



Republic of the Philippines
Department of Environment and Natural Resources
Regional Office No. IV-A (CALABARZON)

DENR MIMAROPA RECORDS SECTION
RECEIVED
17 JAN 2023
☒ INCOMING ☐ OUTGOING
DATE NO.



MEMORANDUM

FOR : The Regional Executive Director
DENR IV-B, MIMAROPA Region
1515 L & S Bldg., Roxas Boulevard

FROM : The Regional Executive Director

SUBJECT : **FOLLOW-UP REQUEST OF MR. SERGIO TUPAS JR.
RE : DISPUTE ON THE FREE PATENT APPLICATION
OVER THE CLAIMED LOT IN ROXAS, ORIENTAL,
MINDORO**

DATE : **JAN 10 2023**

Referred is the Memorandum dated Dec. 12, 2022 from the Undersecretary for Field Operations-Luzon, Visayas and Environment, endorsing the letter of the Presidential Complaint Center, Office of the President, Manila, addressed to the Hon. Secretary, referring the electronic mail of Mr. Sergio Tupas, regarding the status of land located at Roxas, Oriental, Mindoro, which was inadvertently referred to this Office.

In as much as the above subject falls within your area of jurisdiction, same is forwarded for your further dispositive action.

NILO B. TAMORIA, CESO III

Copy Furnished:

Presidential Complaint Center
Office of the President
Malacanang, Manila

Office of the Undersecretary
and Chief of Staff-DENR

Mr. Sergio Tupas, Jr.
sergiojr.tupas@gmail.com

**DENR IV-A (CALABARZON) Compound, Mayapa Main Road (along SLEX),
Barangay Mayapa, Calamba City, Laguna**
Trunkline No. (049) 540- DENR (3367); Mobile Nos. 0956-182-5774 / 0919-874-4369;
E-mail address: r4a@denr.gov.ph



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 929-6626 loc. 2113; 1070 Fax (632) 926-2567
E-mail: officeofuseccuna@denr.gov.ph; website www.denr.gov.ph

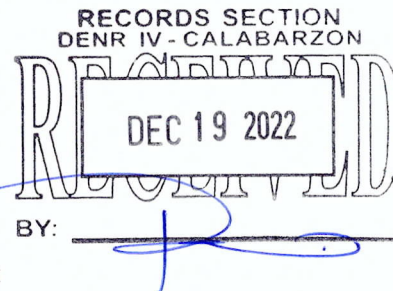
MEMORANDUM

TO : **THE REGIONAL EXECUTIVE DIRECTOR**
DENR – Region IV-A
Brgy. Mayapa, Calamba, Laguna

FROM : **THE UNDERSECRETARY**
Field Operations – Luzon, Visayas and Environment

SUBJECT : **FOLLOW-UP REQUEST OF MR. SERGIO TUPAS, JR. FOR THE
RESOLUTION OF THEIR DISPUTE ON THE FREE PATENT
APPLICATION OVER THE CLAIMED LOT IN ROXAS, ORIENTAL
MINDORO**

DATE : **DEC 12 2022**



This pertains to the Memorandum dated 06 December 2022 from the Undersecretary and Chief of Staff, endorsing the letter of the Presidential Complaint Center, Office of the President, Manila addressed to the Honorable Secretary, referring the electronic mail of Mr. Sergio Tupas, Jr., regarding the above-mentioned subject.

May we refer the matter for appropriate action in accordance with the pertinent laws, rules and regulations on the matter. Kindly furnish this Office and the parties concerned of the action taken citing document tracking no. DENRCO-ASRMD-2022-003570 for record and monitoring purposes.

For compliance.



ATTY. JUAN MIGUEL T. CUNA, CESO I

Encls.: as stated

cc: Mr. Sergio Tupas, Jr.
sergiojr.tupas@gmail.com

Presidential Complaint Center
Office of the President
Malacañang, Manila
PCC-DAVE-06-17-2022-063

Office of the Undersecretary and Chief of Staff
DENR



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 8929-66-26 to 29; 8929-6633 to 35/
8929-7041 to 43/8929-6252/8929-1669
Website: <http://www.denr.gov.ph> Email: web@denr.gov.ph

MEMORANDUM

FOR : **The Undersecretary**
Field Operations – Luzon, Visayas, and Environment

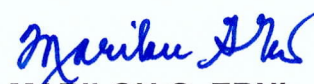
FROM : **The Undersecretary and Chief of Staff**

SUBJECT : **FOLLOW-UP REQUEST OF MR. SERGIO TUPAS, JR. FOR THE
RESOLUTION OF THEIR DISPUTE ON THE FREE PATENT
APPLICATION OVER THE CLAIMED LOT IN ROXAS, ORIENTAL
MINDORO**

DATE : **DEC 06 2022**

Respectfully referred, for information and appropriate action, is the attached electronic mail of Mr. Sergio Tupas, Jr. following up the status of his previous request to expedite the decision to resolve the dispute on Free Patent Application No. 045212-669 over Lot No. 2, Ccs-04-002673 identical to Lot No. 10377, Cad-506, Roxas Cadastre, which is being processed by the Land Management Section of CENRO Roxas, Oriental Mindoro. Mr. Tupas claims that they have been following up the matter in the said Office since August 2022, thus, they are still seeking assistance to expedite its resolution for the property be recovered and awarded to the rightful proprietor/s.

Please inform the party/ies concerned and the undersigned of any action taken on the subject matter.


MARILOU G. ERNI

cc: **Mr. Sergio Tupas, Jr.**
sergiojr.tupas@gmail.com

Dir. Jaime Llaguno Mabilin
Presidential Complaint Center (PCC)
Office of the President
Malacañang Palace, Manila
(PCC-DAVE-06-17-2022-063)

The Regional Executive Director
DENR Region IV-B MIMAROPA
DENR by the Bay 1515 L&S Bldg.,
Roxas Blvd., Manila



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
Tel Nos. (632) 8929-66-26 to 29; 8929-6633 to 35/
8929-7041 to 43/8929-6252/8929-1669
Website: <http://www.denr.gov.ph> Email: web@denr.gov.ph

DEC 06 2022

MR. SERGIO TUPAS, JR.
sergiojr.tupas@gmail.com

Dear **Mr. Tupas:**

This is to acknowledge receipt of your electronic mail following up the status of your previous request to expedite the decision to resolve the dispute on Free Patent Application No. 045212-669 over Lot No. 2, Ccs-04-002673 identical to Lot No. 10377, Cad-506, Roxas Cadastre, which is being processed by the Land Management Section of CENRO Roxas, Oriental Mindoro.

In this regard, please be informed that we have referred the said letter to the Undersecretary for Field Operations – Luzon, Visayas, and Environment for appropriate action and to provide you with their actions taken on the subject matter. You may also directly coordinate with the said office through telephone numbers (02) 8926-2567 and (02) 8925-2328 for the latest updates.

Thank you very much for your kind consideration.

Very truly yours,

MARILOU G. ERNI

Undersecretary and Chief of Staff

cc: **Dir. Jaime Llaguno Mabilin**
Presidential Complaint Center (PCC)
Office of the President
Malacañang Palace, Manila
(PCC-DAVE-06-17-2022-063)

DENRCO-OSEC-2022-003570



Office of the DENR Secretary <osec@denr.gov.ph>

Fwd: FPA No. 045212 - 669 lodged to CENRO Roxas since 2013, with PCC Code No. PCC - DAVE - 06-17-2022-063

sergio tupas <sergiojr.tupas@gmail.com>
To: osec@denr.gov.ph

Sat, Nov 5, 2022 at 2:44 PM

----- Forwarded message -----

From: **sergio tupas** <sergiojr.tupas@gmail.com>

Date: Sat, 5 Nov 2022, 14:28

Subject: FPA No. 045212 - 669 lodged to CENRO Roxas since 2013, with PCC Code No. PCC - DAVE - 06-17-2022-063

To: <penroor.mindoro@denr.gov.ph>, <penroomindoro@gmail.com>, <penro_orientalmin@yahoo.com>, <denr8888orientalminindoro@yahoo.com>

Cc: Records Management Division <rmdd@denr.gov.ph>, <actioncenter@denr.gov.ph>, <mimaroparegion@denr.gov.ph>, <denr8888mimaropa@yahoo.com>, <officeofuseccuna@denr.gov.ph>, <ohea@denr.gov.ph>, Presidential Complaint Center (PCC) <pcc@malacanang.gov.ph>, <yvonne.faeldog@deped.gov.ph>, <bongfaeldog20@yahoo.com>, Ruby Rabago <ruby291175@gmail.com>, <bentzfaeldog@gmail.com>, <ruby.tupas20@gmail.com>

Dear Sir / Madam:

Good day,

Last June 17, 2022, a complaint was lodged by the protestant and her heirs in interest on the matter relating to the above subject via Presidential Complaint Center seeking clarification on the status of the case pending before CENRO Roxas, Oriental Mindoro since year 2013 and praying for expeditious judgement by the department concerned based on the documents presented upon the former's findings, reports and recommendations.

Since August 2022, after receiving the last email from DENR RMDD dated July 11, 2022, protestants did constant follow up with CENRO Roxas, Or. Mindoro regarding the case and their reply was, "ocular inspection conducted and report sent to PENRO waiting for next instruction".

It is not privy to the knowledge of the parties concerned that the disputed property was mortgaged by the protestee in clear defiance to DENR's policy and a violation to the normally accepted public principle. Lately, after several successful harvests, the mortgagee started plowing for the next planting season while waiting for DENR's decision (please see attached latest photo of the land).

In view of the above, may we know as to what will be the next action or instruction by your good office that the herein party including CENRO will need to undertake in order to expedite the process.

Further, the protestant herself, being a 73 year old senior citizen, suffering from a heart ailment, is stressed with the case. Thus I, her heirs in interest and relatives are praying that may decision be conscientiously rendered in her favor being the faithfully ordained successor of her late husband who had not executed any alienable instrument against the subject property and that she may witness justice and equality afforded by law before she departs from this world to meet our creator, God (Allah) Almighty.

Resending the position paper of the protestant and the mortgage agreement executed by the protestee for your reference and keen evaluation.

Sincerely,

Sergio B. Tupas Jr.

2 attachments

ATTESTATION

SUBSCRIBED AND SWORN TO before me by Malthie G. Militar who is a duly qualified Notary Public for and in the municipalities of Roxas, Mansalay, and Pulacado, in Oriental Mindoro.

ATTY. ADRIATICO GARA SR.
NOTARY PUBLIC
UNTIL DEC 31 2014
PTR NO. 4667952 / 01-02-13
ROXAS, ORIENTAL MINDORO

UUC. No. 923
PAGE NO. 103
S. C. K. NO. VIII
SERIES 2015

AN MAHARAJA
ORIENTAL AND
RECEIVED

1. **Lābtons, Jukās, Or. N. Indore**
 2. **ay-asava**
 3. **Bernaldo Dulce**
 4. **ay-asava**
 5. **Or. N. Indore**

[illegible][illegible][illegible][illegible][illegible]

~~CERTIFIED APPROX COPY~~ ~~DCN L. MONDRAGON~~
MADRID

ENVIOS A. SOBRIANO

Bernardo J. de la Cruz

SOUTHERN REGION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

"00557-6"

X-----X

7. T : Ayon sa iyo ay si Ruben Faeldog ang may-ari ng isang hektaryang lupang katabi ng lupang sinasaka mo. Samakatuwid, ang tenant na nagsasaka nito ngayon ay nagbabayad ng buwis sa mga tagapagmana ni Ruben Faeldog?
- S : Hindi po. Simula po nang mawala si Bernaldo Dulce, ang pumalit sa kanya na si Annaliza Dulce ay doon na nagbibigay ng lease rental kay Rosie Dimatulac.
- S. T : Ipinagbili ba ni Elsa Faeldog ang nabanggit na isang hektaryang lupa kay Rosie Dimatulac?
- S : Hindi ko po masasagot iyan sapagkat hindi ko po alam. Pero ayon kay Elsa Faeldog, inaangkin lang ni Nerissa Dimatulac Santos, sa pamamagitan ni Rosie Dimatulac, ang lupang minana niya sa kanyang yumaong asawang si Ruben Faeldog.
9. T : Pinanumpaan mo ba na ang lahat ng kasagutan mo sa aking mga tanong ay katotohanan lamang, at ikaw ay hindi diniktahan ninuman kung ano ang iyong isasagot?
- S : Opo.
- Wakas ng pagtatanzon.

Salvacion S. Mugas
SALVACION S. MUGAS
Nagsalaysay

NILAGDAAN AT SINUMPAAN sa harap ko ngayong ika-26 ng Pebrero 2013 sa Roxas, Silangang Mindoro, ang nagsalaysay ay may ipinakitang dokumento ng pagkakakilanlan na COMELEC ID # VIN 5212-00738-E0867SSM20001-8.

Doc. No. 233
Page No. 47
Book No. 06
Series of 2012.

Notary Public; Until December 31, 2013
PTR No. 4567953; Roxas, Or. Mdo.; Jan. 02, 2013
IBP No. 853957 / Or. Mindoro / Nov. 03, 2011
Roll No. 38000 / MCLE III - 0020027 - Feb. 9, 2011

PAGPAPATUNAY

Ako, si MALTHIE G. MILITAR, isang abogado ay lisenasyadong Notaryo Publiko para sa Bayan ng Roxas, Mansalay at Bulalacao, Silangang Mindoro, ay nagpapatunay na masusi kong sinuri ang testigong pagbigay ng salaysay sa taas, at ako ay naniniwala na kusang-loob niyang isinagawa ang kanyang salaysay, batay sa kanyang sariling kaalaman.

SAKSHAN ANG AKING LAGDA ngayong Pebrero 26, 2013, sa Roxas, Silangang Mindoro.

Malthie G. Militar
MALTHIE G. MILITAR
Notario Publiko

CERTIFIED PHOTOCOPY OF THE ORIGINAL

REPUBLIKA NG PILIPINAS)
BAYAN NG ROXAS) S.S.
SILANGANG MINDORO)

SINUMPAANG PANGHUKUMANG SALAYSAY
(Judicial Affidavit)

Ang sumusunod na Sinumpaang Panghukumang Salaysay ay isinagawa sa italim ng pagtatanzon ni MALTHIE G. MILITAR, isang lisenasyadong manananggol at notaryo publiko, sa kanyang tanggapan na matatagpuan sa P. Gomez Street, Fabella Village, Bagumbayan, Roxas, Silangang Mindoro.

MGA TANONG NG ABOGADO/NOTARYO PUBLIKO
AT MGA KASAGUTAN NG TESTIGO

Pahiwatig: Ibig kong ipaalam sa inyo na ang inyong mga sagot sa aking mga itatanong sa inyo ay inyong pinanumpaang na pawang katotohanan lamang, at sang-ayon sa inyong nalalaman, at kapag napatunayang kasinungalingan ang inyong mga sagot, o bahagi ng inyong mga sagot, kayo ay magkakaroon ng pananagutang kriminal. Nauunawaan nyo ba ito?

Sagot : Opo.

1. T : Sabihin ninyo sa akin ang inyong buong pangalan, pamayanan, edad, estado, hatapbuhay, at tirahan.

Sagot : Ako po si SALVACION S. MUGAS, Pilipino, 45 taong gulang, may asawa, magsasaka, at nakatira sa Bal-ong, San Jose, Roxas, Silangang Mindoro.

2. T : Ano ang dahilan at ikaw ay nagsadya sa aking tanggapan?

S : Nais ko pong magbigay ng pahayag tungkol sa pagmamay-ari ng isang hektaryang sakahan na tubigan na katabi ng tubigang aking sinasaka sa Bal-ong, San Jose, Roxas, Silangang Mindoro.

3. T : Ilang taon ka na bang nakatira sa Bal-ong?

S : Mga apat na taong gulang pa po lamang ako nang kami ay tumira sa lugar na iyon mula sa probinsiya ng Romblon.

4. T : Kaninong lupa naman ang tinitukoy mong katabi ng lupang sinasaka mo?

S : Ang lupa po na pag-aari ng yumaong si Robinson "Ruben" Faeldog.

5. T : Kaninong lupa naman ang inyong sinasaka, sarili mo ba? Ilang hektarya ito?

S : Hindi po. Lupa din po ng yumaong si Robinson "Ruben" Faeldog ang aking sinasaka; dati po ay isang hektarya ito subalit nakusap si Gng. Elsa Faeldog na siya ngayong may-ari nito na kung maaari ay siya naman ang magsaka ng kalahating hektarya, at pumayag naman po ako.

6. T : Yung lupa na katabi ng lupang sinasaka mo na ayon sa iyo ay pag-aari ni Ruben Faeldog, sino ang nagsasaka rito ngayon?

S : Ang isang hektaryang lupa po na katabi ng lupang sinasaka ko ay sinasaka ngayon ni Annaliza Dulce, na siyang humaliili bilang tenant sa kanyang amang si Bernaldo Dulce.

REPUBLIC OF THE PHILIPPINES
PROVINCE OF ORIENTAL MINDORO
MUNICIPALITY OF ROXAS

) S.S.
)

JOINT AFFIDAVIT OF TWO DISINTERESTED PERSONS

We, **Mariqueta Salamingo** and **Bernaldo Dulce** both of legal age, Filipino citizens and residents of San Jose Bal-ong, Roxas, Oriental Mindoro, after having been duly sworn to in accordance with law hereby depose and say:

1. That we know **Ruben Faeldog** son of Jose Faeldog;
2. That he inherited from his father a property consisting of four hectares of land which is his legitimate share from the 16 hectares landholding of his late father;
3. That even during the lifetime of Ruben Faeldog he used to possessed and cultivate his 4 hectare of inherited land;
4. That we are surprised to know that a certain **Nerissa Dimatulac Santos** has applied for titling of her property which conspicuously included a one-hectare portion of the property which is part and is owned by Ruben Faeldog;
5. That we know these facts **Ruben Faeldog** is our close associate and the land subject of this controversy is actually familiar to us;
6. That we executed this affidavit to attest to the truth of the foregoing, to advise concerned authorities of such facts and for all legal intents and purposes this may serve best.

IN WITNESS WHEREOF, we have hereunto put our signature this 19th day of February 2009 in Roxas, Oriental Mindoro.

Mariqueta Salamingo
Mariqueta Salamingo
Affiant

Bernaldo Dulce
Bernaldo Dulce
Affiant

SUBSCRIBED AND SWORN TO before me this 19th day of February 2009 at Roxas, Oriental Mindoro. I certify that I have personally examined the affiants and that the foregoing statements were their free and voluntary act and deed.

Atty. Eyander L. Fortuna
NOTARY PUBLIC
Until December 31, 2009
Roll of Attorney's No. 50913
IBP O.R. No. 727246; 01-06-09
PTR No. 2588475; 01-07-09
Roxas, Oriental Mindoro

Doc. No. 305
Page No. 61
Book No. IV
Series of 2009

Pahina

(PAGLALARAWANG TEKNIKAD)
Lot 1602-B, Csd-04-026666

Beginning at a point marked "1" on plan of Lot 1602-B, Csd-04-026666, being N.25-14'E., 2,671.61m. from BLM No. 1, Cad-506, Roxas Cadastre;

Thence:

N.49-26'W.,	72.50m.	to point 2;
N.17-38'E.,	229.54m.	to point 3;
N.17-38'E.,	200.00m.	to point 4;
S.82-08'E.,	15.09m.	to point 5;
S.82-04'E.,	52.61m.	to point 6;
S.17-38'W.,	159.31m.	to point 7;
S.17-38'W.,	167.06m.	to point 8;
S.17-38'W.,	142.85m.	to point 1;

to the point of beginning;

Containing an area of **THIRTY THOUSAND (30,000) SQUARE METERS.**

Points 1,2,3,5,6,7 & 8 marked by P.S.Cyl. Conc. Mons. 15 x 60 cm. in diameter and the rest by B.L. Cyl. Conc. Mons. 15x60 cm. in diameter.

Bounded on the SW, along line 1-2 by 1601, Cad-506; on the NW, along lines 2-3-4 by Lot 1602-A, Csd-04-026666; on the NE, along line 4-5 by Lot 1619, Cad-506; along line 5-6 by Lot 1620, Cad-506; on the SE, along line 6-7 by Lot 1602-E, Csd-04-026666; along line 7-8 by Lot 1602-D, Csd-04-026666; and along line 8-1 by Lot 1602-C, Csd-04-026666.

Bearings GRID.

This lot was surveyed accordance with law and existing rules, and regulations promulgated thereunder by Geodetic Engineer Isidro R. Gallez on February 6, 2007 which was approved on April 24, 2007.

CERTIFIED CORRECT:
Eduardo D. Moreno-Mesina
ENGINEER II

NOTE: This lot was covered by F.P.A.No.045212-752 and is identical Lot 10357, Cad-506.

Prepared by: *MA. VICTORIA T. MONTELE JA*

Checked by: *NOLI HILARCA*

(Karagdagang sa Karagdagang Pahina Pahina)
ATTY. PEFFIO P. NORTEL
Tagapala ng mga Kasalanan at Ari-arian

Provincial Tax Receipt No. _____ dated _____ for the year 19__

OFFICIAL RECEIPT OF THE REPUBLIC OF THE PHILIPPINES

Provincial or City Treasurer's Receipt

TAX FOR ORIENTAL MINDORO ONLY

Province of Palawan (Province) City of San Juan (City)

Received from Robinson Faellog the sum of Three Hundred and Fifty One Pesos (P 351.00) in full or as installment payment of REAL PROPERTY TAX for the Calendar Year 19__ upon property described in the Assessment Rolls as follows:

☐ Basic Tax ☐ Special Education Fund

Name of Declared Owner	Location Number and Street or Barangay	Lot and Block Number	Tax Declaration Number	Assessed Value			Tax Due	Installment *		Full Payment	Penalty Per cent	Total
				Land	Improvmt.	Total		No.	Payment			
<i>Immo</i>	<i>San Juan</i>	<i>12013-45</i>		<i>3630</i>		<i>1978</i>	<i>79</i>	<i>1</i>	<i>72.60</i>	<i>172.10</i>	<i>90</i>	
						<i>1979</i>	<i>79</i>	<i>2</i>	<i>72.60</i>	<i>154.8</i>	<i>90</i>	
						<i>1980</i>		<i>3</i>	<i>3630</i>	<i>18.90</i>	<i>90</i>	
						<i>1980</i>		<i>4</i>	<i>3630</i>	<i>18.90</i>	<i>90</i>	
						<i>1981</i>		<i>5</i>	<i>3630</i>	<i>18.90</i>	<i>107.70</i>	
Total taxes paid by Money Order, Treasury Warrant or Check No. _____				dated _____, 19 _____				<i>290.40</i>	<i>61</i>	<i>351.40</i>		

DECLARATION OF REAL PROPERTY
(FILED UNDER PRESIDENTIAL DECREE NO. 464)

Owner: **FARINOG, ROBINSON**
Administrator: **ROBLAGION, ROXAS, ORIENTAL MINDORO**
Location of Property: **SAN JOSE, ROXAS, ORIENTAL MINDORO**
(Municipality/City/Province)
Certificate of Title No. **Lot No. 1602**
Boundaries: North: **Lot No. 1602 Pt.** South: **Lot No. 1601 Pt.**
East: **Lot No. 1602 Pt.** West: **Lot No. 1602 Pt.**
(Subdivided lot, or acreage by which bounded or names of owners of adjoining lands)

OWNERS DECLARATION				ASSESSOR'S FINDINGS			
Kind	Area	Unit	Class	Unit Value	Market Value	Area	Unit Value
Un-Improved	4.1218	2nd		3060	12,610		
Total	4.1218				12,610		

OWNERS DECLARATION				ASSESSOR'S FINDINGS			
Number and Kind	Annual Product (Quantity)	Unit Value	Market Value	Number and Kind	Annual Product (Quantity)	Unit Value	Market Value
A TRUE COPY				Bar Market Value - 100%			
MERCEDES LO. SUAREZ				(a) Along rd. no rd. outlet			
Dep. Prov'l. & Mun. Assessor				(b) Along rd. all weather rd.			
				(c) Along rd. km. to market (publ.)			
				Total adjustment 96%			
Total				Total Adjusted Market Value			

OWNERS DECLARATION				ASSESSOR'S FINDINGS			
Number and Kind	Annual Product (Quantity)	Unit Value	Market Value	Number and Kind	Annual Product (Quantity)	Unit Value	Market Value
A TRUE COPY				Bar Market Value - 100%			
MERCEDES LO. SUAREZ				(a) Along rd. no rd. outlet			
Dep. Prov'l. & Mun. Assessor				(b) Along rd. all weather rd.			
				(c) Along rd. km. to market (publ.)			
				Total adjustment 96%			
Total				Total Adjusted Market Value			

4. She has not commenced any action against the same party involving the same issues in any Court in the Philippines, or in any other government agency or office exercising quasi-judicial functions, even as she attests that no such action is pending before any Court or administrative agencies in the Philippines involving the same parties and issues;
5. Should it turn out that there is in fact such an action pending before any Court or agencies of the government involving the same parties and issues, she undertakes to inform this Honorable Office of the same within five days of such discovery.
- Affiant says nothing further.

Elsa A. Faeldog
ELSA ATILANO FAELDOG
Affiant

SUBSCRIBED AND SWORN TO before me this 26th day of February 2013 in Roxas, Oriental Mindoro, affiant exhibiting to me her Senior Citizen's ID No. 1076, issued by the Office of the Senior Citizens Affairs of Roxas, Or. Mindoro on August 26, 2008.

MALTHE G. MILITAR
MALTHE G. MILITAR
Notary Public, Until December 31, 2013
PTR No. 4667953; Roxas, Or. Mdo., Jan. 02, 2013
IBP No. 254046 / Or. Mindoro / Jan. 03, 2013
Roll No. 38000 / MCLE III - 0020027 - Feb. 9, 2011

Doc. No. 281
Page No. 41
Book No. 06
Series of 2013.

BY: *MARIA L. DELA CRUZ*
MARIA L. DELA CRUZ

CERTIFIED PHOTOCOPY OF THE ORIGINAL

Elsa A. Faeldeg, Protest: Protestant's Position Paper

skip paying rentals to Pising and resume paying the same to Ruben Faeldog. Sometime after that, Ruben Faeldog and Bernaldo Dulce had their landowner-tenant relationship formalized by entering into an agricultural leasehold agreement as required by the Department of Agrarian Reform. As evidence thereof, Protestant hereby submits certified photocopy of the *Kasunduan* between Ruben Faeldog and Bernaldo Dulce, marked as *Annex-D* and forms part of this *Buwisan* between Protestant and Respondent. Protestant also submits photocopy of the *Kasunduan* between Ruben Faeldog and the agreed lease rental

5. Tenant Bernaldo Dulce religiously paid to Ruben Faeldog the agreed lease rentals over the area subject of their leasehold agreement, and after Ruben Faeldog's death in 2007, Bernaldo Dulce paid the due rentals to the herein Protestant who succeeded her deceased husband. However, when Bernaldo Dulce died sometime in October 2011, daughter Annaliza Dulce took over the one-hectare farm, obviously at the instigation of Protestee, because the new tenant/daughter of Bernaldo Dulce resumed paying the lease rentals not to the Protestant but to the Protestee, who had no right to receive the rentals to the property, she being not the owner thereof.

6. Ruben Faeldog having passed away, his right to be issued a free patent to the 1,121.8-hectare which he inherited from Jose Faeldog was assumed by herein Protestant. Unfortunately, however, unbeknownst to her, she found out from the **Land Management** section office of the GENRO in San Mariano, Roxas, Oriental Mindoro, that herein Protestee, Nerissa Dimatulac Santos, had filed an application for a patent to the one-hectare property which is part of Ruben Faeldog's 4,121.8-hectare inherited property. Protestant thus filed the instant Protest against Nerissa Dimatulac Santos' Free Patent Application, even as she also filed for a similar patent to the remaining three (3) hectare property inherited by the late Ruben Faeldog from his late father Jose Faeldog, as her husband's successor-in-interest, which application was favorably considered when the DENR issued in her favor "Kaloob na Patente Blg. 045212-10-5246", based on which a "katiibayan ng Orinal na Titulo Blg. P-16123" was issued in her name covering a 30,000-square-meter land situated in San Jose, Roxas, Oriental Mindoro. A photocopy of the said land title is hereto attached as **Annex-G** and forms part of this Position Paper.

7. Protestee Nerissa Dimatulac Santos does not have any right to be issued a free patent to the one-hectare property which neither she, nor her predecessor-in-interest openly occupied, developed, possessed continuously, adversely in the concept of an owner, and in good faith occupied, developed, possessed continuously, adversely in the concept of an owner. As previously stated, Ruben Faelgdo allowed the lease rentals on said one-hectare property to be paid to the mother of Protestee as a mode of repayment of a P10,000-peso loan he obtained from Mrs. Dimatulac, which had already been repaid in full considering that the lease rentals were for more or less seven years were all applied toward the loan's repayment. The nature of Mrs. Dimatulac's possession does not ripen to an ownership right, and the fact that the public document which serves as evidence of the loan transaction between her and Ruben Faelgdo was in her possession, and presumably passed on to the Protestee, its suppression gives rise to a disputable presumption that it is adverse to the Protestee, as stated in *Sec. 3 (e), Rule 131, Revised Rules of Court of the Philippines*.

8. In support of Protestant's position that the one-hectare property subject of Protestee's Free Patent Application is indeed part of the four-hectare property the late Ruben Faeldeog inherited from his father Jose Faeldeog, two disinterested persons namely **Marilueta Salamingo and Bernardo Dulce** (deceased) who knew Ruben and his father Jose, and have knowledge of the facts concerning the land they claim to own, have executed a joint affidavit stating such facts, a copy of which is hereto attached to form part of this Position Paper as:

Elsa A. Faeldeg, Protest; Protestant's Position Paper

Annex-F. Two other disinterested parties, namely Salvacion Mugas, and Betty Dulce who possess a similar knowledge executed a Judicial affidavit to that effect, a copy of which is attached as **Annex-G**, heretof.

9. Protestant maintains that the one-hectare property over which Protestee Nerissa Dimatula Santos has a pending Free Patent Application is part of the late Ruben Faeldog's share in the estate of his late father Jose Faeldog; that Ruben Faeldog is one of the children and heirs of Jose Faeldog whose 16-hectare estate was equally divided among such heirs who each received a four-hectare share. One such heir was the late Juan Faeldog whose widow and successor-in-interest is SENESIA FAELDOP in whose name ***Kalaab na Patente*** ***Big. 045212-08-4473*** was issued by the DENR over a 40,000-square-meter land covered by ***KATIBAYAN NG ORHINAL NA TITULO Big. P-13002*** in her name, a photocopy of which is hereto attached as ***Annex-H*** hereof.

WHEREFORE, premises considered, Protestant prays that FPA No. 045212-669 in the name of Nerissa Dimatulac Santos be disapproved, and that the Protestant be allowed to file her own application for a Free Patent over the one-hectare area which is originally part of her predecessor-in-interest Ruben Faiclog's share in the estate of his deceased father Jose Faiclog.

Protestant further prays for such other equitable reliefs this Honorable Office may see fit to grant under the premises.

Roxas, Oriental Mindoro.

February 26, 2013.

E. A. Faeldog
ELS A. A. FAELDOG

Protestant

Sitio Bal-ong, San Jose, Roxas, Or. Mindoro

VERIFICATION AND CERTIFICATION OF NON-FORUM SHOPPING

ELSA A. FAELDOG, Filipino, of legal age, widow and a resident of Sitio Bal-ong, Barangay an Jose, Roxas, Oriental Mindoro, hereby declare under oath that:

1. She is the Protestant in the above-captioned Protest against the Free Patent Application of Nerissa Dimatulac Santos currently pending with the CENRO in San Mariano, Iloilo, Oriental Mindoro;
2. She caused the foregoing Position Paper to be prepared for her;
3. The allegations therein are understood by her and that they are true and correct, based on her own personal knowledge, and based on available official records;

IN RE : PROTEST AGAINST F.P.A. NO. 045212-669 Over Lot 2, Ccs-04-002673
Identical to Lot 10377, Cad-506, Roxas Cadastre

ELSA ATILANO FAELDOG,

Protestant,

-versus-

NERISSA DIMATULAC SANTOS,

Protestee.

X-----X

PROTESTANT'S POSITION PAPER

Protestant, by herself, to this Honorable Office respectfully makes the following allegations in support of her Protest against Nerissa Dimatulac Santos' Free Patent Application over a one-hectare area stated in the caption above:

1. The one-hectare land subject of the Instant Protest is originally part of a 16-hectare property claimed and owned by the late Jose Faeldog whose son, Robinson "Ruben" Faeldog (now deceased), was the husband of Protestant. Attached herewith as Annex-A is a photocopy of the Marriage Contract that shows that the late Ruben Faeldog was married to the herein Protestant.
2. The aforesaid 16-hectare property of the late Jose Faeldog was divided equally among his four children, with each child receiving a share of four (4) hectares each. Ruben Faeldog's 4.1218-hectare share was declared for taxation purposes in his registered name Robinson Faeldog under Tax Declaration No. 12013-45, a photocopy of which is hereto attached as Annex-B and forms part of this Position Paper. Additionally, real property taxes were paid on said property by declarant Robinson Faeldog as evidenced by Official Receipt No. 0913173 K issued by the Provincial Government of Oriental Mindoro on November 10, 1981, a photocopy of which is hereto attached as Annex-C and forms part of this Position Paper.
3. Sometime in 1984 an urgent need compelled Robinson, or Ruben Faeldog to borrow P10,000.00 from the late Pising Dimatulac the mother of Protestee who needed assurance that she gets paid back the amount borrowed from her. Ruben thus allowed the Pising Dimatulac to receive the lease rentals paid by Ruben's tenant Bernaldo Dulce for the one-hectare portion of his 4.1218-hectare property. Unfortunately, Ruben Faeldog was not allowed to retain a copy of the document evidencing this transaction between him and Protestee's grandmother, who also happened to be Ruben Faeldog's relative.
4. In or about 1991, Ruben Faeldog reckoned he had already paid his indebtedness in full to Pising Dimatulac, Protestee's mother. Thereafter, he instructed Bernaldo Dulce to

[Signature]

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, **ELSA A. FAELDOG**, Filipino, of legal age, widow, and with residence and postal address at Libtong, Roxas, Oriental Mindoro, Philippines, do hereby NAME, CONSTITUTE and APPOINT **SERGIO B. TUPAS JR.**, Filipino, of legal age, married and with residence and postal address at Libtong, Roxas, Oriental Mindoro to be my true and lawful Attorney-in-Fact for me and in my name, place, and stead, to do and perform the following acts and things, to wit:

1. To transact, process, sign, represent me in my behalf during the hearing of my Protest against F.P.A. No. 045212-669 over Lot 2, Ccs-04-002673 Identical to Lot 10377, Cad-506, Roxas Cadastre versus Nerissa Dimatulac Santos;
2. To appear during its conference/scheduled hearings, arbitration/mediation/cancellation, or any continuances, with full power and authority to enter or any stipulation of facts, limitation of issues, compromise agreements, make admission and/or adjust the same and the subject matter thereof to all such other matters relating to the above case;
3. To receive, and acknowledge receipts, sign and execute necessary documents in relation thereto and generally to do or perform any act or deed necessary or that may be required in furtherance of this authority.

And hereby GIVING and GRANTING unto my said Attorney-in-Fact full power and authority to do and perform all acts whatsoever requisite or necessary to be done in or about the premises as fully to all intents and purposes as I might or could lawfully do if personally present, and hereby RATIFYING and CONFIRMING all that my said Attorney-in-Fact shall lawfully do by virtue hereof.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 14th day of June 2022 in Roxas, Oriental Mindoro, Philippines.

CONFORME:

[Signature]
ELSA A. FAELDOG
Principal/Grantor

[Signature]
SERGIO B. TUPAS JR.
Attorney-in-Fact

[Signature]
JULIE F. RAVAGO
Witness

SIGNED IN THE PRESENCE OF:
[Signature]
DIENNES S. EMBENGA
Witness

ACKNOWLEDGMENT

Republic of the Philippines)
Roxas, Oriental Mindoro) S.S.
X-----X

BEFORE ME, a Notary Public in the above jurisdiction, this 14th day of June 2022 personally appeared Elsa A. Faeldog, whose identity is confirmed by her Senior Citizen's ID No. 06-2601 issued by OSCA of Roxas, Or. Mindoro on 04-02-2017, who is known to me to be the same person who executed the foregoing instrument and she acknowledged the same to be her own voluntary act and deed.

WITNESS MY SIGNATURE AND SEAL on the day, year and place first indicated above.

Doc. No. 204
Page No. 10
Book No. XL
Series of 2022

[Signature]
JULIE F. RAVAGO
Notary Public, Roxas, Or. Mindoro
PTR No. 2515332, issued on 01-09-2022
Notary Public, Roxas, Or. Mindoro
Roll No. 38203 / AICE-CEN (010727)04-14-2022
Address: Pongpang, Roxas, Or. Mindoro

RECEIVED
MIMAROPA
ORIENTAL MINDORO

Republika ng Pilipinas
Rehiyon IV-B MIMAROPA
Lalawigan ng Silangang Mindoro
Bayan ng Roxas
BARANGAY SAN JOSE



B. *[Signature]*
DATE: *16 ng Marso 2021*

TANGGAPAN NG PUNONG BARANGAY

KASUNDUAN
SANGLAAN NG TUBIGAN

ALAMIN NG LAHAT NA

Ang Kasunduan na ito ay pagitan nina **NERISSA DIMATULAC SANTOS**, nasa hustong taong gulang may asawa **Pilipino** at nakatira sa 154 Shakespare St. Sta. Rosa Estate I, Sta. Rosa City Laguna and may apat na mga anak, at kanyang pinatutubulan ang kanyang pamangkin na si **MARCINETTE DIMATULAC CAPIO**, na siyang mag-inang at magsanlarin magbenita ng kanyang lupang panatagan, na residente ng Bagumbayan, Roxas Silangang Mindoro bilang **UNANG PANIG**.

AT
JOYCELYN A. JULIANO nasa buong gulang delega **Pilipino** at nakatira sa Barangay Daang Roxas Silangang Mindoro at kanyang tambayyan ng pinatutubulan ang kanyang kapatid na si **SANNY A. JULIANO** na siyang mag-inang at magsanlarin magbenita ng kanyang lupang panatagan, na residente ng Bagumbayan, Roxas Silangang Mindoro bilang **IKALAWANG PANIG**.

NA ang **UNANG PANIG** ay nagsasala ng lupang na may sukat na tumutugit tumutugit **ISANG HEKTARYA (1 HECTARES)** na makatira sa Balong Barangay San Jose, Roxas Silangang Mindoro sa halagang Apat na Daang Libong Piso (Php400,000.00) Sabatong Umiral sa Pilipinas.

At ang **IKALAWANG PANIG** ay nagbigay lamang ng **Tatlong Daang Libong Piso (Php300,000.00)** bilang punang bayad at ang balansang **Isang Daang Libong Piso (Php100,000.00)** Libong Piso ay ibibigay sa buwan ng Abril 2021.

SA KATUNAYAN NG LAHAT NA ITO, sila ay kusang loob na lumagda sa ibaba nito ngayong ika-16 ng Marso, 2021 sa Tanggapan ng Punong Barangay ng Barangay San Jose, Roxas Silangang Mindoro.

[Signature]
MARCINETTE D. CAPIO
Nagsangla
[Signature]
JOYCELYN A. JULIANO
Pinagsanlaan

Representative (Joycelyn A. Juliano)
SANNY A. JULIANO
SAKSI
[Signature]
FERNANDO G. FANCUBIT
On Duty Kagawad

SINUMPAAN AT NILAGDAAN SA HARAP SA KO ngayong ika-16 ng Marso, 2021

PINATITIBAYAN:
[Signature]
KGG. DANNY G. TALAMISAN
Punong Barangay

HALAGA P
Official Receipt Number
Paksa Marso, 16, 2021

KASUNDUAN SA ARIENDO (Leased) NG ISANG LUPANG SAKAHAN

DAPAT MALAMAN NG LAHAT:

Ang kasunduan ito na isinagawa sa pagitan nina **ROBINSON FAELDOG** asawa si **ELSA FAELDOG**, may sapat na gulang, Pilipino, at kasalukuyang naninirahan sa San Nicolas, Libtong, Roxas Silangang Mindoro, Pilipinas dito ay tinatawag na **UNANG PANIG**, at **LYTTON M. MOLO**, Pilipino, may asawa at kasalukuyang naninirahan sa Uyao, Bagumbayan, Roxas, Silangang Mindoro, Pilipinas, dito ay tinatawag na **IKALAWANG PANIG** ay nagpapatunay at nagkasundo ng mga sumusunod:

Na ang **UNANG PANIG** ay siyang tunay na nagmamay-ari ng lupang sakahan na makikita sa Balong, San Jose, Roxas, Silangang Mindoro, Pilipinas, na may sukat na **DALAWANG (2) EKTARYA**

Na ang **IPINA-ARIENDO (Leased)** ng **UNANG PANIG** sa **IKALAWANG PANIG** sa halagang **ISANG DAAN AT LIMAMPONG LIBONG PISO (P 150,000.00)** **SALAPING PILIPINO** ang nabanggit na parcela ng lupang sakahan sa loob ng **PITONG (7) TAON** na magsisimula sa **Enero 30, 2003** at magtatapos sa **Enero 30, 2010**;

Na ang pasubali o kondisyon ng Kasunduang ito ay ang mga sumusunod:

1. Na nagkasundo at pumapayag ang **UNANG PANIG** na ang **IKALAWANG NANG PANIG** ang syang mamahala magsaka at magitanim ng palay at kumuha ng lahat ng ani sa sa lupang ipinantiendo (leased) sa loob ng tanging ng kasunduang ito;
2. Na kung sakali naman at dumating ang takdang tanging ng Kasunduang ito ay ibabalik na sa **UNANG PANIG** ng **IKALAWANG PANIG** ang naturang lupang **IPINAARIENDO** at mawawalan na ng bisa at saksay ang kasunduang ito;
3. Na kung sakali naman at hindi pa natapos ang tanging ng kasunduang ito at ipagbibili ng **UNANG PANIG** ang nabanggit na lupang **IPINARIENDO** ay habatin na lamang ang halagang hindi pa natapos na taon sa pitong bahagi.

SA KATUNAYAN NG LAHAT NG ITO ang dalawang panig ay nagsilagda sa ibaba nito ngayong 30 ng Enero 2003 dito sa Roxas, Silangang Mindoro.

[Signature]
LYTTON M. MOLO
IKalawang Panig
[Signature]
ROBINSON FAELDOG
Unang Panig

May pagsang-ayon:

[Signature]
ELSA FAELDOG
Asawa ng Unang Panig

NILAGDAAN SA HARAP NINA: 1. *[Signature]*
2. *[Signature]*

SINUMPAAN AT NILAGDAAN SA HARAP KO, ngayong ika 30 ng Enero 2003 dito sa, Silangang Mindoro, Pilipinas. Si Robinson Faldog ay kusang humarap at nagpakita ng Sedula Blg. 11704736- kinuha ngayong ika 17 ng Enero 2003 at Lytton M. Molo ng Sedula Blg. 1231136, kinuha noong ika-28 ng Enero 2003 kapwa sa Roxas, Silangang g. Mindorob, kilala ko at pinatunayan nilang kusa nilang ginawa at nilagdaan ang kasulatang ito sa harap ng mga saksi.

Nagdaan ko at ng aking selyong panatak

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Series of 2003

[Signature]
ROBINSON FAELDOG
UNANG PANIG
17500, 1879047-
ISSUED AT HANILA
ISSUED ON 1-10-2003



Republic of the Philippines
Department of Environment and Natural Resources
Regional Office No. IV-A (CALABARZON)

MEMORANDUM

FOR : The Regional Executive Director
DENR IV-B, MIMAROPA Region
1515 L & S Bldg., Roxas Boulevard

FROM : The Regional Executive Director

SUBJECT : **FOLLOW-UP REQUEST OF MR. SERGO TUPAS JR.**
RE : DISPUTE ON THE FREE PATENT APPLICATION
OVER THE CLAIMED LOT IN ROXAS, ORIENTAL,
MINDORO

DATE : **JAN 10 2023**

Referred is the Memorandum dated Dec. 12, 2022 from the Undersecretary for Field Operations-Luzon, Visayas and Environment, endorsing the letter of the Presidential Complaint Center, Office of the President, Manila, addressed to the Hon. Secretary, referring the electronic mail of Mr. Sergio Tupas, regarding the status of land located at Roxas, Oriental, Mindoro, which was inadvertently referred to this Office.

In as much as the above subject falls within your area of jurisdiction, same is forwarded for your further dispositive action.

Presidential Complaint Center
Office of the President
Malacanang, Manila

Office of the Undersecretary
And Chief of Staff-DENR

NILO B. TAMORIA, CESO III