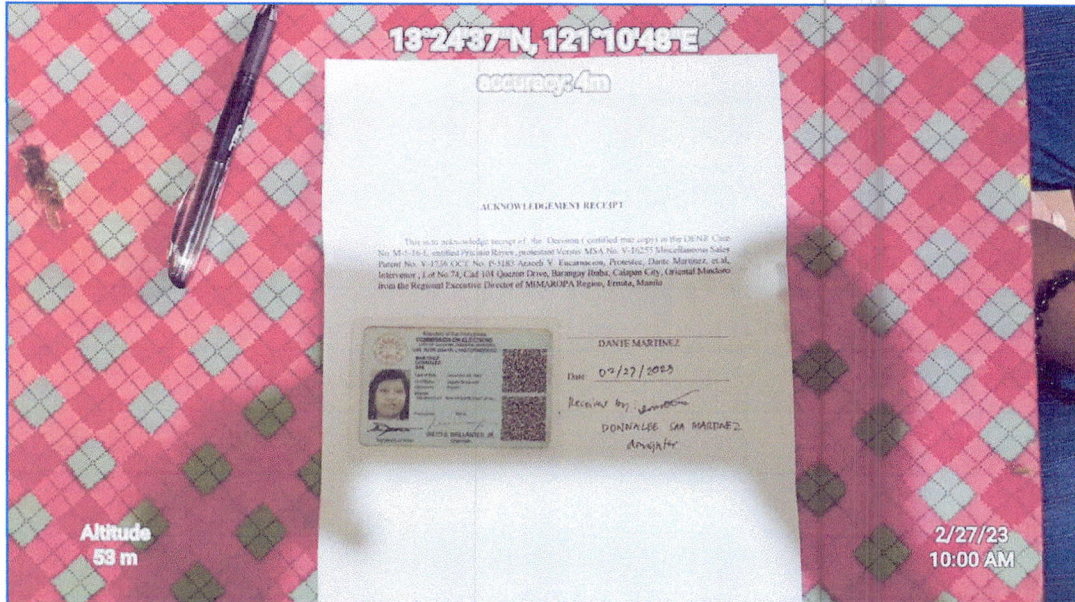


Coordination with Barangay Secretary of Ibaba East, Calapan City regarding the **Decision** to be served to Mr. Pricinio Reyes

Email: cenrosocorro@denr.gov.ph



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
Community Environment and Natural Resources Office
Pasi II, Socorro, Oriental Mindoro



Acknowledgement Receipts with attached copies of Identification Cards of Ms. Donnalee S. Martinez (top) and Ms. Eva Reyes (below) regarding the **Decision** of the DENR Case No. M-5-16-L

ACKNOWLEDGEMENT RECEIPT

This is to acknowledge receipt of the Decision (certified true copy) in the DENR Case No. M-5-16-L entitled Pricinio Reyes , protestant Versus MSA No. V-16255 Miscellaneous Sales Patent No. V-1736 OCT No. P-5183 Araceli Y. Encarnacion, Protestee, Dante Martinez, et.al, Intervenor , Lot No.74, Cad 104 Quezon Drive, Barangay Ibaba, Calapan City, Oriental Mindoro from the Regional Executive Director of MIMAROPA Region, Ermita, Manila



PRICINIO REYES

Date: 2-27-2023

ACKNOWLEDGEMENT RECEIPT

This is to acknowledge receipt of the Decision (certified true copy) in the DENR Case No. M-5-16-L entitled Pricinio Reyes , protestant Versus MSA No. V-16255 Miscellaneous Sales Patent No. V-1736 OCT No. P-5183 Araceli Y. Encarnacion, Protestee, Dante Martinez, et.al, Intervenor , Lot No.74, Cad 104 Quezon Drive, Barangay Ibaba, Calapan City, Oriental Mindoro from the Regional Executive Director of MIMAROPA Region, Ermita, Manila

DANTE MARTINEZ

Date: 02/27/2023

Received by: 

DONNALEE SAA MARTINEZ
daughter

ACKNOWLEDGEMENT RECEIPT

This is to acknowledge receipt of the Decision (certified true copy) in the DENR Case No. M-5-16-L entitled Pricinio Reyes , protestant Versus MSA No. V-16255 Miscellaneous Sales Patent No. V-1736 OCT No. P-5183 Araceli Y. Encarnacion, Protestee, Dante Martinez, et.al, Intervenor , Lot No.74, Cad 104 Quezon Drive, Barangay Ibaba, Calapan City, Oriental Mindoro from the Regional Executive Director of MIMAROPA Region, Ermita, Manila

ARACELI Y. ENCARNACION

Date: _____



PRICINIO REYES,
Protestant,

-versus-

M.S.A. No. V-16255
Miscellaneous Sales Patent No. V-1736
Original Certificate of Title No. P-5183

ARACELI Y. ENCARNACION,
Protestee,

DANTE MARTINEZ, ET AL.,
Intervenor.

X-----X

DENR Case No. M-5-16-L

Lot No. 74, Cad 104
Quezon Drive, Barangay Ibaba
Calapan, Oriental Mindoro

Area: 280 square meters

Araceli Y. Encarnacion

DECISION

This resolves the Protest dated June 23, 1986 filed by Pricinio Reyes against the Miscellaneous Sales Patent No. V-1736 issued in favor of Araceli Y. Encarnacion by virtue of Miscellaneous Sales Application No. V-16255 over a parcel of land situated in Quezon Drive, Ibaba, Calapan, Oriental Mindoro.

An Order of Investigation dated July 8, 1988 was issued by then Regional Technical Director Pedro N. Calimlim directing Senior Special Investigator Felipe S. Tan to conduct an investigation thereon. However, on April 21, 1989, due to the elevation of SSI Tan to a higher position, another Order of Investigation was issued by then RTD Calimlim ordering SSI Rogelio C. Matias to resume the investigation and submit report to the same for dispositive action. Consequently, a Final Investigation Report was submitted by SSI Matias on November 17, 1989.

ALLEGATIONS IN THE PROTEST

Protestant alleged that the land which was patented in favor of the Protestee, Araceli Encarnacion, by virtue of her Miscellaneous Sales Application No. 16255 covering Lot No. 74, with an area of 280 square meters, under Miscellaneous Patent No. V-1736 dated October 31, 1963 is part of the maritime zone since during high tide, it is submerged under water. Thus, it could not be a subject of private ownership and the same could only be acquired thru lease.

Furthermore, Protestant asserted that he has been besieged by demands to vacate the premises which he had been occupying for more than 20 years as it has already been sold through direct sale to a certain Dante Martinez.

JUDICIAL ANTECEDENTS

Dante Martinez, et al. filed a complaint for Recovery of Possession with Damages against Pricinio Reyes over the disputed land before Branch 39 of the Regional Trial Court of Oriental Mindoro and docketed as Civil Case No. R-3940.

JAN 6. 10. 2022

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

On April 10, 1990, the trial court ruled in favor of the Plaintiffs finding the same to have better right of possession over the land in question as against the Defendant. The dispositive portion reads:

"ACCORDINGLY, judgment is hereby rendered:

1. *Ordering the defendant and the persons acting in his behalf to vacate the lot in question and deliver the possession thereof to herein plaintiffs;*
2. *Ordering defendant to pay litigation expenses and attorney's fees in the amount of ₱5,000.00 as well as the costs of suit.*

SO ORDERED."

Aggrieved, the defendant filed an appeal before the Honorable Court of Appeals. Lamentably, the Appellate Court found no reason to overturn the findings of the lower court¹. The dispositive portion reads:

"WHEREFORE, judgment is hereby rendered AFFIRMING in toto the lower court's decision. Costs against the appellant.

SO ORDERED."

ISSUE

Whether the Department of Environment and Natural Resources (DENR), as an administrative body, has the authority to litigate a case already decided by a court of competent jurisdiction

DISCUSSION AND RULING

This Office resolves the issue in the negative.

Careful perusal of the records reveal that the possession of the disputed land has already been decided by the Regional Trial Court of Oriental Mindoro and was then affirmed by the Honorable Court of Appeals finding Dante Martinez, the buyer of the land in question from herein Protestee, is the rightful owner of the said land.

Res judicata means "a matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment." It lays the rule that an existing final judgment or decree rendered on the merits, without fraud or collusion, by a court of competent jurisdiction, upon any matter within its jurisdiction, is conclusive of the rights of the parties or their privies, in all other actions or suits in the same or any other judicial tribunal of concurrent jurisdiction on the points and matters in issue in the first suit².

Moreover, jurisprudence dictates that, a matter already adjudged can no longer be re-litigated. As succinctly stated in the case of *People of the Philippines vs. Manuel Escobar*, G.R. No. 214300, 26 July 2017:

"This doctrine bars the re-litigation of the same claim between the parties, also known as claim preclusion or bar by former judgment. It likewise bars the re-litigation of the same issue on a different claim between the same parties, also known as issue preclusion or

¹ Decision dated 30 September 1994 (CA-G.R. CV No. 27803)

² *Danny Boy C. Monterona, et al. vs. Coca-Cola Philippines, Inc., et. al.* (G.R. No. 209116, 14 January 2019)

conclusiveness of judgment. It exists as an obvious rule of reason, justice, fairness, expediency, practical necessity, and public tranquility.”

Accordingly, *res judicata* lies in the instant case. The issue presented in the Protest is likewise the issue of ownership which has already been settled in court.

WHEREFORE, premises considered, the instant Protest is hereby **DISMISSED** considering that the issue has already been adjudicated by a court of competent jurisdiction.

SO ORDERED.

City of Manila, Philippines. JUN 13 2022


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Copy furnished:

Pricinio Reyes
Brgy. Ibaba, Calapan, Oriental Mindoro

Araceli Y. Encarnacion
San Vicente, Calapan, Oriental Mindoro

Dante Martinez
Libis, Calapan, Oriental Mindoro

PENRO Oriental Mindoro



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 47622

The Regional Executive Director,
DENR By the Bay Building
1515 Roxas Boulevard
Ermita, Manila

ARACELI Y. ENCARNACION
SAN VICENTE, CALAPAN CITY
ORIENTAL MINDORO

Npx: cannot be located 2/27/2023