



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

February 16, 2023

**MEMORANDUM**

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

FROM : The OIC, PENR Officer

SUBJECT : COMPLAINT REGARDING ALLEGE IRREGULARITY/IES  
RELATIVE TO ISSUANCE OF TREE CUTTING PERMIT IN  
COMMUNITY ENVIRONMENT AND NATURAL  
RESOURCES OFFICE (CENRO) OCCIDENTAL MINDORO  
(TICKET REFERENCE NUMBER G20221211-771-10)

Respectfully submitted is the response of CENR Officer, Efren Delos Reyes concerning the complaint regarding allege irregularity/ties relative to issuance of Tree Cutting Permit in Community Environment and Natural Resources Office (CENRO) Occidental Mindoro.

In which the complainant, Mr. Unisan Soriano Madayag, has alleged the CENR Officer in demanding Php100,000.00 in exchange for the issuance of Tree Cutting Permit that he requested for the past two (2) years. The CENR Officer outrightly denied the said allegation and specified in his response that he immediately directed the concerned technical staff and acted his request with due diligence and strict observance of the due process. Please see attached files for detailed information.

For information and record.

  
**ERNESTO E. TAÑADA**





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

FEB 10 2023

**MEMORANDUM**

FOR : The PENR Officer  
Mamburao, Occidental Mindoro

FROM : The CENR Officer

SUBJECT : COMPLAINT REGARDING ALLEDGE IRRIGULARITY/IES RELATIVE TO  
ISSAUNACE OF TREE CUTTING PERMIT IN COMMUNITY ENVIRONMENT  
AD NATURAL RESOURCES OFFICE (CENRO) OCCIDENTAL MINDORO.

This has reference to your memorandum anent above-subject received by this Office on February 1, 2023 relative to the 8888 Citizen's Complaint Hotline Ticket Reference Number 620221211-771-10.

In which the complaint Mr. Unisan Soriano Madayag has alleged the undersigned in demanding Php100,000.00 pesos in exchange for the issuance of Tree Cutting Permit that he requested for the past two (2) years. That the undersigned outrightly denied the said allegation considering that the undersigned immediately directed the concerned technical staff and acted his request with due diligence and strict observance of the due process in consideration of the complexity of circumstances that had arised during the conduct of field timber inventory survey and investigation that eventually caused the un-intended delay for the issuance of the cutting permit. Moreso, that Mr. Madayag has been well informed on the series of actions taken by this Office.

It could be gleaned that Mr. Madayag requested a tree cutting permit of the planted trees within his titled property on February 14, 2021, in which technical staff from this Office conducted tree inventory. However, it was found out that the subject titled property and trees planted therein is in dispute/conflict with the Valiente Family claiming that said parcel of land is covered by a Certificate of Stewardship Contract (CSC) issued by the DENR and that the subject trees are also planted by them and not Mr. Madayag. Records of investigation showed that the titled property of Mr. Madayag containing an area of 10.1681 hectares is almost identical to the area of CSCs awarded to Mr. Savellano Valiente, Sr. and Mrs. Lydia Valienta having an individual area of 5.0 heactres and the Gmelina trees are planted by the named CSC holders funded by the DENR under the Upland Development Program (UDP). As a result, Mr. Madayag were immediately informed on April 14, 2021 that his request for cutting permit is pending in abeyance the conduct by further investigation.

Records also showed the series of investigation/meetings that were conducted by this Office with the objective for amicable settlement to facilitate the issuance of the requested tree cutting permit, however, both parties despite much effort failed to come into an amicable settlement. As a result, the investigation with categorical recommendations were forwarded to the PENRO/Regional Office requesting guidance of further action.

Brgy. Labangan, San Jose, Occidental Mindoro  
Tel. Number (043) 457- 0236 / (043) 742-6627  
Email: [cenrosanjose@denr.gov.ph](mailto:cenrosanjose@denr.gov.ph)

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**RECORDS**

RECEIVED BY: \_\_\_\_\_

DATE: 2/14/23 TIME: \_\_\_\_\_

RELEASED BY: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**PENRO**

RECEIVED BY: \_\_\_\_\_

DATE: 2/14/23 TIME: \_\_\_\_\_

**TSD**

RECEIVED BY: \_\_\_\_\_

DATE: 2/14/23 TIME: \_\_\_\_\_



That on January 17, 2023 this Office received the advanced copy of the Memorandum from the Regional Executive Director-MIMAROPA Region with specific instructions for compliance of the PENRO and CENRO, particularly for the CENRO to compute the 25% government share from the proceeds of the planted trees considering that the plantation was funded under the government/DENR Upland Development Project and to process the application for cutting permit in favor of Mr. Madayag.

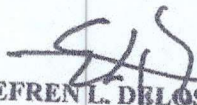
As a result, this Office already informed Mr. Madayag of said instruction but refused to pay the 25% government share with his argument that said trees are planted on his private property.

Foregoing considered, it is clear that the undersigned has just observed due diligence and due process in acting such request and never demanded any amount in exchange for such request, and that the allegations is just meant to put pressure to the undersigned to give way on his request without observing the standard operating procedure and existing laws, rules and regulations on the matter.

Attached are the following documents for further reference, to wit:

1. Updated Completed Staff Work (CSW) dated February 9, 2023 and its Annexes;
2. Letter to Mr. Madayag dated January 24, 2023 duly received by him on January 26, 2023;
3. Copy of the PLTP covering 732 planted Gmelina trees with a total net volume of 171.479 cubic meters or 72, 707.096 bdf. in computing the 25% government share equivalent to Php 290, 828.00; and
4. Advance copy of the Memorandum signed by the Regional Executive Director dated December 19, 2022.

For information, record and further instruction.

  
EFREN L. DELOS REYES

CC:  
Office of the President  
Republic of the Philippines  
8888 Citizen's Complaint Hotline  
Ticket Reference Number G20221211-771-10





MEMORANDUM

FEB 09 2023

FOR : The CENR Officer  
THRU : The Chief RPS  
FROM : The Land Management Officer II and Chief FWUU  
SUBJECT : COMPLETED STAFF WORK IN REGARDS TO THE  
REQUEST FOR A TREE CUTTING PERMIT OF  
MR. UNISAN S. MADAYAG

I. REFERENCE

This is in connection to the email sent from the Office of the President: 8888 Citizen's Complaint Hotline with the ticket reference number G20221211-771-10. The complaint concerned alleged irregularities in the issuance of Tree Cutting Permits in the Community Environment and Natural Resources (CENRO) San Jose, Occidental Mindoro.

II. BACKGROUND

On February 15, 2021, Mr. Servillano Valiente, Jr. sent a letter to the OIC PENR Office Mamburao Occidental Mindoro and subsequently referred to this Office for proper action concerning the land located at Sitio Cambiswer, Poblacion, Calintaan, Occidental Mindoro that according to Mr. Valiente the Bureau of Forest Development had issued a Certificate of Stewardship Contract to Mrs. Lydia and Mr. Servillano Valiente, Sr (the parent of the letter sender) on the said land. Further, that on May 2017, Mr. Unisan Madayag bought the same land from Teodora Motella. the said land has a monument with caption BFFR however the monument of Public Land Survey (PLS) is also present in the same area which was allegedly placed there by Mr. Unisan Madayag. Mr Valiente prayed that this office may provide assistance because Mr. Unisan Madayag is claiming the land which they have invested considerable improvements. (See Annex-A for more details)

On February 14, 2021, Mr Unisan Madayag, requested to this Office to apply for Certificate of Tree Cutting Ownership (Gmelina and Mahogany Trees in which he allegedly claimed that he planted those trees) on his titled land with TCT No. 063-2009000317 located at Sitio Cambiswer Brgy Poblacion Calintaan, Occidental Mindoro. (See Annex-B for more details)

On April 14, 2021, this Office sent a letter to Mr. Unisan Madayag as follows:

*"Please be informed that this Office has already conducted an inventory of the said trees on March 3-4, 2021 covering Seven Hundred Thirty Two (732) Gmelina trees with total gross volume of 244.97 cubic meters.*

*However, based on records of this Office, the said titled property covered by TCT No. 063-2019000317 was also issued with Certificate of Stewardship Contract (CSC) to Mr. Servillano Valiente, Sr and Mrs. Lydia Valiente in year 1987. That eventually, it was planted with Gmelina funded by the Government (DENR) in 2009 under the Upland Development Project in which, Mr. Valiente also requested the DENR-Regional Office and PENR Office to conduct investigation and to award the cutting of said trees in his favor.*

*In this regards and inconsideration with said circumstances, it is our regret to inform you that your request for the issuance of cutting permit is pending in abeyance the conduct of further*

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investigation as instructed by the DENR-Regional and PENR Office." (See Annex-C for more details)

On April 22, 2021, this office conducted an investigation and prepared a Completed Staff Work (CSW) regarding the letter of Mr. Valiente. The following are the recommendations:

1. Inform Mr. Unisan Madayag that the trees planted in his property is a biological asset of the Government and therefore, subject to recovery of all the cost incurred in the establishment of the said UDP project,
2. To inform Mr Valiente that the Certificate of Stewardship Contract (CSC) could no longer be renewed being expired in Calendar Year 2012 as it is issued with the title in 1981 prior to the issuance of Certificate of Stewardship Contract (CSC),
3. The CENRO San Jose shall facilitate the process under existing laws, rules and regulations to formally cancel and or terminate the Certificate of Stewardship Contract (CSC);
4. To issue a cutting permit giving due consideration to recover the amount spent by the Government in planting the Gmelina trees under UDP, and;
5. Also the holder of Certificate of Stewardship Contract (CSC) to be duly compensated of their labor pursuant to Article 448 of the Civil Code of the Philippines. (see Annex-D for more details)

On the same date, this office has submitted to the Provincial Environment and Natural Resources Office PENRO Mamburao Occidental Mindoro the Completed Staff Work (CSW) for transmittal to the Regional Office for proper decision of the case. (See Annex-E for more details)

The OIC-Provincial Environment and Natural Resources Office Mamburao Occidental Mindoro issued a memorandum to the Regional Executive Director DENR-MIMAROPA thru the ARD for Technical Services regarding the LETTER DATED FEBRUARY 15, 2021 OF MR. SERVILLANO A. VALIENTE JR. REGARDING A PARCEL OF LAND LOCATED AT SITIO CAMBISWER BARANGAY POBLACION CALINTAAN, OCCIDENTAL MINDORO whereas it was instructed that our Office has recommendation of CENRO San Jose Occidental Mindoro for the Issuance of Clearance to cut for the Gmelina trees inside the private properties of Mr. Unisan Madayag but in accordance with existing laws, since the area was part of the UDP Reforestation Project in 2009.( See Annex-F for more details)

On June 03, 2021, this Office has sent a letter to Mr. Savelliano and Lydia Valiente as follows:

*Ito po ay may kaugnayan sa Certificate of Stewardship Contract / Stewardship Agreement CSC No. 041701813 na ipinagkaloob sa inyo ng Department of Environment and Natural Resources (DENR) noong ika-12 ng October 1987 na sumasaklaw sa may kabuoang sukat na 5.0 hektarya na nag-expired noong ika-12 ng October sa So. Cambiswer Brgy. Poblacion Calintaan Occidental Mindoro*

*Base sa isinagawang assessment ng aming kawani at kinatawan ng barangay Poblacion Calintaan Occidental Mindoro noong ika-12 ng Marso Taong 2021 ay kanilang napag-alaman na ang nasabing Stewardship area ay napapaloob sa Alienable and Disposable Lands batay sa Land Classification Map No. 678 July 29, 1927. At ito rin ay napapaloob sa tituladong lupa na may Original Certificate of Title (OCT) No. 063-2019-000317 kay Ginoong Teodora Ausan Vda De Motilla at nabili ni Ginoong Unison Madayag ng Brgy. Bagong Sikat, San Jose, Occidental Mindoro.*

*Na batay sa mga umiiral na batas, particular ang DENR memorandum Circular No. 21 series of 1993 ang isa sa dahilan ng pagkansela sa mga Certificate of Stewardship Contracts (CSCs) ay kung ang lugar o lupain ay napapaloob sa Alienable and Disposable Lands.*



*Kung Kaya't kaugnay nito, ikinalulungkot po naming ipabatid na ang ipinagkaloob sa inyo na Certificate of Stewardship Contracts (CSC) ay amin pong inirerekomenda na hindi na marenew at ito rin ay tuluyan ng mapawalang bisa. Ang aming tanggapan ay bukas sa inyong katanungan at paglilinaw ukol dito.*

*Maraming Salamat po at umaasa po kami sa inyong pang-unawa. (See Annex-G for more details)*

On July 2, 2021, The Regional Executive Director issued a memorandum to the OIC, PENR Office Mamburao Occidental Mindoro regarding the EMAIL LETTER OF SERVILLANO A. VALIENTE REGARDING CERTIFICATE OF STEWARDSHIP CONTRACT ISSUED WITHIN THE MUNICIPALITY OF CALINTAAN, OCCIDENTAL MINDORO whereas it was instructed to submit report in CSW format to include the Performance Evaluation Sheet, Land Classification status, GIS generated map, geo tagged photos and shapefile which shall serve as Means of Verification (MOV) together with your comment and recommendation. ( See Annex-H for more details)

On November 08, 2021, this Office has submitted a memorandum thru the PENR Officer reiterating the Completed Staff Work (CSW) Submitted on April 22, 2021 with subject SUBMISSION OF ACCOMPLISHMENT REPORT ON THE ASSESSMENT OF CERTIFICATE OF STEWARDSHIP CONTRACTS (CSC's) WITHIN THE ADMINISTRATIVE JURISDICTION OF CENRO SAN JOSE, OCCIDENTAL MINDORO to the Regional Executive Director DENR -MIMAROPA. This Office recommended for the cancellation for the reason that their stewardship areas are within titled Alienable and Disposable Lands, in this regards the investigation report dated April 22, 2021 in Completed Staff work Format (CSW) together with pertinent documents are submitted. (See Annex-I for more details)

On December 17, 2021, The Regional Executive Director Issued a memorandum dated November 24, 2021 to the OIC PENR Officer Occidental Mindoro with attention to the CENR Officer San Jose Occidental Mindoro relative to the submitted CSW report on the conducted evaluation / assessment of Certificate of Stewardship Contracts (CSC) issued to Mr. Servillano Valiente, Sr. and Lydia Valiente, both covering an area of five (5) hectares issued on March 28, 1995 and had expired on March 28, 2020. Upon verification, the subject CSC were identified to be located within the titled Alienable and Disposable land. Further, the DENR-Regional Office concur the recommendation of the CENR Officer Efren L. Delos Reyes stipulated in the Memorandum for the PENRO dated April 22, 2021. The DENR- Regional Office reminded to conduct verification on the legal status of all open areas subject of tenure application to prevent such incident from happening in the future. (See Annex-J for more details)

On January 4, 2022, the OIC, PENR Office Mamburao Occidental Mindoro referred the memorandum dated December 17, 2021 of the Regional Executive Director to this Office relative to the SUBMISSION OF ACCOMPLISHMENT REPORT ON THE ASSESSMENT OF CERTIFICATE OF STEWARDSHIP CONTRACTS (CSC's) WITHIN THE ADMINISTRATIVE JURISDICTION OF CENRO SAN JOSE, OCCIDENTAL MINDORO to the Regional Executive Director DENR -MIMAROPA. Relative thereto, be reminded to conduct verification of the legal status of all open areas subject of tenure to prevent such incident from happening in the future. (See Annex-K for more details)

On January 28, 2022, the Regional Executive Director issued a memorandum to the OIC, PENR Officer Mamburao Occidental Mindoro regarding the SUBMISSION OF ACCOMPLISHMENT REPORT ON THE ASSESSMENT OF CERTIFICATE OF STEWARDSHIP CONTRACTS (CSC's) WITHIN THE ADMINISTRATIVE JURISDICTION OF CENRO SAN JOSE, OCCIDENTAL MINDORO to the Regional Executive Director DENR -MIMAROPA that per review of the submitted reports of various dates, it was noted that a total of eight hundred fifty eight (858) CSCs has been evaluated as of this date in which the Stewardship Contract of Mr Servillano and Lydia Valiente, Sr are included. For the CSCs that are recommended



for cancellation, it was also noted that the submitted MOVs including the photocopy of CSCs were already stamped with "cancelled". Relative to this, that Office would like to reiterate that unless all the necessary procedures in cancellation stipulated under Section of DMC 21-1993 and the recommended actions have been reviewed and affirmed by this Office, stamping of the original copy of CSC should not be done. (See Annex-L for more details)

On February 15, 2022, this office has sent a letter in response to the 8888 Presidential Complaint Center of Mr. Servillano Valiente, Jr. as follows;

*Isang maka-kalikasang araw po sa inyo!*

*Ang liham po na ito ay patungkol sa inyong pinadulang sulat-reklamo sa 8888 Permit Clearance para sa pagpupapulol ng mga tanim nan a punong kahoy sa loob ng kanilang tituladong lupa na nasasakupan ng TCT No. 063-2019000317 na ginawaran ng Certificate of Stewardship Contract (CSC) Nos. 041701803 at 041701813 kina G. Servillano Valiente, Sr at Gng. Lydia Valiente sa Sitio Cambiswer Brgy. Poblacion, Calintaan, Occidental Mindoro.*

*Amin din pong ipinabatid na ang DENR-MIMAROPA Regional Office ay nakapagbigay nan g kanilang Kapasyahan at Rekomendasyon hinggil sa mga isyu na dapat nating isaayos.*

*Na sa kadahilanan pong ito ay aming hinihiling ang inyong pagdalo sa isang pagpupulong sa ika-24 ng Pebrero 2022, sa ganap na alas 9:00 ng umaga na gaganapin sa Barangay Hall ng Poblacion, Calintaan, Occidental Mindoro upang ating masolusyunan sa isang makatarungan at patas na pamamaraan ang inyong idimilog sa opisina.*

*Maraming salamat po at inaasahan naming ang inyong pagdalo. (See Annex-M for more details)*

On the same date this Office has sent a letter to Mr. Unisan Madayag as follows:

*Isang mka-KALIKASANG araw po sa inyo!*

*Ito po ay patungkol sa inyong kahilingan na "Tree Cutting Permit para sa mga punong kahoy ng Mahogany at Gmelina na nasasakop ng inyong tituladong lupa na may TCT No. 063-2019000317 sa Sitio Cambiswer, Brgy. Poblacion Calintaan Occidental Mindoro.*

*Amin din pong ipinabatid na ang DENR-MIMAROPA Regional Office ay nakapagbigay nan g kanilang kapasyahan at Rekomendasyon hinggil sa inyng kahilingan at sa mga isyu na dapat pa nating isaayos.*

*Na sa kadahilanan pong ito ay aming hinihiling ang inyong pagdalo sa isang pagpupulong sa ika-24 ng Pebrero, 2022 sa ganap na 9:00 ng umaga na gaganapin sa Barangay Hall ng Poblacion, Calintaan Occidental Mindoro upang ating masolusyunan sa isang makatarungan at patas na pamamaraan ang mga kaakibat na usapin.*

*Maraming salamat po at inaasahan naming ang inyong pagdalo. (See Annex-N for more details)*

Further, on February 15, 2022, this Office also sent a letter to the Punong Barangay of Poblacion, Calintaan, Occidental Mindoro informing him about the scheduled meeting of Mr Servillano Valiente, Jr and Mr Unisan Madayag to be conducted in his Barangay on February 24, 2022 at exactly 9:00 in the Morning. (See Annex-M for more details)

On March 10, 2022, this Office sent a letter to Mr Servillano Valiente, Jr. and Mr Unisan Madayag as follows;

*Isang maka-KALIKASANG araw po sa inyo!*



*Ang sulat na ito ay patungkol sa pagpupulong na isinagawa ng aming tanggapan sa bahay pulating ng Brgy. Poblacion, Calintaan, Occidental Mindoro noong ika-24 ng Pebrero, 2022.*

*Base sa resulta ng isinagawang pagpupulong kayo ay hindi nagkasundo ni G. Unisan Madayag / G. Servillano Valiente, Jr sa halagang inyong hinihingi. Sa kadahilanan pong ito ay aming muling hinihiling ang inyong pagdalo sa isang pang pagpupulong sa ika-18 ng Marso, 2022, sa ganap na alaas 9:00 ng umaga na gaganapin sa Barangay Hall ng Poblacion, Calintaan, Occidental Mindoro upang muling pag-usapan ang ika-4 na Kapasyahan at Rekomendasyon ng DENR -MIMAROPA Region.*

*Maraming salamat po at inaasahan naming ang inyong pagdalo.*

*Note: According to the personnel of this office who personally delivered the letter, Mr Madayag Refused to receive the letter of invitation because according to him nothing will happen on that settlement. (See Annex-O for more details)*

On April 18, 2022, The Senior Ecosystem Management Specialist Mr Orlino B. Gacuan, Legal Officer Sancho C. Niedo, and Forester Augreth S Saligumba conducted an evaluation / assessment of Certificate of Stewardship Contracts (CSC's) issued to Mr. Servillano Valiente, Sr. and Lydia Valiente, both coering an area of five (5) hectares located at So. Cambiswer Brgy. Poblacion, Calintaan, Occidental Mindoro. They recommend the following to wit:

1. As to 1<sup>st</sup> recommendation concurred by the Regional Office, "To Inform Mr. Valiente that the Certificate of Stewardship Contract (CSC) could no longer be renewed being expired on Calendar year 2012as it is issued with title on 1981 prior to the issuance of Certificate of Stewardship Contract". Letters dated June 3, was delivered to the Valientes thru the postal Office however, there were no responses rom the Valientes regarding the letters of cancellation and they had contested during the Two (2) meetings that were conducted las Friday February 24, 2022 and March 10, 2022. Considering that the land involved is within a Alienable and Disposable Land and it is covered by OCT No. P-637. As of to date this office is still waiting for the Notice of Cancellation to be issued by the Provincial Office;
2. The office had already conducted CSC evaluation / assessment and was recommended for cancellation considering that said areas falls within the Alienable and Disposable Lands as per LC map 678 July 29, 1927 and covered by Original Certificate of Title (OCT) P-637 issued to Mrs. Teodora Ausan VDA De Motilla on May 25, 1981 prior to the issuance of Certificate of Stewardship Contracts (CSC's) on May 15 and October 12, 1987;
3. This office ould not facilitate nthe issuance of Tree Cutting Permit, considering that the harvesting of said planted trees is not covered by DAO 2020-18 and only the Regional Office could only facilitate the issuance of the said Tree Cutting Permits
4. The parties did no agreed / settle on the amicable settlement which is to settle under Article 448 of the Civil Code. Further, the demand of Mr. Valiente of One (1) Million compensation is unreasonable which makes Mr Madayag to disagree on the said settlement, and that's the reason why the settlement was not reach into agreement. The fourth order was not resolved thru an administrative procedure therefore it is respectfully recommended that the matter be brought up to higher authorities for their comment, suggestion and recommendation before going to judicial proceedings. (See Annex-O for more details)

On April 19, 2022, this office has submitted a report in connection to the memorandum of the Regional Executive Director dated December 17, 2021 regarding the accomplishment report of the assessment of Certificate of Stewardship Contract within the Administrative Jurisdiction of CENRO San Jose Occidental Mindoro whereas this office has reiterated the recommendation for the cancellation of said CSC and likewise seeking assistance / advice to settle the issue between both parties as planters in good faith ( Heirs of Valiente's) against the legal owner ( Mr. Madayag) of the titled land in consideration to Article 448 of the Civil Code of the Philippines to facilitate the eventual issuance of cutting permit under the existing laws, rules and regulations. (See Annex-Q for more details)



On April 21, 2022, this Office has sent a letter to Mr. Servillano Valiente Jr. in response to his complaint to the Presidential Complaint Center with reference Code No. PM-GDP-03-07-2022-017 (DENRCO-AS RMD-2022-007318) in which he pointed out the cancellation of the said stewardship contracts and allegedly the whole area of 10 hectares was offered by this office to Mr. Madayag for sale. Based on record, the said lot was sold by Mrs. Teodora Vda. De Motilla to Mr. Unisan Madayag dated July 13, 2017 and the letter sender was informed that the basis of cancellation of the Stewardship Contract is the DENR Memorandum Circular No 21 Series of 1993. (See Annex-R for more details)

On April 27, 2022 This Office sent a memorandum to the Head, DENR Action Center / Hotline Merlinda R. Manila thru the OIC, PENR Officer Mamburao Occidental Mindoro regarding the reference code no. PM-GDP-03-07-2022-017 DENRCO-AS RMD\_2-22-(007318) RE letter from Mr. Servillano Valiente, Jr. requesting assistance on his land problem involving land problem of 10 hectares parcel of land in Sitio Poblacion, Calintaan, Occidental Mindoro. This is in compliance by this office on April 19, 2022 respectfully furnished the copy of our letter to Servillano Valiente, Jr. sent thru Philippine Postal Corporation as proof of previous action / resolution conducted by this office related to his complaint. (See Annex-S for more details)

On May 02, 2022, this Office prepared and submitted a Completed staff work in response to the Complaint of Mr. Valiente dated April 26, 2022. as a result, this office arranged a meeting on February 24, 2022 to settle the dispute between the heirs of Valiente and Mr. Unisan Madayag regarding the harvesting / cutting of the planted trees (Gmelina) in compliance to the Memorandum instruction dated December 17, 2021 from the Regional Office. However, even in the succeeding meetings they were not able to come up with an agreement in order to facilitate the issuance of cutting permit. Mr Madayag is willing to reimburse the 25 % government share from the proceeds / sale of the planted trees (Gmelina), considering that the said plantation was funded under the Upland Development Project in 2009. But he is not willing to pay the amount of one Million ( 1,000,000.00) pesos being demanded by the Valiente as payment of their labor in developing the area and protecting the planted trees. as a result, this office sent a letter to Mr. Servillano Valiente, Jr. thru the Philippine Postal Corporation (PPC) this is in response to his letter dated February 18, 2022 addressed to the Presidential Complaint Center (PCC) transmitted to the OIC, DENR Secretary Jim O. Sampulna thru the Head Executive Assistant and conveyed to the DENR Action Center / Hotline. (See Annex-T for more details)

On December 19, 2022, the Regional Executive Director issued a memorandum to the OIC PENR Officer Mamburao Occidental Mindoro regarding the issue between Mr. Servillano Valiente and Lydia Valiente, CSC Holders, and Mr. Unisan Madayag, title holder under Transfer of Certificate of Title No. 063-2019-000317. The Following directives in the memorandum dated December 17, 2021 issued by the Regional Executive Director Maria Lourdes G. Ferrer are hereby amended and clarified as follows;

1. The PENR Officer, Occidental Mindoro
  - a. To avoid Mr. Servillano Valiente and Ms. Lydia Valiente, as builders in good faith, to file the appropriate case before the court to compel Mr. Unisan Madayag, landowner, to choose between two (2) options; (1) to appropriate the planted trees by paying the indemnity required by law; or (2) to sell the land to the builder. The issue or their settlement is beyond our office's jurisdiction, thus resort to the courts is needed.
2. The CENR Officer, San Jose Occidental Mindoro
  - a. There is no need to renew the said CSC because it already expired in 2012. Considering that the areas formerly covered by the CSC were found to be within agricultural (alienable and Disposable) Land, issuance of CSC is no longer feasible;
  - b. To compute the Government share spent in expired CSC which were part of the UDP in 2009. Per report, Mr. Madayag is willing to reimburse the 25% government share from the proceeds of the planted trees, considering that the plantation was funded under the Upland Development Project 2009; and



- c. To process the application for cutting permit in favor of Mr. Madayag, as title holder, in accordance with applicable rules and regulations, and subject to the provisions of Article 448 of the Civil Code and/or the pronouncement of the court, as the case may be. (See Annex-U for more details)

On January 17, 2023, this Office received the advance copy of the memorandum dated December 19, 2022 issued by Regional Executive Director Lormelyn E. Claudio, *CESO IV*. CENR Officer Efren L. Delos Reyes held a meeting with section chiefs to discuss the instructions and the steps that shall be made in processing the said Tree Cutting Permit. It was agreed that Mr. Unisan S. Madayag should pay the 25% government share prior to the release of the permit and computed as follows;

*(Net Volume x Prevailing Stumpage Value (P16.00 bd.ft.)) x 25% Government Share*

The net harvestable from the planted Gmelina and Mahogany trees based on the conducted 100% tree inventory is 171,479 cubic meters or 72,707.096.

On January 25, 2023, this Office drafted a letter addressed to Mr. Unisan S. Madayag informing him the decision of the Regional Office in regard to the on-going dispute. Likewise, the release of the requested Tree Cutting Permit is subject to the payment of 25% government share amounting to Php 290,828.38 as per memorandum dated December 19, 2022 from the Regional Executive Director Lormelyn E. Claudio, *CESO IV*. Such as follows: (See Annex-V for more details)

On January 27, 2023, the Office of the President 8888 Citizen's Complaint Hotline sent this Office a complaint coming from Mr. Unisan Madayag thru Email dated December 11, 2022 with subject: Complaint regarding alleged Irregularities relative to issuance of Tree Cutting Permits in Community Environment and Natural Resources Office (CENRO) San Jose Occidental Mindoro. Mr Madayag Emailed the Presidential Complaint Hot line stating "Inirereklamo ko ang Community Environment and Natural Resources Office (CENRO) Head na si Efren L. Delos Reyes ng Department of Environment and Natural Resources (DENR) Occidental Mindoro dahil ito sa paghold ng aking cutting permit sa loob ng dalawang (2) taon. Nakapag-submit na ako ng lahat ng requirements pero hindi ako ma-approve dahil humihingi siya ng lagay na One Hundred Thousand Pesos (Php 100,000.00) para sa mga puno kong mapuputol. Ang nais ko sana ay maibigay na ang aking cutting permit na napakatagal nang binibinbin sa kanyang opisina. ( See Annex-X for more details)

Mr. Unisan S. Madayag went to CENRO San Jose on January 26, 2023, to receive the letter informing him of the conditions in the approval of his Private Land Timber Permit (PLTP). He argued, however, that he should only pay the 25% government share after disposing of the cut trees.

On January 30, 2023, CENR Officer Efren L. Delos Reyes and the section chiefs met with Mr. Unisan S. Madayag to further discuss the conditions for PLTP approval. The most recent memorandum was dissected and thoroughly explained in order to comprehend the actions taken by this Office. Mr. Unisan S. Madayag contended that not all of the trees planted on his property are merchantable and that paying the Php 290,828.38 would be unfair to him. At the end of the meeting, he was advised to request that only merchantable trees be inventoried, and that only re-invented trees be granted a PLTP.

### III. FINDINGS

All reasonable efforts were made to resolve all disputes, and this Office followed all applicable procedures. Likewise, CENRO San Jose's actions were all documented and supported. The cutting permit covering the planted Gmelina and Mahogany trees with a net harvestable



volume of 171.479 cubic meters or 72,707.096 board in Mr. Unisan S. Madayag's property shall be approve subject to the payment of 25% government share amounting to Php 290,828.38 as per memorandum dated December 19, 2022 from the Regional Executive Director Lormelyn E. Claudio, *CESO IV*.

#### IV. RECOMMENDATION

The CENRO San Jose shall reiterate to Mr. Unisan Madayag the conditions outlined in the most recent memorandum from the Regional Office MIMAROPA in granting him the necessary tree cutting permit and shall carry out the instructions provided.

#### V. ANNEXES

For your information and approval.

MARK RANEE M. RAGUINDIN

ALEXIS JOY D. BELARMINO





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

JAN 24 2023

MR. UNISAN S. MADAYAG  
So. Cambiswer, Brgy. Poblacion  
Calintaan, Occidental Mindoro

Sir,

Isang maka-KALIKASANG pagbati po sa inyo!

Relative to your request for cutting permit of trees located at So. Cambiswer, Brgy. Poblacion, Calintaan, Occidental Mindoro, please be informed that a **PRIVATE LAND TIMBER PERMIT (PLTP) NO. DENR-CENRO SAN JOSE-2023-04** covering seven hundred thirty-two (732) planted Gmelina trees with a net harvestable volume of 171.479 cubic meters or 72,707.096 board feet has been approved. However, subject to the payment of 25% government share amounting to **Php 290,828.38** as per memorandum dated December 19, 2022 from the Regional Executive Director Lornelyn E. Claudio, CESO IV.

Thank you very much for your usual cooperation and anticipating strict adherence to the terms and conditions as stipulated in the PLTP.

EFREN L. DELOS REYES  
CENR Officer

cc: Regional Office MIMAROPA  
PENRO  
File

To Follow

1-26-23

Brgy. Labangan, San Jose, Occidental Mindoro  
Tel. Number (043) 457- 0236 / (043) 742-6627  
Email: [cenrosanjose@denr.gov.ph](mailto:cenrosanjose@denr.gov.ph)





**PRIVATE LAND TIMBER PERMIT (PLTP)  
NO. DENR-CENRO SAN JOSE-2023-04**

Pursuant to P.D. 705, as amended, DAO 2022-10 (Manual of Authorities for Technical Matters), and existing forestry laws, rule and regulations, a **Private Land Timber Permit** is hereby granted to:

**MR. UNISAN S. MADAYAG**  
**SO. CAMBISWER, BARANGAY POBLACION, CALINTAAN, OCCIDENTAL MINDORO**

Subject to the following conditions:

1. Seven hundred thirty-two (732) planted Gmelina trees inspected and verified by technical personnel of CENRO San Jose, Occidental Mindoro to be within his titled/private property covered by Transfer Certificate of Titled (TCT) No. 063-2019000317 located at So. Cambiswer, Brgy. Poblacion, Calintaan, Occidental Mindoro shall be authorized to be cut as specified below:

SPECIES	NO. OF TREES INVENTORIED	GROSS VOLUME (cu. m)	NET VOLUME (less 30% waste)	
			Cubic meters	Board feet
Gmelina	732	244.97	171.479	72,707.096
Total	732	244.97	171.479	72,707.096

2. Issues that will arise from the cutting should be addressed directly by the permittee;
3. The trees requested to be cut and parts thereof belong to the applicant. In case of the need to transport timber and/or lumber to be derived therefrom outside the plantation area, necessary transport documents shall be secured from this Office;
4. Prior to the cutting operations, the permittee is advised to install a placard or signboard measuring 4x8 within the cutting area informing the public that the tree cutting operation is authorized by the DENR and indicating the name of the permittee, the purpose of tree cutting and the number of trees to be cut and to use chainsaw that is duly registered with the DENR;
5. The permittee shall be required to reimburse the **25% government share amounting to Php 290,828.38** in accordance to the memorandum dated December 19, 2022 from the Regional Executive Director Lormelyn E. Claudio, CESO IV in reference to DAO No. 98-42 prior to the tree cutting operation as computed below:  
*(Net Volume x Prevailing Stumpage Value (P16.00/bd.ft.)) x 25% Government Share*
6. The tree cutting operations shall, at all times, be under direct supervision of the CENRO San Jose, Occidental Mindoro, or our duly authorized representatives, hence the permittee shall inform this Office on the dates of actual cutting/harvesting operations;

Brgy. Labangan, San Jose, Occidental Mindoro  
Tel. Number (043) 457- 0236 / (043) 742-6627  
Email: [cenrosanjose@denr.gov.ph](mailto:cenrosanjose@denr.gov.ph)

9



7. The permittee shall be required to undertake measures during and after tree cutting operations to mitigate the possible impacts of the locality and the environment, and must strictly confine cutting activities within the approved area and shall not cut or import lumber outside his tree plantation; and
8. Violation of any of the terms and conditions of the permit to be issued shall be sufficient ground for the termination/cancellation of this permit, subject to due process without prejudice to the imposition of appropriate penalties pursuant to existing regulations, and one strike policy to concerned DENR official(s) and/or personnel(s).

This permit is effective upon receipt of permittee and expires after **90 days** or as soon as the authorized number of tree/s is/are harvested and disposed of, whichever comes first.

Issued this \_\_\_\_\_, at DENR CENRO San Jose, Occidental Mindoro and paid the corresponding 25% government share amounting to **Php 290,828.38** under the O.R. No. \_\_\_\_\_.

  
**EFREN L. DE LOS REYES**  
CENR Officer



MEMORANDUM

TO : The OIC, PENR Officer  
Occidental Mindoro

ATTENTION : The CENR Officer  
San Jose, Occidental Mindoro

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : CANCELLED STEWARDSHIP CONTRACT (CSC) NOS.  
042701803 AND 041701903 IN THE NAMES OF SERVILLANO  
VALIENTE AND LYDIA VALIENTE, RESPECTIVELY,  
COVERING LOT NO. 1423, PLS-14, SITIO CAMBISER,  
BARANGAY POBLACION, CALINTAAN, OCCIDENTAL  
MINDORO

DATE : DEC 19 2022

Annex-U

This refers to your Memorandum regarding the issue between Mr. Servillano Valiente and Lydia Valiente, CSC holders, and Mr. Unisan Madayag, title holder under Transfer Certificate of Title No. 063-2019-000317.

Records show that on May 25, 1981, Original Certificate of Title No. P-637, with a total land area of 10.1681 hectares, was issued to Mrs. Teodora Asan vda. de Motilla. This is almost identical to the subject CSCs issued to the Valientes in 1987. Moreover, based on actual field survey, an approximate 8.21 hectares out of the 10 hectares covered by the CSCs falls within agricultural (alienable and disposable) lands.

Article 448 of the Civil Code provides that:

*The owner of the land on which anything has been built, sown or planted in good faith, shall have the right to appropriate as his own the works, sowing or planting, after payment of the indemnity provided for in Articles 546<sup>1</sup> and 548<sup>2</sup>, or to oblige the one who built or planted to pay the price of the land, and the one who sowed, the proper rent. However, the builder or planter cannot be obliged to buy the land if its value is considerably more than that of the building or trees. In such case, he shall pay reasonable rent, if the owner of the land does not choose to appropriate the building or trees after proper indemnity. The parties shall agree upon the terms of the lease and in case of disagreement, the court shall fix the terms thereof.*

In *Pablo M. Padilla, Jr. and Maria Luisa P. Padilla, v. Leopoldo Malicsi, et al<sup>3</sup>*, viz. Article 448 of the Civil Code gives a builder in good faith the right to compel the landowner to choose between two (2) options: (1) **to appropriate the building by paying the indemnity required**

<sup>1</sup> Art. 546. Necessary expenses shall be refunded to every possessor, but only the possessor in good faith may retain the thing until he has been reimbursed therefor.

Useful expenses shall be refunded only to the possessor in good faith with the same right of retention, the person who has defeated him in the possession having the option of refunding the amount of the expenses or of paying the increase in value which the thing may have acquired by reason thereof.

<sup>2</sup> Art. 548. Expenses for pure luxury or mere pleasure shall not be refunded to the possessor in good faith; but he may remove the ornaments with which he has embellished the principal thing if it suffers no injury thereby, and if his successor in the possession does not prefer to refund the amount expended.

<sup>3</sup> G.R. No. 201354, September 21, 2016

ARD-MSLD

1515 DENR by the Bay Building, Roxas Boulevard, Barangay 686, Ermita, Manila 1000  
Telephone Number (632) 84050046



*The owner of the building erected in good faith on a land owned by another, is entitled to retain the possession of the land until he is paid the value of his building, under article [546]. The owner of the land, upon the other hand, has the option, under article [448], either to pay for the building or to sell his land to the owner of the building. But he cannot, as respondents here did, refuse both to pay for the building and to sell the land and compel the owner of the building to remove it from the land where it is erected. He is entitled to such removal only when, after having chosen to sell his land, the other party fails to pay for the same.*

Rosales v. Castellort<sup>5</sup> has emphasized that the choice belongs to the landowner, but the landowner must choose from the two (2) available options: The choice belongs to the owner of the land, a rule that accords with the principle of accession, i.e., that the accessory follows the principal and not the other way around. Even as the option lies with the landowner, the grant to him, nevertheless, is preclusive. The landowner cannot refuse to exercise either option and compel instead the owner of the building to remove it from the land.

In view of the foregoing, the directives in the Memorandum dated December 17, 2021 issued by then Regional Executive Director Maria Lourdes G. Ferrer are hereby amended and clarified. The following are directed:

**1. The PENR Officer, Occidental Mindoro**

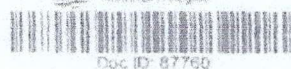
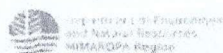
- a. To advise Mr. Servillano Valiente and Ms. Lydia Valiente, as builders in good faith, to file the appropriate case before the court to compel Mr. Unisan Madayag, landowner, to choose between two (2) options: (1) to appropriate the planted trees by paying the indemnity required by law; or (2) to sell the land to the builder. The issue of their settlement is beyond our office's jurisdiction, thus, resort to the courts is needed.

**2. The CENR Officer, San Jose, Occidental Mindoro**

- a. There is no need to renew the said CSCs because it already expired in 2012. Considering that the areas formerly covered by the CSCs were found to be within agricultural (alienable and disposable) land, issuance of CSCs is no longer feasible;
- b. To compute the government share spent in the expired CSCs which were part of the UDP in 2009. Per report, Mr. Madayag is willing to reimburse the 25% government share from the proceeds of the planted Gmelina trees, considering that the plantation was funded under the Upland Development Project in 2009; and
- c. To process the application for cutting permit in favor of Mr. Madayag, as title holder, in accordance with applicable rules and regulations, and subject to the provisions of Article 448 of the Civil Code and/or the pronouncement of the court, as the case may be.

For compliance.

  
**LORMELYN E. CLAUDIO, CESO IV**



Doc ID: 87760

<sup>1</sup> 76 Phil. 605 (1946) [Per C.J. Moran, En Banc]

<sup>5</sup> 509 Phil. 137 (2005) [Per J. Carpio Morales, Third Division]