

18 February 2023

LORMELYN E. CLAUDIO, CESO IV

Regional Executive Director

MIMAROPA Region

Department of Environment and Natural Resources

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DENR MIMAROPA
RECORDS SECTION
RECEIVED

FEB 20 2023

☐ INCOMING ☐ OUTGOING _____
BY: _____ DATE NO. _____
TIME: 3:25

RE: Request for Early Resolution

Dear *Dir. Claudio*:

Sometime in 2019, the undersigned received a copy of the *Memorandum*¹ dated 02 May 2019 with a subject: Investigation Report on the Protest filed by Heirs of Pacifico and Dativa Austria, rep. by Luisito M. Austria, (Claimants/ Complainants) vs. Heirs of Santiago Valencia, rep. by Santiago Valencia II, (Claimants/Respondents), over Lot Nos. 2422 and 2424, Cad. 612-D, located at Brgy. Tigwi, Torrijos, Marinduque, a copy of which is hereto attached.

Verily, it provides that:

“In view hereof, taking into consideration the projection made by Engr. Earnswell Q. Quilang of the Land Registration Authority which appeared that the parcel of land owned by the Protestants covered by (PSU-126422) does not overlapped with the lots owned by the Respondents (Lot Nos. 2422 & 2424), but to the other lot (Lot No. 2306); the continuous and open possession by the Respondents to the controverted parcels of land for more than thirty (30) years; and the payment of corresponding realty tax by the Respondents, it appears that Respondents Heirs of Santiago Valencia, represented by Santiago Valencia II is the true and lawful owners of Lot Nos. 2422 & 2424, Cad. 612-D located at Brgy. Tigwi, Torrijos, Marinduque. Hence, it is recommended that subject protest be dismissed for lack of merit.”

Since then, communications coupled with progress monitoring of the case were constantly made by the undersigned. However, more than three years had elapsed but no action or resolution has been done.

¹ From the In-Charge, Office of the PENRO & Chief, Technical Services Division.

Significantly, new or intervening developments have had transpired concerning the state of human affairs of the parties, the condition of the subject realty itself, the investment plans and practical intentions over the same and related incidental matters that could possibly affect the pro and con outcome of the case.

Thus, the undersigned is respectfully requesting your good office for the early resolution of the aforementioned case based on the evidence duly presented.

Thank you.

Very truly yours,



SANTIAGO VALENCIA II

Rep. of the Heirs of Santiago Valencia (*Respondents*)
Brgy. Tanza, Boac, Marinduque



May 02, 2019

MEMORANDUM

FOR : The Regional Director
DENR - MIMAROPA Region

THRU : The Chief, Legal Division

FROM : In Charge, Office of the PENRO & Chief, Technical Services Division

SUBJECT : Investigation Report on the Protest Filed by Heirs of Pacifico and Dativa Austria, Rep. by Luisito M. Austria, Claimants/ Complainants

VS

Hrs. of Santiago Valencia, Rep. by Santiago Valencia II, Claimants/ Respondents over Lot Nos. 2422 & 2424, Cad.612-D Barangay Tigwi, Torrijos, Marinduque.

Respectfully forwarded herewith is the case folder together with the investigation report dated January 23, 2019 of the above-noted case for your review and dispositive action.

Please be informed that based on the evaluation of all the documents presented, Annexes, Affidavits/ or Sinumpaang Salaysay of Witnesses and Sworn Statements of both the Complainants and Respondents, it appears that the documents presented/submitted during preliminary conference are proofs of ownership of the Respondents except the survey plan (PSU No. 126422) which was surveyed in favor of the Heirs of Felipe Madlangbayan.

Further, upon request of the Respondents, a projection was made by Engr. II, Earnswell Q. Quilang of Land Registration Authority (LRA) which revealed that said survey (PSU No. 126422) had overlapped with Lot 2306, Cad. 612-D and not on Lot Nos. 2422 & 2424, which owned by Respondents Heirs of Santiago Valencia. As per ocular inspection conducted by representative of this Office, it was ascertained that the Complainants are not in actual possession of the subject parcel of lands, while the Respondents are in open, adverse and continuous possession of the land and paying the corresponding realty tax thereon as early as in 1949 up to present.

Records show that Respondents have been in open and continuous possession of the land (Lot 2422 & 2424) for more than thirty (30) years and that the corresponding realty tax thereon has been paid religiously by the Respondents.



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
Boac, Marinduque

In view hereof, taking into consideration the projection made by Engr. Earnswell Q. Quilang of Land Registration Authority which appeared that the parcel of land owned by the Protestants covered by (PSU-126422) does not overlapped with the lots owned by the Respondents (Lot Nos. 2422 & 2424), but to the other lot (Lot No. 2306); the continuous and open possession by the Respondents to the controverted parcels of land for more than thirty (30) years; and the payment of corresponding realty tax by the Respondents, it appears that Respondents **Heirs of Santiago Valencia, represented by Santiago Valencia II is the true and lawful owners of Lot Nos. 2422 & 2424, Cad. 612-D** located at Brgy. Tigwi, Torrijos, Marinduque. Hence it is recommended that subject protest be **dismissed** for lack of merit.

For information, record and further appropriate action.

ENGR. CYNTHIA ~~U.~~ LOZANO

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Copy Furnished:

- 1/ **Mr. Luisito M. Austria**
#23 Scout Limbiaga Street, Quezon City
2. **Grata S. Plata**
Brgy. Murallon, Boac, Marinduque
3. **Mr. Santiago Valencia II**
Brgy. Tanza, Boac, Marinduque