



Republic of the Philippines
Department of Environment and Natural Resources
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☐ National Water Resources Board
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Reference/Document No:
AS RMD-2023-002238

Office Address: **The Regional Executive Director**
1515 L & S Building, Roxas Boulevard, Ermita, Manila

We are referring to you the following documents:

☒ Others:

Order issued by Atty. Anna Liza G. Logan, Deputy Executive Secretary for Legal Affairs, Office of the President, dated January 24, 2023 relative to **O.P. CASE NO. 20-1-161** (DENR CASE NO. M-10-17-L) captioned "**ANGELITA TADEO, ARNOLD TADEO, ARNEL TADEO, ARMIN TADEO, LORELA TADEO, ANALISA TADEO, LIAN TADEO, LORADEL TADEO, AND ALDIE TADEO, Appellants, -versus- GENARO SUELO, Represented by NORA AND ALFONSO MAGNO, Appellee.**"

We request the following action(s) from your end:

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- ☐ For information/dissemination to appropriate parties
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☐ For submission of status report/duly accomplished document/briefer
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**Office of the President
of the Philippines
Malacañang**

**ANGELITA TADEO, ARNOLD
TADEO, ARNEL TADEO, ARMIN
TADEO, LORELA TADEO,
ANALISA TADEO, LIAN TADEO,
LORADEL TADEO, AND ALDIE
TADEO,**

Appellants,

O.P. CASE NO. 20-I-161
(DENR CASE NO. M-10-17-L)



-versus-

**GENARO SUELO, Represented
by NORMA AND ALFONSO
MAGNO,**

Appellee.

X-----X

ORDER

This resolves the appeal filed by Angelita Tadeo *et al.* (Tadeo) from the Resolution dated 27 January 2020 issued by Regional Executive Director (RED) Henry A. Adornado of the Department of Environment and Natural Resources (DENR).

Records show that Lito L. Tadeo (Lito), predecessor-in-interest of Tadeo filed Miscellaneous Sales Application (MSA) No. 045110 over Lot No. 2546, measuring 718 square meters, located at Poblacion, San Jose, Occidental Mindoro. Said MSA was duly protested by Genaro Suelo (Suelo), who filed his own MSA.

On 06 May 2019, RED Adornado issued a Decision rejecting the MSA filed by claimant Lito and giving due course to the MSA filed by Suelo.

Dissatisfied, Tadeo filed a Motion for Reconsideration but this was denied by RED Adornado in the assailed Resolution dated 27 January 2020.¹

¹ Photocopy of the assailed Resolution dated 27 January 2020 issued by RED Adornado, p. 1.

On 16 March 2020, Tadeo filed a Notice of Appeal with this Office stating that they are appealing the Resolution dated 27 January 2020 issued by RED Adornado, which they received on 02 March 2020. As grounds for their appeal, they claim that RED Adornado failed to consider that Suelo is an American citizen; the parties to the alleged lease contract, namely Felina Suelo and Lito Tadeo, are both deceased, hence, whatever contract they entered into is deemed terminated; the other occupants of the lot are different and distinct from the parties to the lease contract; the attorney-in-fact of Suelo used force and intimidation in demolishing their houses so they were compelled to file a case before the RTC; RED Adornado failed to consider the length of time of the actual occupation of the other occupants; and the MSA of claimant Lito was erroneously denied by RED Adornado. Tadeo attached a photocopy of the assailed RED Resolution dated 27 January 2020 to their Notice of Appeal.

After due consideration of the instant appeal, this Office finds that the same should be dismissed.

The pertinent provisions of DENR Administrative Order (AO) No. 2010-12 state:

Sec. 2.18. PENRO. – The Provincial Environment and Natural Resources Office (PENRO) of the Department of Environment and Natural Resources (DENR) having jurisdiction over the parcel subject of the application has the power to approve or disapprove such application. In the National Capital Region, the Regional Executive Director (RED) shall perform the functions of the PENRO. Upon approval of the application, the PENRO shall issue the patent over such parcel of land.

Sec. 7. Procedure in the PENRO. – Upon the recommendation of the CENRO concerned, the corresponding PENRO shall have a non-extendible period of five (5) days from receipt of such recommendation to either approve and sign the patent or disapprove the application.

In case of approval, the PENRO shall notify the applicant within 15 days and forward the patent to the Registry of Deeds.

In case of disapproval, the PENRO shall notify the applicant within 15 days and remand the entire records to the CENRO for appropriate action.

The PENRO may disapprove the application without prejudice to re-filing on the grounds of non-compliance with documentary requirements. He/she may disapprove an application with prejudice to refiling on grounds of non-qualification of the applicant and when the land applied for should undergo claims and conflict resolution procedures.

The disapproval of the application by the PENRO (or RED) may be appealed to the Secretary of the DENR through appropriate channels (emphasis supplied).

As clearly stated in the aforequoted provisions of the DENR AO No. 2010-12, the decision of the RED or PENRO should be appealed to the DENR Secretary, and not to this Office. Consequently, when Tadeo mistakenly appealed the RED Resolution dated 27 January 2020 directly with this Office, the said Resolution became final and executory by operation of law.

Well-settled is the principle that rules governing the perfection of an appeal is not only mandatory but also jurisdictional, and failure to conform therewith renders the judgment sought to be reviewed final and unappealable.²

The rule on finality of decisions, orders, or resolutions of a judicial, quasi-judicial or administrative body is not a question of technicality but of substance and merit, as the underlying consideration therefore, being the protection of the substantive rights of the winning party.³

Accordingly, inasmuch as the timely perfection of an appeal is a jurisdictional requisite, this Office has no authority to entertain the instant appeal. Otherwise, any amendment or alteration made which substantially affects the final and executory judgment would be null and void for lack of jurisdiction.⁴

Section 10 of Administrative Order No. 22, Series of 2011, which governs appeals before this Office, states that the Office of the President may dismiss the appeal if it finds that it has no jurisdiction over the same.

² *Republic Cement Corporation v. Guinmapang*, GR No. 168910, 24 August 2009.

³ *Long v. Basa*, GR Nos. 134963-64, 27 September 2001.

⁴ *Pena v. GSIS*, GR No. 159520, 19 September 2006.

WHEREFORE, in view of the foregoing, the instant appeal filed by Tadeo is hereby **DISMISSED**.

SO ORDERED.

Manila, Philippines. 24 JAN 2023


ANNA LIZA G. LOGAN
Deputy Executive Secretary for Legal Affairs 

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