



SALUMBIDES & DELOS SANTOS
Commercial Law and Litigation

**DENR MIMAROPA
RECORDS SECTION
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FEB 10 2023

P-2022-91637 -SMD

☐ INCOMING ☐ OUTGOING
BY: _____ DATE NO. _____
TIME: _____

Case Reference No. A22-014

February 1, 2023

DIRECTOR LORMELYN E. CLAUDIO

Regional Executive Director
Department of Environment and Natural Resources (DENR)
3rd Flr. 1515 DENR by the Bay Bldg.
Roxas Blvd., Brgy. 668
Ermita, Manila

DEAR DIRECTOR CLAUDIO:

We write on behalf of our client, *Mr. Soriano del Mundo*, who is the lawful owner of a parcel of land situated at White Beach, Brgy. San Isidro, Puerto Galera, Oriental Mindoro, with an aggregate area of Nine Hundred and Five square meters (905 m²) identified under *Approved Survey Plan Mli-045211-02-A-D*.

Our client has informed us of a *Memorandum* dated November 4, 2022 issued by the Office of the Assistant Regional Director for Technical Services stating that upon verification and ocular inspection of the land, it was determined that the subject lot falls under **Unclassified Public Forest**.

Previous to this, the subject lot was classified as alienable and disposable land in *Investigation Report* dated February 14, 2006 of Special Investigator Joseph A. Luarca of the Community Environment and Natural Resources Office (CENRO) Calapan, Oriental Mindoro. This classification is plainly annotated on the aforementioned *Approved Survey Plan*.

Similarly, the *Appraisal Report* dated October 9, 2007 issued by the same office classified the land as suitable for commercial use because of its potential to spur the Eco-Tourism projects of the Municipality of Puerto Galera. Our client was also issued a *Certification* dated March 6, 2006 from the *Tanggapan ng Punong Barangay* of San Isidro, which confirms that the land is suitable for *agricultural use* and had been cultivated and utilized by our client as such.

The lots surrounding the subject land are also owned by private individuals and had been titled under applicable laws, rules, and regulations. To be specific, it is bounded on the North by land under the ownership of Cresencia del Mundo¹ and our client;² in the South by Leandro Y. Locsin;³ in the West, by Eugenio del Mundo and Cresencia del Mundo;⁴ and, in the East by

¹ Free Patent No. 045211 03 3296 Katibayan ng Orihinal na Titulo Blg. P-9955.

² Free Patent No. 045211 03 3413 Katibayan ng Orihinal na Titulo Blg. P-10051.

³ TCT No. 064-2013002120 and TCT No. 064-2013002121.

⁴ Katibayan ng Orihinal na Titulo Blg. 5922.



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Rosalie Barcelona⁵ and Gregorio Delgado.⁶ We had also been informed that the adjacent land owned by Mr. Locsin has already been donated to the DENR.

We believe that the classification stated in the aforementioned *Memorandum* is unjustified and violates our client's right to equal protection, considering that the land is surrounded by lots that had been titled and placed under private ownership. Furthermore, since the *Memorandum* is silent on the legal and factual bases of the classification, we assert that it had also contravened our client's right to due process under the law.

This is to request your good office to correct the erroneous classification stated in the *Memorandum* dated November 4, 2022. As the factual and legal antecedents reveal, the land owned and occupied by our client had been **previously and consistently** classified as alienable and disposable. We have also attached copies of the aforementioned *Approved Plan, Appraisal Report, Investigation Report, and Certification* for your reference.

Thank you very much for your assistance.

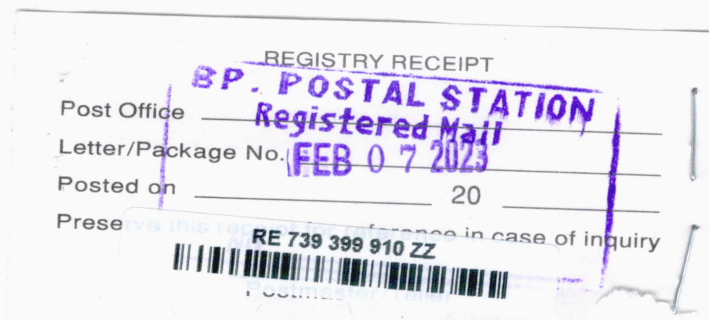
For the Firm,

MARIE ADORACION P. DACQUEL

CC: **Hon. Maria Antonia Yulo-Loyzaga**
DENR Secretary
DENR Bldg. Visayas Avenue, Diliman,
Quezon City

Hon. Maximo C. Landrito
Assistant Regional Director for Technical Services
3rd Flr. 1515 DENR by the Bay Bldg.
Roxas Blvd., Brgy. 668
Ermita, Manila

Mr. Rodel M. Boyles
Community Environment and Natural Resources Office
Pasi II, Socorro
Oriental Mindoro



⁵ Residential Free Patent Original Certificate of Title No. 064-2018000053.

⁶ Free Patent No. (IV-19) 03203 OCT No. P-3469.

Republic of the Philippines
Department of Environment and Natural Resources
REGION IV
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Calapan City, Oriental Mindoro

DENR-IV-C-1, Lands
Supervision

February 14, 2006

MEMORANDUM

FOR : The Community Environment and Natural Resources Officer
THRU : The Chief, Land Management Officer III
FROM : Special Investigator Joseph A. Luarda
SUBJECT : Request for Survey Authority of
Mr. Soriano M. Del Mundo

In connection with the request for survey authority submitted by Soriano M. Del Mundo of Barangay San Isidro, Puerto Galera, Or. Mindoro for the survey of a certain parcel of land located at Barangay San Isidro, Pto. Galera, Or. Mindoro.

I have the honor to submit the following report to wit:

That the land to be surveyed is also within the alienable and disposable area project No. 11 LC Map 1184 containing an area of 905 square meters more or less.

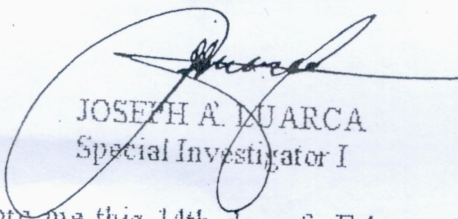
That the land subject of the basic request is not within the government reservation and that, it will not be needed by the government for public improvements.

That the land is not within Cadastral or public land subdivision project.

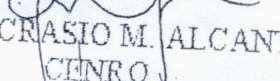
That the said land which was originally titled in the name of Eutiquiano Del Mundo which was cancelled by the Court of Appeals per decision rendered on May 26, 2004 under the case entitled Republic versus Eutiquiano Del Mundo and the Register of Deeds can still be applied by Mr. Soriano Del Mundo for Free Patent on the ground that said land is really suitable for agriculture planted with different kinds of fruit bearing trees, for family consumption. (See attached picture)

Attached herewith is an approved plan of MLI-045211-02-D of Soriano Del Mundo, the approved subdivision plan of Lot 12511 for Cresencia Del Mundo under MSA-045211-7 and MSA-045211-B and the approved subdivision plan of F(4-19)-9629-D as surveyed for Eutiquiano Del Mundo, et al which are adjacent to each lot which means that MSI and MSA is no longer appropriate to the land cancelled by the Court of Appeals.

In view of the foregoing statements, it is hereby recommended that the request for survey authority of Mr. Soriano Del Mundo be given further due course under the existing rules and regulations of this office.


JOSEPH A. LUARCA
Special Investigator I

SUBSCRIBED AND SWORN to before me this 14th day of February 2006 at
CENRO, Calapan City, Or. Mindoro.


PANCRASIO M. ALCANTARA
CENRO



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B (MIMAROPA)
Community Environment and Natural Resources Office
Aurora Blvd., San Vicente West, Calapan City

DENR-IV-B, Lands
Appraisal Report
MLA No. 045211-02A (Soriano del Mundo)

October 9, 2007

MEMORANDUM

FOR : The Regional Executive Director
Region IV-B, MIMAROPA,
Roxas Blvd. Ermita, Manila

THRU : The OIC-PENRO
Suqui, Calapan City

FROM : CENRO Appraisal Committee

SUBJECT : Appraisal Report Re: Miscellaneous Lease Application (M.L.A.) No.-045211-02-A of Soriano del Mundo located at Sitio White Beach, Brgy. San Isidro, Puerto Galera, Oriental Mindoro

We have the honor to submit the committee report with enclosures, relative to the above-noted subject to wit:

SCOPE AND PURPOSE OF THE APPRAISAL:

This is a land with an aggregate area of 905 square meters more or less and there is a necessity to make an appraisal subject to the existing policy and other considerations involved in order to determine the total assessed value of the land which in effect would become the basis of Lease.

PROPERTY IDENTIFICATION, LOCATION AND OWNERSHIP

The land is located at Sitio White Beach, Brgy. San Isidro, Puerto Galera, Oriental Mindoro and covered by M.L.A. No. 045211-02A of Soriano del Mundo, containing an area of

905 sq. meters more or less and could be identified as Mli-045211-02A-D an isolated survey and was approved on July 19, 2006.

It is actually owned and occupied by the applicant through voluntary acquisition being the riparian owner of their titled property fronting the beach.

The site is located on the western part of Barangay San Isidro, along the shores of Puerto Galera, approximately six (6) kilometers from the town proper of the Municipal Government of Puerto Galera. Bounded on the Northeast by the claimed properties of Rosalie Barcelona under Msi-045211-16D and the claims of Gregorio Delgado, on the Southeast by Lot 7048 and Lot 7039 of Cad 533-D of Puerto Galera Cadastre; on the southwest by the claims of Eugenio del Mundo and Cresencia del Mundo under F-045211-120 D and Northwest by Verde Island Passage.

LAND CLASSIFICATION, IMPROVEMENT AND GENERAL CONDITION:

This is an area wherein white sand beach could motivate the place for Eco-Tourism purposes, however there was no improvement on the area during the time we conducted ocular inspection and where the motor boat can anchor on the beach if you visit the place.

Per zoning plan of this municipality, the land is classified as commercial and it is within the alienable and disposable area under project No. 11, L.C. Map No. 1184 as certified by the Bureau of Forest Development on September 7, 1935.

STATISTICAL DATA REFERENCE:

The latest market value given by the Municipal Assessor's Office being the commercial area is P113.00 per square meter and an assessed value of P56.50 per square meter of the land located at Puerto Galera, Oriental Mindoro as per certification issued on June 18, 2007.

There is no approved zonal valuation of real properties or more specifically foreshore properties along the seaside of Sabang, Puerto Galera, Oriental Mindoro as per certification issued by BIR on June 15, 2007.

Considering that the area subject hereof is an accretion and the purpose of the applicant is only to lease the property, the assessed value given by the Municipal Assessor's Office was used as the basis of the computation.

HIGHEST AND BEST USE:

Taking into consideration the location size and actual use and the prevailing land use in the adjacent owners, the highest and best use of the subject land is for Eco-Tourism/Commercial purposes as far as the applicant is concerned.

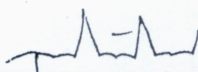
LAND APPRAISAL:

In the light of the criteria provided for by the DENR Administrative Order No. 98-20 dated May 20, 1998 of the Revised Rules and Regulations on the conduct of appraisal of public lands, the committee has taken the foremost consideration of its status as public land which the applicant has the priority to Lease.

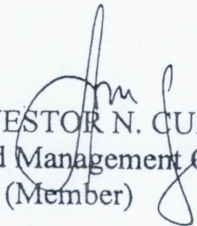
However, after a careful analysis, determination and consideration of all the positive and negative factors which effect the valuation of the land, the committee adopted the value from the average of Municipal Assessor's Market Value of Php 113.00 per square meter and the BIR's No Zonal Value, thereby resulting to Php 56.50 per square meter thus resulting to Php 31,414.00 for the whole tract of land multiplied by 3% assessment level making Php 942.50 as annual rental.

The annual rental therefore of Php 942.50 shall be paid by the applicant annually in favor of the government upon the approval of his Lease Contract. The zonal valuation of the BIR is not used in this case considering that the public land involve was applied for by the applicant in terms of beach protection and lease contract only.

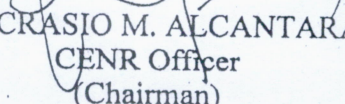
In view of the foregoing facts and statements relative to the above-subject public land application, it is hereby respectfully recommended that the total amount of Php 942.50 as yearly rental of the applicant be now considered and approved.



PATRICIO B. NATIVIDAD
Special Investigator I
(Member)



NESTOR N. CUASAY
Land Management Officer III
(Member)



PANCRASIO M. ALCANTARA
CENR Officer
(Chairman)

Republika ng Pilipinas
Lalawigan ng Silangang Mindoro
Bayan ng Puerto Galera
Barangay San Isidro

TANGGAPAN NG PUNONG BARANGAY

PAGPAPATUNAY

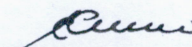
Marso 6, 2006

SA MGA KINAUUKULAN:

Ito ay isang pagpapatunay na si Soriano M. del Mundo ang tunay na nagmamay-ari at aktuwal na naka-ukupa sa Loteng Numero ML-045211-02-A-01 na may sukat na 905 (sq. m.) metro kwadrado at matatagpuan sa Brgy. San Isidro, Puerto Galera, Silangang Mindoro.

Pinatutunayan ko pa rin ang nasabing agrikultural na lupa ay matagal ng pinagyaman at tinataniman ng iba't-ibang halaman ng nasabing may-ari ng lupa.

Iginawad ang pagpapatunay na ito ngayong ika-6 ng Marso, 2006 sa Barangay San Isidro, Bayan ng Puerto Galera, Lalawigan ng Silangang Mindoro.


ELENO B. CANDAVA
Punong Barangay

TANGGAPAN NG PUNONG BARANGAY

PAGPAPATUNAY

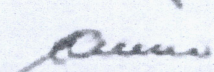
Marso 6, 2006

SA MGA KINAUKULAN:

Ito ay isang pagpapatunay na si Soriano M. del Mundo ang tunay na magmamay-ari at aktuwal na naka-ukupa sa Loteng Numero ~~MC-4522-02~~ na may sukat na 205 (sq. m.) metro kwadrado at matatagpuan sa Brgy. San Isidro, Puerto Galera, Silangang Mindoro.

Pinatutunayan ko pa rin ang nasabing agrikultural na lupa ay matagal ng pinagyaman at tinatariman ng iba't-ibang halaman ng nasabing may-ari ng lupa.

Iginawad ang pagpapatunay na ito ngayong ika-6 ng Marso, 2006 sa Barangay San Isidro, Bayan ng Puerto Galera, Lalawigan ng Silangang Mindoro.


ELENO B. CANDAVA
Punong Barangay