



Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA REGION  
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

P-2023-10479v

DENR MIMAROPA RECORDS SECTION
RECEIVED
BY: <i>[Signature]</i>
DATE: APR 20 2023
TIME:

LD

April 03, 2023

**MEMORANDUM**

**FOR** : The Regional Executive Director  
1515 DENR By the Bay Building  
Roxas Blvd., Barangay 668, Ermita, Manila

**FROM** : The Provincial Environment and  
Natural Resources Officer

**SUBJECT** : **SERVICE OF COPIES OF THE DECISION IN DENR CASE  
NO. M-12-16-L ENTITLED HEIRS OF GOTERES NARRAZID  
REPRESENTED BY TIRSO BADARUDIN, PROTESTANT VS.  
DELFIN FLORES MUSTAFA CAMALUDIO AND AMIROL  
BADARUDIN, PROTESTEES. LOT NO. 297, PLS 12 IDENTICAL  
TO LOT NO. 1606, CAD 795-D LOCATED AT BARANGAY  
MALIHUUD, BATARAZA, PALAWAN**

Forwarded is the memorandum of the CENRO Brooke's Point, Palawan dated March 20, 2023 attached the report of Special Investigator May Socrates relative the subject matter.

The subject report informs that the Decision of May 27, 2016 for DENR Case No. M-12-16-L was delivered to the involved parties. The proof of receipt is attached for information and compliance to that Office instruction dated November 21, 2022.

*[Signature]*  
**FELIZARDO B. CAYATOC**

Copy furnished:

The CENRO Brooke's Point, Palawan  
TSD-RPS DRN 2023-2919/lmo

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**  
By: *[Signature]*  
Date: 12 APR 2023 CN 23-930



Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brooke's Point, Palawan

**REGION COPY**

March 20, 2023

**MEMORANDUM**

**FOR :** The Regional Executive Director  
DENR MIMAROPA Region  
1515 L & S Bldg., Roxas Blvd.  
Ermita, Manila

**THRU :** The Provincial Environment and  
Natural Resources Officer  
Sta. Monica, Puerto Princesa City

**FROM :** The Community Environment and  
Natural Resources Officer

**SUBJECT :** **SERVICE OF COPIES OF THE DECISION IN  
DENR CASE NO. M-12-16-L ENTITLED HEIRS  
OF GOTERES NARRAZID REPRESENTED BY TIRSO  
BADARUDIN, PROTESTANT, VS DELFIN FLORES,  
MUSTAFA CAMALUDIO, AND AMIROL BADARUDIN,  
PROTESTEES. LOT NO. 297, PLS 12 IDENTICAL TO  
LOT NO. 1606, CAD 795-D LOCATED BARANGAY  
MALIHU, BATARAZA, PALAWAN**

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

BY: [Signature]  
DATE: 03/20/2023 CN 232919

This is in compliance with PENRO Memorandum February 17, 2023 duly received by this Office on March 07, 2023 referring the memorandum from the Chief, Legal Division dated November 21, 2022 instructing to cause the delivery of Decision regarding the above-subject case.

Relative thereto, respectfully forwarded herewith is the report submitted by Special Investigator I May Q. Socrates anent the above-subject for information and record.

[Signature]  
**LEONARD T. CALUYA**

Doc Ref No. 2023-0961/ 2023-1211/ RPS-MQS



**DENR-CENRO  
BROOKE'S POINT**

**RELEASED**

DATE: MAR 24 2023

BY: [Signature]  
2023 - 0961 / 1211

M. Rodriguez St. Poblacion District I, Brooke's Point Palawan 5305  
Mobile Phone: Globe: 0917-502-8916, 0917-502-8773, 0917-502-8915  
Email/Gmail: cenbrookespoint@denr.gov.ph



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

**MEMORANDUM**

**FOR :** The PENR OFFICER  
Palawan

**ATTENTION:** The CENR OFFICER  
Brooke's Point, Palawan

**FROM :** The Chief, Legal Division

**SUBJECT :** SERVICE OF COPIES OF THE DECISION IN DENR CASE NO. M-12-16-L ENTITLED HEIRS OF GOTERES NARRAZID REPRESENTED BY TIRSO BADARUDIN, PROTESTANT, VS DELFIN FLORES, MUSTAFA CAMALUDIO, AND AMIROL BADARUDIN, PROTESTEES. LOT NO. 297, PLS 12, IDENTICAL TO LOT NO. 1606, CAD 795-D MALIHUO, BATARAZA, PALAWAN

**DATE :** NOV 21 2022

This has reference to the service to the parties, **Delfin Flores and Amirol Badarudin**, by registered mail, of the copies of the Decision dated May 27, 2016 in the above-cited case, which were returned to sender (RTS) with the notation **Unclaimed**.

Relative thereto, may we respectfully request for your Office to cause the delivery of the certified true copy of the Decision, hereto attached, to the respective parties or his/her representative for the case to consequently attain finality. Further, please furnish this office of the proof of service or acknowledgment immediately upon receipt thereof by the parties.

  
**ATTY. GANDHI G. FLORES**

Copy furnished:

PENRO Palawan  
CENRO Brooke's Point, Palawan

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

BY: 

DATE: 12-10-2023 ON 23-134



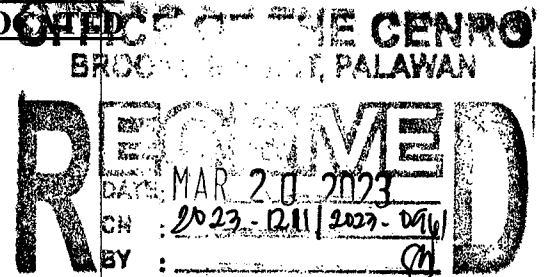
Republic of the Philippines  
Department of Environment and Natural Resources,  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Brooke's Point, Palawan

March 20, 2023

SUBJECT: REPORT ON SERVICE OF COPIES OF THE  
DECISION IN DENR CASE NO. M-12-16-L  
ENTITLED HEIRS OF GOTERES NARRAZID  
REPRESENTED BY TIRSO BADARUDIN,  
PROTESTANT, VS DELFIN FLORES, MUSTAFA  
CAMALUDIO, AND AMIROL BADARUDIN,  
PROTESTEES. LOT NO. 297, PLS 12 IDENTICAL  
TO LOT NO. 1606, CAD 795-D LOCATED AT  
MALIHUD, BATARAZA, PALAWAN

The Community Environment and  
Natural Resources Officer  
Brooke's Point, Palawan

Sir:



In connection with the above subject covered by Document Referral No. 2023-1211/2023-0961, I have the honor to submit herewith my report of service of notice, to wit:

That on March 07, 2023, this Office received a PENRO Memorandum dated February 17, 2023 referring for compliance of the memorandum from the Chief, Legal Division dated November 21, 2022 requesting this Office to cause the delivery of certified true copy of the Decision dated May 27, 2016 anent the above-subject case;

That on March 16, 2023, the undersigned went to the Office of the Punong Barangay of Malihud, Bataraza, Palawan and inquired on the whereabouts of parties involved. That the undersigned delivered a copy of Decision to Barangay Kagawad Mustapa Camaludio, Mr. Amirol Badarudin, Scole C. Badarudin (older brother of Tirso Badarudin) and to one, Mr. Jeddil N. Maasin- Grandson of Pedro Maasin (actual and present occupant and Waivee of Defin Flores for the 10-hectare portion of the subject lot). A copy of proof receipt is hereto attached for your reference;

In view of the foregoing, it is respectfully recommended that this report be forwarded to the Regional Office thru the Provincial Environment and Natural Resources Office for record and reference purposes.

Very truly yours,

**MAY O. SOCRATES**  
Special Investigator I

SUBSCRIBED AND SWORN to before me, this 20<sup>th</sup> day of March 2023 at Brooke's Point, Palawan.

**MARIVIC C. QUITAIN**  
LMO III/ Chief, RPS



RECEIVING COPY

RECEIVED  
JAN 14 2016

6-13-16

6-25-16

**HEIRS OF GOTERES NARRAZID,**  
**Represented by TIRSO BADARUDIN,**  
Protestant,

- versus -

**DELFIN FLORES, MUSTAFA CAMALUDIO,**  
**and AMIROL BADARUDIN,**  
Protestees

**DENR Case No. M-12-16-L**

Lot No. 297, Pls 12, identical to  
Lot No. 1606, Cad 795-D  
Malihud, Bataraza, Palawan

Area: 160,413 Square Meters

CERTIFIED TRUE/PHOTO COPY

5-31-2016

Admin. Asst. III / Legal Division  
Legal Division, DENR MIMAROPA Region

### DECISION

This case emanated from a land dispute involving a sixteen-hectare lot identified as Lot 1606, Cad 795-D between the Heirs of Goteres Narrazid (protestants), represented by Tirso Badarudin, and Delfin Flores, Mustafa Camaludio and Amirol Badarudin (protestees).

The Protest was filed on 27 July 2012 and received by the PENRO Palawan on 15 August 2012. The corresponding protest fee was paid as per Order of Payment dated 23 November 2012. The Order of Investigation was issued by PENRO Juan C. Dela Cruz on 03 December 2012.

### ALLEGATIONS OF THE PARTIES

#### ***Protestants***

In substance, the Protestants' claim as deduced from the records rests primarily on their predecessors' alleged continuous possession of the land for over 30 years as evidenced by tax declarations under their name. To bolster their claim, they contended that the presence of coconuts and other fruit-bearing trees that they have been cultivating proves their actual possession of the land. They further alleged that the Protestees' occupation of a portion of the disputed area was by mere tolerance with the understanding that the latter shall vacate upon demand.

#### ***Protestees***

On the other hand, protestee Mustafa Camaludio (Mustafa) anchored his claim of right over the parcel of land on both inheritance and actual occupation. He asserted that the disputed lot was originally owned by his father Hadjad Camaludio. It was then transferred to Cabayan Camaludio (the eldest child of Hadjad Camaludio) who later ceded it in his favor.

Mustafa filed a Homestead Application over a portion of the land measuring more or less five (5) hectares.

## **Common Points**

It is undisputed that a portion of the subject land was sold by the Protestants' father, Datu Goterres Narrazid to Delfin Flores (Delfin) who then transferred his rights in favor of Pedro Maasin who is not a party to this case.

It is noteworthy that Protestees Delfin and Amirol had Free Patent Applications which were correspondingly cancelled on the grounds of waiver of rights and being an absentee applicant, respectively.

Thus, only the unnumbered Homestead Application filed by Mustafa is at issue in the instant case.

CERTIFIED TRUE / PHOTO COPY  
JAN 31 2014

## **OCULAR INSPECTION/INVESTIGATION**

A Final Investigation Report was submitted by LMO III Hilario V. Regondola, Jr. and indorsed by the PENRO thru a Memorandum dated 04 November 2013. However, this Office found that some material points were not adequately discussed in the said report, thus, necessitating a validation inspection.

On 10 February 2016, a validation inspection was conducted by DMO II Gerson B. Taoingan, with the findings, to wit:

"The primordial thrust of the investigation is to eliminate the uncertainties revolving around the issues on occupancy and land area. A careful perusal of the records discloses that herein Protestants claim a portion of the subject lot identified as Lot 1606-D. However, based on the approved subdivision plan, the lot is currently subdivided only as Lots 1606-A, 1606-B and 1606-C. Further, during the initial assessment of the evidences, there was confusion as to who the real occupants were because each claiming party presented proofs of his occupancy. Furthermore, the exact land area could not be properly determined based on the bare allegations of the parties.

Consequently, we culled from the registers that the cadastral survey (January 2-30, 1987) was conducted subsequent to the perfection of the sale (December 08, 1976) – the contract from which the claim of right of the Flores sprung. Accordingly, during the said sale, the actual land area was still undetermined. However, it was patent that the intention of the late Datu Goterres Narrazid was to transfer the ownership of the entire land (Lot 1606) in favor of Flores. This was evident during the meeting when representatives of both parties had unanimity in positively identifying the boundary owners, confirmatory to what is shown in the deed of sale. Lastly, it was settled that the land in dispute and subject of Mustafa's Homestead application covers only the remaining six (6) hectares only."

After a careful review of the documents in this case, it is clear that the actual occupants of the land subject of the homestead application are Mustafa and his siblings, 1.5 hectares of which is actually being occupied by Mustafa himself.

Protestants' allegation that Mustafa's occupation was by mere tolerance remains unsubstantiated.

In *Lopez, vs. CA* (G.R. No. 127827, March 5, 2003), the Supreme Court had the occasion to discuss, thus:

*"Homestead settlement is one of the modes by which public lands suitable for agricultural purposes are disposed of. Its object is to provide a home for each citizen of the state, where his family may shelter and live beyond the reach of financial misfortune, and to inculcate in individuals those feelings of independence which are essential to the maintenance of free institutions."*

X X X

*"A person who is legally qualified has to file his application for a homestead patent with the Bureau of Lands. If in order, the application shall be approved by the Director. The applicant will be authorized to enter the land upon payment of an entry fee of five pesos. Within six months after approval of the application, the applicant has to improve and cultivate the land. He must cultivate at least one-fifth of the land for a period of not less than two years nor more than five years from the date of approval of the application. He must also continuously reside in the same municipality where the homestead is located, or in an adjacent municipality, for at least one year. He must finally present his final proof to the Bureau of Lands that he has complied with the cultivation and residency requirements."*

CERTIFIED TRUE / PHOTO COPY  
8420 J. 31. 2016

X X X

*"The valid applications became our bases for ruling that once an applicant has complied with the cultivation, residency and other requirements of Act No. 2874, which entitle him to a patent for a particular tract of land, he is deemed to have already acquired by operation of law not only a right to a grant, but a grant of the government for it is not necessary that a certificate of title be issued in order that said grant may be sanctioned by the courts - an application therefor being sufficient under the provisions of Section 47 of Act No. 2874."*

Section 13 of C.A. No. 141, otherwise known as "The Public Land Act" provides:

*"Sec. 13. Upon the filing of an application for a homestead, the Director of Lands, if he finds that the application should be approved, shall do so and authorize the applicant to take possession of the land upon the payment of five pesos, Philippine currency, as entry fee. Within six months from and after the date of the approval of the application, the applicant shall begin to work the homestead, otherwise he shall lose his prior right to the land."*

In this case, protestee Mustafa amply satisfied the residency and cultivation requirements required under the law by establishing residence in and cultivating the land since 1959. Thus, applying the foregoing ruling of the Supreme Court, he is deemed entitled to the grant of his Homestead Application. However, still in the same case, the Supreme Court clarified that homestead applications are personal in character, explaining in this wise:

***"...under Act No. 2874, an applicant must personally comply with the legal requirements for a homestead grant. He must possess the necessary qualifications. He must cultivate the land and reside on***

**it himself.** It would be a circumvention of the law if an individual were permitted to apply in behalf of another, as the latter may be disqualified or might not comply with the residency and cultivation requirements."

Bearing this in mind, protestee Mustafa may only be entitled to such extent as he is in actual possession of, or 1.5 hectares of the contested area.

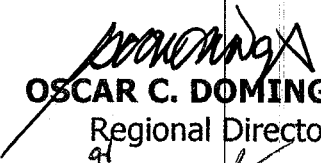
Per Memorandum dated May 28, 2015 of the Undersecretary for Field Operations, the undersigned and the PENR Officer of Palawan were instructed "to suspend the issuance of survey authorities (SA), the conduct and approval of survey plans for untitled lands and the acceptance and processing of all public land applications within the province of Palawan".

WHEREFORE, premises considered, the instant protest is hereby **DISMISSED** for lack of merit. Accordingly, after the lifting of the Memorandum dated May 28, 2015 of the Undersecretary for Field Operations, the PENRO and CENRO concerned are hereby ordered to:

1. Give **DUE COURSE** to the unnumbered Homestead Application of Mustafa Camaludio over Lot 1606-A, with the modification that the area will be only to the extent of his actual occupation, that is, 1.5 hectares; and
2. Further, Mustafa Camaludio's siblings who are actually occupying portions of the lot subject of this case are directed to **FILE** their separate Homestead Applications respecting the portions they individually occupy within one hundred twenty (120) days from notice hereof.

**SO ORDERED.**

Manila, Philippines. 27 MAY 2016.

  
**OSCAR C. DOMINGUEZ**  
Regional Director




Department of Environment  
and Natural Resources  
**REGION 4B**



Copy furnished:

Heirs of Goteses Narrazid  
Represented by Tirso Badarudin

  
Brgy. Malihud, Bataraza, Palawan

Delfin Flores

Brgy. Malihud, Bataraza, Palawan

Mustafa Camaludio


Brgy. Malihud, Bataraza, Palawan

Amirol Badarudin

Brgy. Malihud, Bataraza, Palawan


PENRO Palawan

CENRO Brooke's Point

  
AMIROL BADARUDIN - March 16, 2023

Jeddil

  
Jeddil - Grandson of PEDRO MAASIN - (Waivee of Delfin Flores)  
March 16, 2023

  
Mustafa R. Camaludio - March 16, 2023  
CERTIFIED TRUE / PHOTO COPY  
MAR 31 2016

Legal Division, DENR - PALAWAN REGION