



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

MEMORANDUM

TO : The OIC, PENR Officer
Occidental Mindoro

ATTENTION : The CENR Officer
Sablayan, Occidental Mindoro

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : **PROTEST OF LUCRESIA O. GARLIT, ET.AL.,
REPRESENTED BY MELODIA O. GARLIT, AGAINST THE
FRIAR LAND APPLICATION OF ALBERTO MAGALLANES
INVOLVING LOT NO. 270-B, CSD-04-013622-D, SITUATED
IN BARANGAY STO. NIÑO, RIZAL, OCCIDENTAL MINDORO**

DATE : JUL 07 2023

We are returning the above-cited documents which were previously referred to the Land Management Bureau (LMB) per Memorandum dated June 03, 2022.

Per evaluation and observation of the LMB:

1. The Protest was not in due form, as mandated under Section 4¹, DAO No. 2016-31. While the Protestant has paid the corresponding protest fee, however, there are lacking documentary requirements. Thus, she must be informed of such deficiency based on Section 5² of the said DAO;
2. Lot 270 was subsequently subdivided under CSD-04-013622-D which is a survey symbol for untitled cadastral lots. Considering that the subject lot is a friar land, the subdivision survey symbol should have been FIs and not Csd pursuant to the Manual of Land Surveys. Thus, it is suggested that the said survey symbol be amended; and

¹ **Section 4. Formal requirements of a Protest.** The Protest shall be written in clear, simple, brief and concise language, either in Filipino or English and must contain the names of the parties, their addresses, the material allegations, the grounds relied upon, and the documentary and other forms of evidence to support the allegations.

The Protest must be accompanied by the following documents:

- a. Certificate to file action from the barangay concerned, if applicable;
- b. Verification and Certification of Non-Forum Shopping;
- c. Proof of payment of Protest fee; and
- d. A recent 2x2 picture of the protestant and his or her duly authorized representative and the subject lot/s

The Protest and its supporting documents must be filed in three (3) copies.

² **Section 5. Evaluation.** The CENRO shall determine within one (1) day from receipt of the Protest whether the same is in due form and is within those contemplated in Section 4 of this Order. If in due form, the CENRO shall evaluate and forward the Protest to the PENRO; otherwise, the CENRO shall return the protest and inform the Protestant in writing of the deficiencies in the formal requirements for compliance.

3. Upon verification with the Records Knowledge Management Division (RKMD), the records of DLO Claim No. IV-10 entitled "*Leonido R. Dona, et al. v. Manuel Garlit*" were destroyed by fire that gutted the LMB Building in Binondo, Manila last May 28, 2018.

For information and appropriate action.


LORMELYN E. CLAUDIO, CESO IV


Copy furnished:

ATTY. EMELYNE V. TALABIS, CESO IV
Director
Land Management Bureau
880 F.R. Estuar Building,
Quezon Ave., Brgy. Paligsahan
1111 Quezon City

The Chief, Surveys and Mapping Division



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 19355



Republic of the Philippines
Department of Environment and Natural Resources
LAND MANAGEMENT BUREAU

880 Estuar Building, Quezon Avenue, Brgy. Paligsahan, Quezon City
Direct Line: (02) 255-4362 Records and Knowledge Management Division
Email: denrlmb@yahoo.com Website: lmb.gov.ph



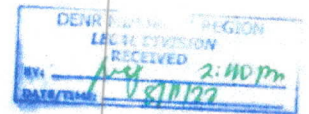
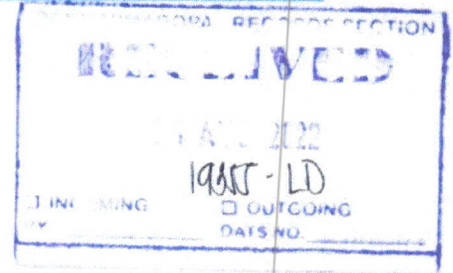
MEMORANDUM

FOR : **THE REGIONAL DIRECTOR**
DENR Region IV-B (MIMAROPA)
1515 L&S Bldg. Roxas Blvd., Manila

FROM : **THE DIRECTOR**

SUBJECT : **LUCRESIA O. GARLIT, ET. AL., REPRESENTED BY
MELODIA O. GARLIT VS. ALBERTO MAGALLANES
LOT NO. 270-B, CSD-04-013622-D
STO. NIÑO, RIZAL, OCCIDENTAL MINDORO**

DATE : 09 AUG 2022



This pertains to your Memorandum dated 03 June 2022, forwarding the records relative to the above captioned case.

Upon review of the attached protest dated 17 September 2018, it was noticed that the same is not in due form, as mandated under DENR Administrative Order (DAO) No. 2016-31¹, specifically Section 4 thereof:

"Section 4. Formal Requirements of a Protest. The Protest shall be written in clear, simple, brief and concise language either in Filipino or English and must contain the names of the parties, their residential addresses, the material allegations, the grounds relied upon, and the documentary and other forms of evidence to support the allegations.

The Protest must be accompanied by the following documents:

- Certificate to file action from the barangay concerned, if applicable
- Verification and Certification of Non-Forum Shopping;
- x x x.
- A recent 2x2 picture of the protestant and his or her duly authorized representative and the subject lot/s

The Protest and its supporting documents must be filed in three (3) copies."

¹ Procedure in the Investigation and Resolution of Land Claims and Conflicts Cases

While the protestant has paid the corresponding protest fee, however, the above requirements are not complied, hence, she must be informed of such deficiency based on Section 5 of the said DAO, which provides:

"Section 5. Evaluation. The CENRO shall determine within one (1) day from receipt of the Protest whether the same is in due form and is within those contemplated in Section 4 of this Order. If in due form, the CENRO shall evaluate and forward the Protest to the PENRO; otherwise, the CENRO shall return the protest and inform the protestant in writing of the deficiencies in the formal requirements for compliance.

x x x."

Also, we have observed that Lot 270 was subsequently subdivided under CSD-04-013622-D, which is a survey symbol for untitled cadastral lots. Considering that the subject lot is a friar land, the subdivision survey symbol should have been Fls and not Csd pursuant to the Manual of Land Surveys. Thus, it is suggested that the said survey symbol be amended.

With regard to the D.L.O Claim No. IV-10-289 titled, "Leonido R. Dona, et. al. vs. Manuel Garlit", please be informed that upon verification with this Office's Records and Knowledge Management Division (RKMD), records relative thereto were destroyed by fire that gutted the LMB Building in Binondo, Manila last 28 May 2018.

In view thereof, we are returning the said letter-protest for your further action in accordance with the above-mentioned observations.

For immediate compliance, please.

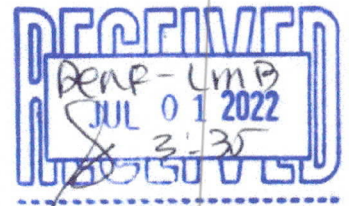
Amelyne V. Talabis
ATTY. EMELYNE V. TALABIS, CESO IV

RR





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



MEMORANDUM

FOR : **ATTY. EMELYNE V. TALABIS, CESO IV**
Acting Director
Land Management Bureau
880 F.R. Estuar Building, Quezon Ave., Brgy. Paligsahan
1111 Quezon City

ATTENTION : **ATTY. MARLOU P. ALUTAYA**
Chief, Legal Division

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : **PROTEST OF LUCRESIA O. GARLIT, ET.AL.,**
REPRESENTED BY MELODIA O. GARLIT, AGAINST THE
FRIAR LAND APPLICATION OF ALBERTO MAGALLANES
INVOLVING LOT NO. 270-B, CSD-04-013622-D, SITUATED
IN BARANGAY STO. NIÑO, RIZAL, OCCIDENTAL MINDORO

DATE : **JUN 03 2022**

Respectfully forwarded are the records pertaining to the above-cited subject, considering that friar lands fall within your jurisdiction per DAO No. 2016-07.

Please be informed that per attached Memorandum dated June 14, 2019, "Friar Land Lot No. 270 Fls-2583 originally consisting of 44.3044 hectares situated at Brgy. Sto. Niño, Rizal Occidental Mindoro has a pending case under D.L.O. Claim No. IV-10, 289 filed by Leonido R. Dona, Amado Tuazon, Sr., Arcadio Domingo, Geminiano Besa, Jose Poso, Jr., Jesus Rabago, Felix Jacob, and Pedro Acosta (Claimants-Protestants) versus Manuel Garlit (Applicant-Respondent) xxx-xxx"

In this regard, we are referring the said Protest, including its attachments, to your office for information, record, and appropriate action, please.


LORMELYN E. CLAUDIO, CESO IV

CC:

PENRO Occidental Mindoro
Brgy. Payompon, Mamburao, Occidental Mindoro

CENRO Sablayan, Occidental Mindoro
National H-way, So. Balud, Brgy. Sto. Niño
Sablayan, Occidental Mindoro



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 19355

ARD-MS/LD

DENR By the Bay Bldg., 1515 Roxas Boulevard, 1000 Ermita, Manila
Telephone No.: (632) 84050046 DENR VOIP (632) 82483367/82493367 local 2700
Website: <https://mimaropa.denr.gov.ph/>
Email: mimaroparegion@denr.gov.ph; denr4blegal@gmail.com

SCANNED

06761



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



SEP 17 2019

MEMORANDUM

TO : The Chief, Legal Division
DENR MIMAROPA Region

FROM : The Assistant Regional Director for Technical Services

SUBJECT : **COMPLETE STAFF WORK OF LAND CONFLICTS ON FRIAR
LAND LOT NO. 270-B, CSD-04-013622-D LOCATED AT STO.
NIÑO, RIZAL, OCCIDENTAL MINDORO**

Referred is the Memorandum dated June 26, 2019 from the PENR Officer, Occidental Mindoro forwarding the Complete Staff Work (CSW) on the investigation conducted on Lot No. 270-B, Csd-04-013622-D, a friar land situated at Brgy. St. Niño, Rizal, Occidental Mindoro.

Upon completion of the investigation, the team respectfully recommends that Lot 270-B be awarded to Mrs. Aida Magallanes upon purchase from the government and upon the lifting of the suspension on titling of friar lands.

For appropriate action

VICENTE B. TUDDAO, JR., Ph.D., CESO IV

Copy Furnished:

The Regional Executive Director
DENR MIMAROPA

FN: lpdd/kst



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

14 JUN 2019

MEMORANDUM

FOR : The OIC, Regional Executive Director
1515 L&S Building Roxas Blvd., Ermita Manila

THRU : The OIC, PENR Officer

FROM : The In - Charge Office of the CENRO

SUBJECT : COMPLETE STAFF WORK OF LAND CONFLICTS
ON FRIAR LAND LOT NO. 270-B, CSD-04-013622-D
LOCATED AT STO. NINO RIZAL, OCCIDENTAL
MINDORO

As per memorandum dated October 23, 2018 concerning the order to conduct investigation regarding the Application to purchase Friar Land lot no 270-B of Mr. Alberto Magallanes, Csd-04-013622-D located at Sto. Nino Rizal, Occidental Mindoro.

Endorsed is the Complete Staff Work on land conflict of lot 270-B, Csd-04-013622-D located at Sto. Nino Rizal, Occidental Mindoro.


HECTOR CARAGONES

TSD
191-3
RECEIVED BY: *[Signature]*
DATE: 6/21/19 TIME: *[Signature]*
RELEASED BY: _____
DATE: _____ TIME: _____

PENRO
201-2
RECEIVED BY: *[Signature]*
DATE: 6/11/19 TIME: *[Signature]*
RELEASED BY: _____
DATE: _____ TIME: _____

RECORDS
RECEIVED BY: *[Signature]*
DATE: 6-20-19
TIME: _____

RES
20-4
RECEIVED BY: *[Signature]*
DATE: 6/24/19 TIME: _____
RELEASED BY: _____
DATE: _____ TIME: _____

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457-0236



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457-0236

Busanga River na nasasakupan ng Lot No. 270 na inakupahan ko at sininop mula pa noong taong 1947.

2. Na mula sa nasabing lupain (lot No 270) ay binibigyan ko ng humugit kumulang .8 erna (8,000 sq. Meters) si Alberto Magallanes na palaki ko, na iniregalo ko ang nasabing parcela/portion ng lupa noong 1973 ng sya ay ikasal kay Aida Gabasan.

3. Na kaming dalawa (2) Ludovico Garlit at Alberto Magallanes ay nagkasundo na Maiparelocate/resurvey ang nasabing lupain upang tuluyan na maihiwalay ang titulo ng 8,000 square meters na para kay Alberto Magallanes mula sa nasasakupan ng lot 270 na pag-aari ko (Ludovico Garlit) na ang nasabing 'relocation' ay isasagawa sa lalong madaling panahon;

4. Na kaming dalawa (2) ay nagkasundo pa rin na sa panahon ng "pagrelocate/resurvey" ay walang makikialam o hahadlang sa aming mga anak;

5. Na bilang panutay sa lahat ng aming isinaad sa kasunduang ito, na ito ay kapwa naming ibinigay, walang sa amin ay pumilit, nanakot, gumamit ng dahas o nagturo ay aming ilalagda ang aming pangalan dito sa ibaba ngayong ika-28 ng Pebrero 2008, dito sa Rizal Occidental Mindoro.

On April 25, 2008, Punong Barangay of Sto. Nino Rizal Occidental Mindoro issued a certification that Mr. Ludovico Garlit wants to relocate the area of 8,000 square meters but Mr. Alberto Magallanes and his wife Mrs. Aida Magallanes refused to sign the Agreement (See Annex-E).

On May 27, 2008, Mr. Ludovico Garlit filed a civil case against Alberto Magallanes and Aida Magallanes with civil case no. R-1550 for Specific Performance and Injunction, received by the Regional trial Court on the same date. (See Annex-F)

On April 27, 2010, the Executive Judge of Regional Trial Court Branch 45 ordered the case as follows: (See Annex-G)

"For failure of the plaintiff to file his comment/opposition to the motion dated November 4, 2009 filed by the defendants, this Court is constrained to rule on the said pending incident to obviate unreasonable delay."

"After consideration of the aforesaid motion, this Court finds and so holds that is impressed with merits, that the same is granted and admitted."

"Finally, as prayed for, the complaints is violative of the provisions of Sections 4, Rule 2, vis-a-vis Section 1(c) Rule 16, both of the Revised Rules on Civil Procedure and of the Supreme Court Administrative Circular No. 04-94 in re: Non-Forum Shopping, hence, the same is hereby DISMISSED without prejudice."

"SO ORDERED."

MANUAL OF AUTHORITIES

SUBJECT: LICENSES, PATENTS AND DEEDS		
Land Related (Lands Cases)		
ACTIVITY	LIMITS OF AUTHORITY	APPROVING AUTHORITY
1. Approval of Decisions and Orders a. Cases Originally Filed at Region/PENRO/CENRO	Claims and conflicts over public lands	Regional Director
	Interlocutory orders during investigation	PENRO
	Orders of investigation of cases involving unpatented lots	PENRO
	Orders in amicably settled cases and involving patented and/or registered lots	Regional Director
	Orders in amicably settled cases and those that were investigated ex-parte	PENRO
	Order dropping the name of Survey Claimant subject of protest	Regional Director
b. Cases Filed at LMB	Claims and conflicts over friar lands	LMB Director
	Lands under Proc. 172 and other patrimonial properties	
	Interlocutory orders during investigation	Chief, Legal Division, LMB
	Orders of investigation involving Friar Lands, lands under Proc, 172 and other patrimonial properties	LMB Director

ant



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457-0236

On January 17, 2015, Mr. Alberto Magallanes died, cause of death was Cerebral Hypoxia secondary to CP arrest. (See Annex-H).

On September 17, 2018, Ms. Melodia Garlit, on behalf of her mother submitted her protest letter against the Friar land Application of Mr. Alberto Magallanes to the PENR Office Mamburao Occidental Mindoro. She believed that the family members of Mr. Alberto Magallanes makes wrongdoings such as destroying the fences and digging the portion of the land without their knowledge. (See Annex-I).

On October 08, 2018, The OIC, PENRO Redante D. Diwa, Cese Referred to this Office the protest letter of Mrs. Lucrecia O. Garlit Represented by Ms. Melodia Garlit to cause the conduct of investigation and submit report for evaluation. (See Annex-J).

On October 18, 2018, The CENR Officer Caesar E. Quebec issued a memorandum to the PENR Officer requesting for the issuance of the order of investigation. On the same date, Ms. Melodia O. Garlit paid the protest fee of Php 500.00 with Official Receipt No. 8367971. (See Annex-K).

On October 23, 2018, OIC PENR Officer Redante D. Diwa, Cese, issued an order of investigation for friar land lot no. 270-B Csd-04-013622-D. (See Annex-L).

On November 6, 2018, we invited Ms. Melodia O. Garlit and Mr. Aida Magallanes for a dialog but the mediation wasn't successful. (See Annex-M).

On January 23, 2019, OIC Chief LPDU Nilo P. Salvador issued a letter to Ms. Melodia O. Garlit and Mr. Aida Magallanes informing them that the we have a scheduled ocular inspection on January 25, 2019 at 9:00 AM. (See Annex-N).

On January 25, 2019, we proceeded to the conflicting lot for ocular inspection. We found out that Mr. Alberto Magallanes planted three (3) adult Mango Trees, five (5) adult santol, one (1) fire tree, and two (2) adult ylang ylang tree. On the other portion of the lot was the house made of concrete materials which was constructed since 1973, and the other part of the lot were planted with rice. (See Annex-O).

On February 5, 2019, Ms. Melodia O. Garlit Submitted her position paper to the Office of the DENR CENRO San Jose, Occidental Mindoro. (See Annex-P).

On March 26, 2019, Mrs. Aida Magallanes Submitted her position paper to the Office of the DENR CENRO San Jose, Occidental Mindoro. (See Annex-Q).

FINDINGS

1. That the family of Mr. Alberto Magallanes was the actual occupant of the area.
2. The land was cultivated and improved by the Magallanes Family.



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brgy. Labangan, San Jose, Occidental Mindoro
Telefax (043)-491-1683

DENR IV, MIMAROPA: Lands

Annet-A

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that based on verification from the available records on file in this Office, it shows that Lot 270, Fls-2583, San Jose Estate, San Jose, Occidental Mindoro, containing an area of 443,044 square meters located at Sto. Niño, Rizal, Occidental Mindoro has a pending case under D.L.O Claim No. IV-10, 289 as per Order of Investigation dated December 26, 1973 by the District Land Officer Mariano M. Villanueva.

This Certification is issued upon request of Atty. Alfredo A. Castillo for whatever legal purpose this may serve him.

Further certifies that this Office issued said Certification for reference purposes only.

Certification fee in the amount of Fifty (P50.00) Pesos paid under O.R. No. 9675857 dated November 3, 2009.

Issued at DENR-CENRO San Jose, Occidental Mindoro this 3rd day of November 2009.

Prepared/verified:

Certified correct:

CARIDAD D. TORRES
Acting Records Officer

ANGELINA S. MONDING
OIC, Land Management Service

ATTESTED:

REDANTE D. DIWA
OIC, CENRO

Republic of the Philippines
Department of Agriculture and Natural Resources
BUREAU OF LANDS
Manila

Annex-C

APPLICATION TO PURCHASE PRIOR LANDS

1. I hereby apply for the purchase of Lot No. 270 (Por-2) of the SAN JOSE Friar Lands Estate, situated in the Municipality of Rizal province of Occ. Mindoro, Philippines, containing an area of 83 hectares, 69 ares, 69 centares, under the provisions of Commonwealth Act No. 32, as amended.

2. To show that I am entitled under the law to purchase the land above referred I submit the following facts:

3. My name is Alberto Magallanes; my age is 44 years; the place of my birth is Sto. Niño Rizal, Occ. Mdo.; I am a citizen of the Philippines (by birth, naturalization, treaty) and the name of my husband/wife is Aida G. Magallanes native of Sto. Niño Rizal, Occ. Mindoro (If applicant is a married women, marital consent must be submitted.)

4. I am not disqualified to acquire public lands.

5. I am not delinquent in the payment of my installment of interest due on account of any land purchased by me under Act 1120, as amended.

6. I am already the holder of none hectares of land.

7. I am filing this application to purchase the land in question in good faith, for my personal use and benefit, for the purpose of actual settlement, occupation, residence and cultivation, and not, either directly or indirectly for the use or benefit of any or other person or persons, corporation or association of persons.

8. The land herein applied for is actually occupied by me and the improvements Cornland

9. I have read, or have had been read to me, and understood the provisions of Commonwealth Act No. 32, as amended, and the rules and regulations promulgated thereunder. I hereby obligate myself to comply with such laws, rules and regulations affecting the land applied for in case is awarded in my favor and finally understand that any false statement willfully and knowingly made by me in the foregoing application shall be sufficient cause for the cancellation thereof, and the forfeiture in favor of the Government of all the amounts paid by me on account of the land, as well as all the improvements introduced thereon and whatever interest I have therein.

Alberto Magallanes

ALBERTO MAGALLANES

(Applicant)

P.O. Address Sto. Niño Rizal, Occ. M.

AFFIDAVIT

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF OCC. MINDORO : S.S.
MUNICIPALITY OF SAN JOSE)

I, Alberto Magallanes, under oath declare: that I have well and fully understood each and every statement contained in my foregoing application; and that each one and everyone of the said statement is true and correct according to my best knowledge and belief.

Alberto Magallanes

ALBERTO MAGALLANES

(Applicant)

SUBSCRIBED AND SWORN to before me this 17th day of May, 1993
the affiant exhibited to me his/her Residence Certificate No.

7033182

issued at Sto. Niño Rizal, Occ. Mindoro on May 24, 1993.



Province of Occidental Mindoro
MUNICIPALITY OF RIZAL
BARANGAY STO NINO
Republic of the Philippines

-oOo-

OFFICE OF THE PUNONG BARANGAY

ANNEX - E

~~ANNEX~~

~~VB~~

SERTEPIKASYON

Sa Kinauukulan,


Ito ay nagpapatunay na ang paghaharap ng dalawang panig na sina G. Ludovico Garlit at G. Alberto Magallanes kaugnay sa nais mangyari ng unang panig ; si G. Ludovico Garlit na ipasukat ang Lot No. 270-B nakapangalan kay G. Alberto Magallanes, buhat sa orihinal na lote Lot No. 270 ni G. Ludovico Garlit upang ipare-survey ang nasabing lote ng walang makikialam na mga anak ng bawat panig sa panahon ng pagsusukat at upang maiwasan di-umano ang anumang hindi nila pagkakaunawaan. Subalit ang sa panig ni G. Alberto Magallanes ay hindi o ayaw lumagda sa nagawang kasunduan ng dalawa matapos na silang pagharapin ni Punong Barangay at mga Barangay Opisyal..

Ang Sertepikasyong ito ay ginawa sa kahilingan ng dalawang panig para sa anumang pangangailangan.

Ginawa ngayong ika- 25, Abril 2008, ditto sa Barangay Sto. Niño, Rizal, Kanlurang Mindoro.


MARCELINO DELA CRUZ
Punong Barangay

Saksi:

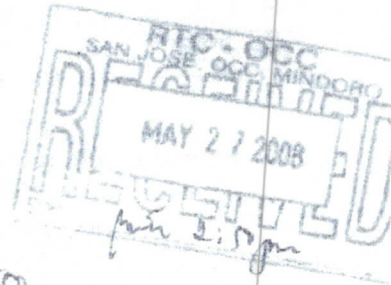

Kgo LEONILO CASAS
Kagawad On Duty

complaint as ANNEX A

11

Annex - F

Republic of the Philippines
FOURTH JUDICIAL REGION
REGIONAL TRIAL COURT
BRANCH _____
San Jose, Occidental Mindoro



LUDOVICO O. GARLIT,
Plaintiff,

CIVIL CASE NO. R-1550

-versus-

-for-

ALBERTO MAGALLANES and
AIDA MAGALLANES,
Defendants.

SPECIFIC PERFORMANCE
AND INJUNCTION

X-----X

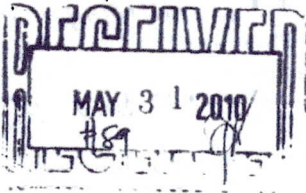
COMPLAINT

COMES NOW the plaintiff, by counsel and unto this Hon. Court most respectfully alleges, THAT:

1. Plaintiff is of legal age, married, Filipino, and a resident of Candague, Sto. Niño, Rizal, Occidental Mindoro, while defendants are likewise of legal age, spouses and residents of Candague, Sto. Niño, Rizal, Occidental Mindoro, where they maybe served with summons and other notices of this Hon. Court;
2. Plaintiff is a possessor and applicant of a parcel of land identified as Lot 270, Fls-2583 located at Candague, Sto. Nino, Rizal, Occidental Mindoro;
3. Defendant Alberto Magallanes grew-up under the care of the plaintiff and when the latter got married, the former acted as one of their godfather and as a gift he donated to the newlyweds 8 hectare portion of Lot 270, Fls-2583;
4. On February 28, 2008, plaintiff and defendants executed a written agreement entitled "Kasunduan" which provides among others:
 - "3. Na kaming dalawa (2) Ludovico Garlit at Alberto Magallanes ay nagkasundo na "maiparelocate/resurvey" ang nasabing lupain upang tuluyan na maihiwalay ang titulo ng 8,000 square meters na para kay Alberto Magallanes mula sa nasasakupan ng Lot -270 na pag-aari ko (Ludovico Garlit) na ang nasabing "relocation" ay isasagawa sa talong madaling panahon;
 4. Na kaming dalawa (2) ay nagkasundo pa rin na sa panahon ng "pagrelocate/resurvey" ay walang makikialam, manghihimasok o hahadlang mula sa aming mga anak."

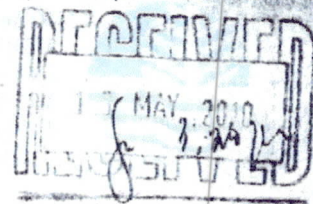
Attached hereto is a xerox copy of the said Kasunduan to form part of this complaint as ANNEX "A";

12



Republic of the Philippines
Supreme Court of the Philippines
Fourth Judicial Region
REGIONAL TRIAL COURT
Branch 45
San Jose, Occidental Mindoro

Annex-G



LUDOVICO O. GARLIT,
Plaintiff,

CIVIL CASE NO. R-1550

-versus-

-for-

ALBERTO MAGALLANES and
AIDA MAGALLANES,
Defendants.

SPECIFIC PERFORMANCE
AND INJUNCTION

X-----X

ORDER

For failure of the plaintiff to file his comment/opposition to the Motion dated November 4, 2009 filed by the defendants, this Court is constrained to rule on the said pending incident to obviate unreasonable delay.

After consideration of the aforesaid motion, this Court finds and so holds that it is impressed with merit, thus the same is granted and admitted.

Finally, as prayed for, the complaint is violative of the provisions of Section 4, Rule 2, vis-à-vis Section 1 (e) Rule 16, both of the Revised Rules on Civil Procedure and of the Supreme Court Administrative Circular No. 04-94 in re: Non-Forum Shopping, hence, the same is hereby DISMISSED without prejudice.

SO ORDERED.

San Jose, Occidental Mindoro, April 27, 2010.

JOSE S. JACINTO, JR.
Executive Judge

Copy furnished:

Atty. Francis T. Villamar
San Jose, Occidental Mindoro

Atty. Alfredo A. Castillo
San Jose, Occidental Mindoro

JSJJR:rrgjy

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

Annex-J

OCT 08 2018

MEMORANDUM

TO : The CENR Officer
San Jose, Occ. Mindoro

FROM : The OIC- PENR Officer

SUBJECT : **PROTEST LETTER REGARDING FRIAR LAND
APPLICATION OF ALBERTO MAGALLANES**

DENR - CENRO SAN JOSE

MIMAROPA REGION

RECEIVED BY: 2018-287-28

DATE: 10-7-18

Referred is the protest letter dated September 17, 2018 of Melodia Garlit concerning the Friar Land Application of Mr. Alberto Magallanes over Lot 270-B, Csd-04-013622-D located at Sitio Candague, Brgy. Sto. Niño, Rizal, Occ. Mindoro.

In this regard, you are hereby instructed to cause the conduct of investigation and submit report for evaluation and further action. Kindly inform Ms. Melodia O. Garlit of the action taken thereof.

For information and compliance.


REDANTE D. DIWA

TSD-RES

(ORIGINAL)

Annex-K



Official Receipt
of the
Republic of the Philippines

No 8367971 V

Date Oct. 18, 2018

Agency DENR

Payor MELODIA GARLIT

Fund

Nature of
Collection

Account
Code

Amount

Protest Fee

Lot No. 270-B

Csd-04-013622-D

P 500.00

TOTAL

P 500.00

Amount in Words five hundred pesos only

☒ Cash

☐ Check

☐ Money Order

Drawee
Bank

Number

Date

Received the amount stated above.

for: mmp
Collecting Officer

NOTE: Write the number and date of this receipt on
the back of check or money order received.



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Mamburao, Occidental Mindoro

Annex-L

MRS. LUCRECIA O. GARLIT, et al.
Claimant - Protestants
Rep. by Melodia O. Garlit

CENRO Claim/ Conflict No. _____

-versus-

Lot No. 270-D
Csd-04-013622-D
Area:
Brgy. Sto. Niño, Rizal,
Occ. Mindoro

ALBERTO MAGALLANES
Applicant - Respondent

X ----- X

CENR - CENRO SAN JOSE
MIMAROPA REGION

RECEIVED BY: # 2018-2967 *Mag*
DATE: 10-25-18

ORDER OF INVESTIGATION

DATE: _____

It appearing that a protest in due form and substance has been filed by **Lucrecia O. Garlit, et al.** represented by **Melodia O. Garlit** against the Friar land application of **Alberto Magallanes** over Lot No. 270-B, Csd-04-013622-D, situated at Brgy. Sto. Niño, Rizal, Occidental Mindoro, alleging in substance that the above-mentioned lot was owned by the claimant-protestant and part of the land bequeathed by their father Luduvico O. Garlit.

WHEREFORE, the CENR Officer of San Jose, Occidental Mindoro is hereby directed to cause the conduct of Investigation in accordance with the general principles applied in cases of land disputes and thereafter, the assigned Investigator shall submit the corresponding report to the Regional Executive Director for dispositive action.

SO ORDERED.

Mamburao, Occ. Mindoro

OCT 23 2018


REDANTE D. DIWA
OIC, PENR Officer

All the Parties (Reg. Mail)

The PENRO

The CENR Officer
San Jose, Occ. Mindoro

The Docket Clerk



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

November 6, 2018

MRS. MELODIA O. GARLIT
Brgy. Sto. Nino, Rizal
Occidental Mindoro

Ginang Melodia O. Garlit:

Magandang Araw po.

Ito po ay may kaugnay sa ipinadalang "MEMORANDUM ng PENRO, Mamburao, Occidental Mindoro na may petsa October 08, 2018" tungkol sa problemang idinulog sa aming opisina. Kaugnay po nito kami po ay magsasagawa ng imbestigasyon at kayo po ay aming inaanyayahan sa DENR CENRO, San Jose, Occidental Mindoro sa ika-9 ng November, 2018, ganap na ika 10:00 ng umaga upang matalakay ang hinaing patungkol sa inihaing reklamo. Pakidala lang po kong ano mang papel na inyong pinanghahawakan.

Inaasahan po naming ang inyong pagdalo. Marami pong salamat.

Lubos na gumagalang,


MARK RANCE M. RAGUINDIN
Special Public Land Investigator I

RV-
RECEIVED: 11-06-18



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

January 23, 2019

MRS. MELODIA GARLIT
Brgy. Sto. Nino, Rizal
Occidental Mindoro


Ginang Melodia Garlit:

Magandang Araw po.

Ito po ay may kaugnay sa ipinadalang "MEMORANDUM ng PENRO, Mamburao, Occidental Mindoro na may petsa October 08, 2018" tungkol sa problemang idinulog sa aming opisina. Kaugnay po nito kami po ay magsasagawa ng Ocular Inspection bilang pagpapatuloy ng imbestigasyon at kayo po ay aming inaanyayahan na dumalo sa nasabing ocular inspection sa ika-25 ng January, 2019, ganap na ika 9:00 ng umaga.

Inaasahan po naming ang inyong pagdalo. Marami pong salamat.

Lubos na gumagalang,


NILO P. SALVADOR
CHIEF LPDU



01-23-2019

MR. MARK RAGINDIN
DENR-CENRO
San Jose Labangan
San Jose, Occ. Mindoro

Annex- P

5th February 2019

**RE: PROTEST REGARDING FRIAR LAND APPLICATION OF
ALBERTO MAGALLANES OVER LOT 270-B CSD-04-013622-D**

Dear Sir,

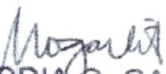
A pleasant day in your good office.

In behalf of our mother MRS. LUCRECIA O. GARLIT, a resident of Sitio Candague, Brgy. Sto. Niño, Rizal, Occ. Mindoro, my brothers and sisters, I, MELODIA O. GARLIT give this statement regarding the protest of application of ALBERTO MAGALLANES SR. over LOT 270-B.

Attached here the statement why we want to cancelled the application of the said lot.

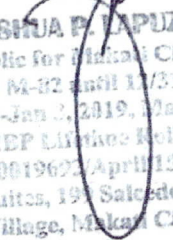
Thank you for your kind consideration.

Respectfully yours,


MELODIA O. GARLIT

SUBSCRIBED AND SWORN to before me or
his _____ day of _____, 2019 Affiant
exhibiting his/her _____
issued on _____ at _____

DOC. NO. : 482
PAGE NO. : 99
BOC NO. : 41
SERIES OF : 2019


ATTY. JOSHUA P. LAPUZ
Notary Public for Makati City
Appointment # M-82 until 12/31/2019
PTR No. 7333096-Jan 2, 2019, Makati City
Roll No. 45790, JEP License Roll #04897
MCLE No. V-0019602/April 15, 2016
C/F Fedman Suites, 191 Salcedo Street
Legaspi Village, Makati City



Annex-Q

Republic of the Philippines
Province of Occidental Mindoro
Municipality of Rizal
Barangay Sto. Niño

GENR-DEVEDO SAN JOSE
MINDORO REGION

RECEIVED BY: #2019-9058

DATE: 03-26-19

POSITION LETTER

Ako po si Aida Gabasan Magallanes, 66 taong gulang, nakatira sa Sitio Candague, Sto. Niño, Rizal, Occ. Mindoro. Ang aking mga magulang ay sina Leonardo Gabasan at Prima Zausa Gabasan. Sila ay nakatira sa Sitio Candague mula pa noong 1947. Ako po ay ipinanganak noong October 6, 1952. Ang lupang tinitirikan ng bahay ng aking mga magulang ay sakop ng Lot 270-M kami ay tatlong magkakapatid. Ang panganay ay si Baltazar Gabasan na ipinanganak noong January 3, 1947, Raquel Gabasan Gacita ipinanganak noong December 17, 1949 at ako po ang pangatlo. Ako po ay nag-aral ng elementarya ng Sto. Niño, noong taong 1959 hanggang 1964. Ako po ay nag-aral ng high school sa Holy Family Academy Central San Jose, Occ. Mindoro, noong taong 1964 hanggang 1969. Ako po ay naghahanapbuhay bilang isang katikista sa loob ng 7 taon. Habang ako ay naghahanapbuhay, ako ay nagkaroon ng manliligaw na si Alberto Llantada Magallanes.

Si Alberto Llantada Magallanes ay ipinanganak noong November 17, 1947. Siya ay nakatira sa pamilyang Garlit. Mula ng siya ay bata pa edad 8 taong gulang ng magsimulang siya'y alagaan at palakihin ni Ludivico Garlit. Ngunit sa pagpapakain ni Ludivico Garlit kay Alberto Magallanes ay may kapalit na serbisyo. Siya ay katulong sa bahay, Katulong sa pagsasaka sa bukid at nag-aalaga ng kalabaw, baka at baboy. Noong taong 1970 - 1972 siya ay nanligaw sa akin. Nang kami ay nagkasundo, si Ludivico Garlit ang tumayo bilang tatay niya dahil sa siya'y ang nagpalaki dito at dahil wala na ring ama si Alberto Magallanes. Nagkasundo kami kasama ang aking mga magulang at itinakda nila ang aming kasal.

Noong March 17, 1973, kami ni Alberto Magallanes ay ikinasal. Bilang pangalawang magulang at ninong naming sa aming kasal, si Ludivico Garlit ay kusang loob na kami ay niregalohan ng loteng titirikan ng aming bahay at sakahan. At ito naman ay nilagdaan ni Ludivico Garlit at ito din ay may kasunduan na walang sinumang anak ang makikialam. Ang sukat ng lupang iniregalo o ipinaman ni Ludivico Garlit kay Alberto Magallanes ay 8,000 square meter. Ngunit ang lupang tinitirikan ng aming bahay at sakahan ay lupain ng dalawa sa mga nagprotestang mga tao na sina Felix Jacob at Arcadio Domingo.

Noong 1995, nagpasurvey si Ludivico Garlit at hinati-hati ng magkakapatid ni Garlit ang area ng Lot 270 at sa survey na un ay sinukat din inihiwalay at binigyan ng pangalan ang area ng Lot 270-B na may sukat na 8,000 sq. meter at ang nasabing area ng Lot 270-B ay ang mismong areang iniregalo sa kasal ni Alberto Magallanes na asawa ko. Ang nasabing area na ito na iniregalo ay si Alberto Magallanes din ang nagpundar at naglinis nito dahil ito ay dating kakahuyan at katalahiban. Kami ay nakatira na sa nasabing lote at sakahan noong March 17, 1973. Dito kami ni Alberto Magallanes bumuo ng sarili naming pamilya. Kami ay nagkaroon ng 6 na anak.

1. Jaime Magallanes - Feb. 28, 1974
2. Alex Magallanes - Jan. 8, 1976
3. Alberto Magallanes Jr. - March 17, 1978
4. Allan Magallanes - Jan. 31, 1980
5. Denis Magallanes - Nov. 22, 1982
6. May Magallanes - March 11, 1984

Mula noong kami ay nakatira sa Lot 270-B, ang nasabing lupain ay tinataniman ng palay, Punong kahoy Prutas, gulay at iba pa, ito ang ikinabubuhay namin simula noong taong 1973 hanggang ngayong taong 2019.

Noong Jan. 17, 2015 si Alberto Magallanes na aking asawa namatay dahil sa anak ni Ludivico Garlit na si Florante Garlit na ang punong bangkal ay pinag-cheninsaw at ginawang tabla na hindi man lang napaalam sa aking asawa. Nagkasagutan sila at nagalit ang aking asawa