

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Oriental Mindoro
BRANCH 40
Calapan City

DENR MIMAROPA RECORDS SECTION RECEIVED	
JUL 12 2023	
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BY: <u>Jereth</u>	DATS NO. _____
TIME: _____	

**Sps. ROSALINDA T. TAMPIPI
and FRANCK ALBERT JULES
DEWASTE**, Represented by:
MICHELLE MIRAN GAJETOS,
Plaintiffs,

Civil Case No. CV-19-7420

-for-

-versus-

**Sps. ROGER GABAT and
JOCELYN GABAT**, and all
persons claiming rights and
interest under them,
Defendants.

Accion Reinvidicatoria and
Damages with Prayer for the
Issuance of a Writ of Preliminary
Mandatory Injunction

X-----X

MANIFESTATION

COMES NOW, Plaintiffs, through undersigned counsel and unto this Honorable Court, most respectfully manifesting and submitting the Judicial Affidavits of Franck Albert Jules Dewaste and Michelle Miran Gajetos.

Counsel for the Plaintiffs

Aguba-Goco Law Office

LGC Building, Lalud, Calapan City
Oriental Mindoro, Philippines

ATTY. CHARLOTTE AGUBA-GOCO

Roll No. 46063; IBP Lifetime No. 03989

PTR NO. 1021130, CALAPAN 12/01/2022

MCLE COMPLIANCE NO. VII-0003124

valid until 04/14/2025

Email: agubagoco.lawoffice@gmail.com

G/F Luna Goco Colleges Bldg., Lalud,
Calapan City, Oriental Mindoro,
Philippines

Copy Furnished:**ATTY. ELZON C. LEGASPI**

Counsel for Defendants

Brgy. Aninuan, Puerto Galera

GANDHI GAGNI-FLORES

Chief, Legal Division

DEPARTMENT OF ENVIRONMENT AND

NATURAL RESOURCES, MIMAROPA

1515 DENR by the Bay, Building, Roxas Blvd.

Brgy. 668, Ermita Manila

Email: denr4blegal@gmail.com / Gandhi.flores@yahoo.com**ATTY. FRANCES MARGARETTE A. MENDOZA**

ATTORNEY II/LEGAL DIVISION

DENR-PENRO

EXPLANATION

The foregoing Manifestation is filed before this Honorable Court via personal service and to the other parties in this case by registered mail due to the urgency of the matter and the distance and practically and lack of messengerial staff to make a personal delivery of the same.


CHARLOTTE F. AGUBA-GOCO

Republic of the Philippines
REGIONAL TRIAL COURT
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BRANCH 40
 Calapan City

Sps. ROSALINDA T. TAMPIPI
and FRANCK ALBERT JULES
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X-----X

JUDICIAL AFFIDAVIT
OF
FRANCK ALBERT JULES DEWASTE

Preliminaries

This Judicial Affidavit of **FRANCK ALBERT JULES DEWASTE** is executed to serve as his direct testimony in the instant case. This Judicial Affidavit is offered to prove: (1) that he is the husband of Rosalinda Tampipi; (2) that Rosalinda Tampipi is the registered owner of the two parcels of land located in Puerto Galera, Oriental Mindoro covered by TCT No. 064-2014000366 and TCT No. 064-2012000749; (3) that he is the registered owner of the improvement constructed on the said property covered by TD-2015-110002-01386; (4) that the house built on the adjoining lot by defendants spouses Roger and Jocelyn Gabat encroached on the lands owned by the Plaintiff herein; (5) that defendants spouses Roger and Jocelyn Gabat were given several years to correct the encroachment of their house on the land of the Plaintiff to no avail; (6) that the Plaintiffs have consulted the matter before the barangay justice system but to no avail; (7) that a barangay certification to file action was issued by Barangay Aninuan; (8) that

Plaintiffs suffered actual, moral, and exemplary damages and attorney's fees due to the defendant's refusal to correct the encroachment; and (7) prove all matters related thereto.

Also, in the course of his testimony, Mr. Dewaste will identify documents pertinent to this case and will further testify on other allied matters.

This Judicial Affidavit shall serve as the direct testimony of the witness in this case.

QUESTIONS were propounded by petitioner's counsel, Atty. Charlotte F. Aguba-Goco, in English, which the affiant fully understands, while ANSWERS were given/made by him in English as well.

AFFIDAVIT

I am **FRANCK ALBERT JULES DEWASTE**, of legal age, married, French National, with temporary resident address at Barangay Aninuan, Puerto Galera, Oriental Mindoro, Philippines.

I am at AGUBA-GOCO LAW OFFICE in Calapan City, Oriental Mindoro before ATTY. CHARLOTTE F. AGUBA-GOCO who is conducting and supervising my examination for this judicial affidavit.

I am answering the questions asked of me fully conscious and under oath, and I know that I may face criminal liability for false testimony or perjury.

1. Q. Why are you here today Mr. **FRANCK ALBERT JULES DEWASTE**?

A. I will be executing my Judicial Affidavit in relation to this case, ma'am.

2. Q. What is your participation in this case?

A. I am one of the Plaintiffs in this case.

3. Q. And who is the other Plaintiff?

A. She is my wife.

4. Q. And what is this case about?

A. It is about the encroachment of the house of our neighbor on our property.

5. Q. What is this property you are referring to?

A. It's the two parcels of land located at Barangay Aninuan. They are registered in my wife's name. They are covered by TCT No. 064-2014000366 and TCT No. 064-2012000749.

6. Q. Do you have the titles of these parcels of land with you?

A. Yes.

(Affiant handed two transfer certificates of title: TCT No. 064-2014000366 and TCT No. 064-2012000749, marked as **Annex "A"** and **Annex "B"**)

7. Q. And you mentioned that this case is about the encroachment of your neighbor's house on the property. Who is this neighbor?

A. The spouses Roger and Jocelyn Gabat, the defendants in this case.

8. Q. And how did you know that there is an encroachment on your property?

A. We asked the surveyor to relocate our lots and the result show that the Gabat's house is inside our property.

9. Q. Who is the surveyor?

A. It was Engr. Antonio Micelle Escalona.

10. Q. And when did you had your property relocated by Engr. Escalona?

A. It was sometime in 2017.

11. Q. Your TCTs on the property show that they were registered in your wife's name on 2012 and 2014. Did you not have the property relocated before you registered?

A. No. We did not have the time because after we signed the deeds of sale, I had to go back to France to work.

12. Q. When did your wife purchased these properties?

A. It was in 2011 and 2012.

13. Q. From whom did your wife purchased these properties?

A. From Modesto Evangelista, Romeo Evangelista and Teddy Evangelista.

14. Q. Do you have copies of the Deeds of Sale?

A. Yes, ma'am. Here.

*(Affiant showing three Deeds of Absolute Sale attached here and marked as **Annex "C"**, **"D"** and **"E"** respectively.)*

15. Q. Why is there three deeds of sale when there are only two parcels of lot?

A. The two lots in the two deeds of sale from Romeo and Teddy Evangelista was consolidated into one title - TCT No. 064-2014000366.

16. Q. What other proof of ownership do you have over these properties?

A. I have the tax declarations of three properties. Here they are.

*(Affiant showing three Tax Declarations of property attached here and marked as **Annex "F"**, **"G"** and **"H"** respectively.)*

17. Q. Why are there three tax declarations?

A. Two for the two parcels of land and the other one is for the family home. The house on the properties is registered in my name.

18. Q. Was the house of the defendants already onsite when you purchase the lots?

A. Yes.

19. Q. What about your wife where is she?

A. She is in Belgium.

20. Q. And what does she do there?

A. She works there.

21. Q. After you purchase the property, did your wife also returned to Belgium immediately?

A. Yes Ma'am.

22. Q. And so, it was only in 2017 when you requested for a relocation survey?

A. Yes.

23. Q. Why then?

A. We were building our house on the property and we wanted to build a fence. I applied for a fencing permit.

24. Q. And you mentioned, it was Engr. Escalona who did the survey. What is the result of his relocation survey again?

A. He said that the house of the Gabats encroached on our lots. The terrace of the house and the kitchen are outside their property line but inside our property line. He said it was a total of about 337 sq.m. encroachment on our property.

25. Q. Do you have proof of the said encroachment?

A. Yes. I have the relocation survey of Engr. Escalona in 2017. Here it is.

(Affiant showing a blueprint of the relocation survey signed by Engr. Escalona attached herein and made an integral part hereof as Annex "I")

26. Q. What did you do when you found out about this encroachment?

A. I talked to them being they are our neighbors.

27. Q. What did they say?

A. They said that they did not know that part of their house was outside their property line. And at first they offered a right of way at the back of their property in exchange for the encroachment.

28. Q. What happened to that offer for settlement?

A. Nothing happened. Sometime in 2018, and then after meeting Roger Gabat, he denied having an encroachment, and denying giving us a right of way.

29. Q. What did you do after that?

A. We complained in the barangay.

30. Q. What happened in the barangay?

A. At first, the Gabats showed up and agreed to have a common surveyor do a survey again. We agreed on a surveyor from the Land Registration Authority.

31. Q. And did that materialize?

A. No.

32. Q. What happened then?

A. For some reason, the Gabats changed their mind, forgot about our agreement and instead hired their own surveyor.

33. Q. And what did you do?

A. At first, I don't agree because if its their surveyor he must be biased but then to settle everything right away, I agree.

34. Q. And so what happened after that?

A. Nothing happened again. On the agreed dated of survey no one came. So the barangay reset the schedule.

35. Q. And what happened on the reset schedule?

A. On July 20, 2019 on the reset schedule, the Gabats came but no surveyor. It was only representative of surveyor who came but they did not have any documents to show.

36. Q. So how did the hearing before the barangay turned out?

A. The Gabats again requested for two weeks to conduct a survey.

37. Q. And you agreed

A. Nothing I can do.

38. Q. What happened after two weeks?

A. Still nothing. No word from the Gabats.

39. Q. What did you do then?

A. We requested for the issuance of the certificate to file action from the barangay because it was all too much already.

40. Q. Do you have a copy of that?

A. Yes. Here.

*(Affiant showing a Katunayan Upang Makadulog sa Hukuman attached herein and made an integral part hereof as **Annex "J"**)*

41. Q. You mentioned that your wife is the registered owner of the lots and that your wife is in Belguim. What is your authority to file and prosecute this case?

A. I am the husband of the registered owner and I am the owner of the improvement. Am I not a co-owner of the property, us being married? Also I have an SPA from my wife.

42. Q. Where is the SPA?

A. Here.

*(Affiant showing a photocopy of the SPA of Rosalinda Tampipi attached herein and made an integral part hereof as **Annex "K"**)*

43. Q. You also mentioned that you still work in France. How often do you return to the Philippines?

A. Every summer and I stay for about two months.

44. Q. When you are not in the Philippines, who manages the property?

A. Our representative, Michelle Miran Gajetos. She is also my SPA to matters relating this case including the filing of this case against the Gabats.

*(Affiant showing a copy of the SPA to Michelle Gabat attached herein and made an integral part hereof as **Annex "L"**).*

45. Q. You mentioned that before the filing of this case, you have already constantly requesting the Gabats to rectify the problem of the encroachment to no avail for several years. Is this correct?

A. Yes. That is correct.

46. Q. In those years, what have you and your wife been feeling about the encroachment?

A. We are not pleased of course and as time passes, we have become anxious. At first, we are understanding and request for them to rectify but as time passed and they did not do anything and they even ignored previous agreements before the barangay chairman, we have become anxious to the point that it is all we ever think about. And because of this case, up to this time, we have become restless, we go to lawyers, surveyors and we even had to go several times to Malacanang Action Center and the DENR Mimaropa and dealing with the DENR Mimaropa is a nightmare.

47. Q. How do you and your wife feel about all that?

A. As I said, we are both restless and anxious. It's all we think and talk about maybe for the past years. We are not rich foreigners; we also work that is why we cannot stay here. But our money seems to go to lawyers, surveyors and for expenses going to and from the different government offices just for a very small encroachment on our property.

48. Q. And what would you want this court to grant to you?

A. We are seeking this court for justice. For years, we have wanted to settle amicably, but you see, the Gabat would at first seem to be amenable but then they would just ignore us. Like in this court, it seems that they also ignore orders of this court. We want justice

and request this court to order the Gabats to demolish the portion of their house that is within our property line, and for them to pay reasonable rent for that until they remove the same.

49. Q. Anything else?

A. Because they have caused us so much pain and anxiety for the past six years, we ask the court to make them pay moral damages to us and they pay our attorney's fees and court fees. Also, since they have been very irresponsible, they should be made an example and make them pay additional fee so others will not follow their actions.

50. Q. Do you have documents to show your attorney's fees?

A. Yes. We have engagement contracts.

51. Q. After your representative Michelle Gajetos filed this case in court, what other actions have you or your representative taken to pursue this case?

A. Our counsel have motioned for an independent survey by the DENR, which was approved by the court.

52. Q. What happened to the survey by the DENR?

A. After several attempts at the actual relocation survey failed due to the failure of the Gabats to cooperate, the DENR PENRO represented by Engineer Garcia finally conducted a relocation survey even without the defendants presence after the court approved the same. At that time, he mentioned to Michelle Gajetos that there appears to be an encroachment on the property of the plaintiffs.

53. Q. What happened after that ?

A. There was no official report of that time but after two to three months, Engr. Garcia returned with the court Sheriff, Sheriff Geraldo Viray to do another survey.

54. Q. What is the result of his survey?

A. We were shocked when his report was submitted to the court.

55. Q. Why is that?

A. His report said there was no encroachment, which was contrary to what he said when he was doing the actual survey on the ground.

56. Q. So what did you do after that?

A. We motioned the court to have another independent survey.

57. Q. Did the court grant the same?

A. Yes. Fortunately, the court approved another survey by the DENR.

58. Q. What transpired next?

A. Before that happened, because there were several glitches with the DENR due to lack of surveyor, another private surveyor came to survey the property.

59. Q. Who is this private surveyor?

A. Engineer Oscar Castro.

60. Q. What is the result of Engr. Oscar Castro's survey?

A. According to his report, there is indeed an encroachment of the Gabat house, which is more or less 101 sqm. Here is a copy of the report.

*(Affiant showing a copy of the survey report of Engr. Oscar Castro attached herein and made an integral part hereof as **Annex "M"**)*

61. Q. What happened to the DENR survey?

A. It finally happened in March 20, 2023. A DENR team from MIMAROPA came to do a survey headed by Engr. Relan Buenafe. During their survey, they already mentioned that they see an encroachment of the Gabat house on our property. Our own surveyor Engr. Oscar Castro as also present during that time.

62. Q. What is the result of that survey?

A. The DENR MIMAROPA finally submitted their report to the court in May 2023. It confirmed that there is an encroachment of about 86 sqm. Here is a copy of the report.

*(Affiant showing a copy of the survey report of Engr. Relan Buenafe attached herein and made an integral part hereof as **Annex "N"**)*

63. Q. For what purpose are you executing this Judicial Affidavit?

A. I am executing this statement as part of my testimony in the above-entitled case.

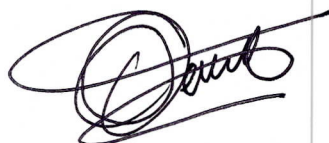
64. Q. Is there anything else you wish to tell the Honorable Court?

A. None, Ma'am.

65. Q. Sir do you affirm and confirm the truthfulness and veracity of all the statements you stated in this judicial affidavit?

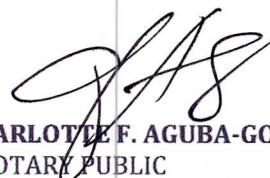
A. Yes ma'am.

Affiant sayeth naught.



FRANCK ALBERT JULES DEWASTE

SUBSCRIBED AND SWORN TO before me this 20th day of June 2023, Affiant, known to me to be the same person and exhibited to me his Passport No. 21DE58112, in Calapan City, Oriental Mindoro, Philippines.



ATTY. CHARLOTTE F. AGUBA-GOCO
NOTARY PUBLIC

MY COMMISSION UNTIL 31 DECEMBER 2024
ROLL NO. 46063, IBP LIFETIME ID NO. 03989
PTR NO. 1021130, CALAPAN 12/01/2022
MCLE NO. VII-0003124 valid until 04/14/2025
G/F LGC Bldg. Lalud, Calapan City,
Oriental Mindoro, Philippines
(043)288-7860

Doc. No. 478;
Page No. 97;
Book No. XVII;
Series of 2023.

REPUBLIC OF THE PHILIPPINES)
ORIENTAL MINDORO)

ATTESTATION

I, Atty. Charlotte F. Aguba-Goco, of legal age, Filipino, with residence at 18 A. Tolentino Sr. St., Block 6, Sta. Maria Village, Calapan City, Oriental Mindoro, after having been duly sworn to in accordance with law, do hereby depose and say:

- 1. I am the lawyer who conducted the direct examination of **FRANCK ALBERT JULES DEWASTE.**
- 2. I faithfully recorded or caused to be recorded the questions I asked and the corresponding answers that the witness gave.
- 3. Neither I nor any person then present or assisting me coached the witness regarding her answers.

IN WITNESS, WHEREOF, I have hereunto set my hand this JUN 20 2023 at Calapan City, Oriental Mindoro.


ATTY. CHARLOTTE F. AGUBA-GOCO
Affiant

SUBSCRIBED AND SWORN TO before me this JUN 20 2023, Atty. Charlotte F. Aguba-Goco, known to me to be the same person and exhibited to me her IBP Lifetime ID No. 03989, in Calapan City, Oriental Mindoro, Philippines.

Doc. No. 69 ;
Page No. 15 ;
Book No. II ;
Series of 2023.


ATTY. RONALD KEVIN L. MONTELLANO
Notary Public
Until Dec. 31, 2024
Notarial Commission No. NP-23-253
2nd Floor, 059 Juan Luna Street, San Vicente Central,
Calapan City, Oriental Mindoro
Roll of Attorneys No. 83680
IBP No. 254968/ 12-28-22 (for 2023)/ Oriental Mindoro
PTR No. 1031685/ 01-03-23 (for 2023)/ Calapan City
MCLE Compliance pursuant to B.O. No-1 S-2008,
admitted to the Bar on June 13, 2022

Republic of the Philippines
REGIONAL TRIAL COURT
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 Damages with Prayer for the
 Issuance of a Writ of Preliminary
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X-----X

JUDICIAL AFFIDAVIT OF
MICHELLE MIRAN GAJETOS

Preliminaries

This Judicial Affidavit of **MICHELLE MIRAN GAJETOS** is executed to serve as her direct testimony in the instant case. This Judicial Affidavit is offered to prove: (1) that she is the attorney-in-fact of Franck Albert Jules Dewaste, the husband of Rosalinda Tampipi (2) ; that Rosalinda Tampipi is the registered owner of the two parcels of land located in Puerto Galera, Oriental Mindoro covered by TCT No. 064-2014000366 and TCT No. 064-2012000749; (3) that Franck Albert Jules Dewaste is the registered owner of the improvement constructed on the said property covered by TD-2015-110002-01386; (4) that the house built on the adjoining lot by defendants spouses Roger and Jocelyn Gabat encroached on the lands owned by the Plaintiff herein; (5) that defendants spouses Roger and Jocelyn Gabat were given several years to correct the encroachment of their house on the land of the Plaintiff to no avail; (6) that the Plaintiffs have consulted the matter before the barangay justice system but to no avail; (7) that a barangay certification to file action was issued by Barangay Aninuan; (8) that Plaintiffs suffered actual, moral, and exemplary damages and attorney's fees due

to the defendant's refusal to correct the encroachment; and (9) prove all matters related thereto.

In the course of her testimony, Michelle Gajetos will identify documents pertinent to this case and will further testify on other allied matters.

This Judicial Affidavit shall serve as the direct testimony of the witness in this case.

QUESTIONS were propounded by petitioner's counsel, Atty. Charlotte F. Aguba-Goco, in English, which the affiant fully understands, while ANSWERS were given/made by him in English as well.

AFFIDAVIT

I am **MICHELLE MIRAN GAJETOS**, Filipino, of legal age, single, with address at Barangay Aninuan, Puerto Galera, Oriental Mindoro, Philippines.

I am at AGUBA-GOCO LAW OFFICE in Calapan City, Oriental Mindoro before ATTY. CHARLOTTE F. AGUBA-GOCO who is conducting and supervising my examination for this judicial affidavit.

I am answering the questions asked of me fully conscious and under oath, and I know that I may face criminal liability for false testimony or perjury.

Q1. Why are you here today **MICHELLE MIRAN GAJETOS**?

A1. I will be executing my Judicial Affidavit in relation to this case, ma'am.

Q2. What is your participation in this case?

A2. I am the attorney-in-fact of the Plaintiffs in this case. I filed this case on their behalf.

Q3. What is your proof that you are authorized to file this case on behalf of the plaintiffs?

A3. I have a special power of attorney in my favor signed by Franck Dewaste and Franck also has an SPA signed by his wife. Here they are.

*(Affiant handed Special Power of Attorney, marked as **Annex "L"**.)*

Q4. And where are the plaintiffs that they have to execute an SPA instead of filing this case themselves?

A4. At that time of filing, they were both abroad because they work there. Now, Ms. Tampipi is in Belgium and Mr. Franck Dewaste is here now but he usually goes to France for his work so they deemed it necessary to execute an SPA so I can handle the matters pertaining to their properties.

Q5. What is this property you are referring to?

A5. They are the two parcels of land located at Barangay Aninuan. They are registered in my wife's name. They are covered by TCT No. 064-2014000366 and TCT No. 064-2012000749.

Q6. Do you have the titles of these parcels of land with you?

A6. Yes.

*(Affiant handed two transfer certificates of title : TCT No. 064-2014000366 and TCT No. 064-2012000749, marked as **Annex "A"** and **Annex "B"**.)*

Q7. Why did you file this case on behalf of the plaintiffs?

A7. The adjoining property owned by the spouses Roger and Jocelyn Gabat encroached upon the two lots owned by the plaintiffs. The house of the Spouses Roger and Jocelyn Gabat apparently overstepped the boundaries of their own lot and a portion was on the properties of the plaintiffs.

Q8. And how did you know that there is an encroachment on the plaintiff's property?

A8. Mr. Dewaste, upon his return from France sometime in 2017 asked a surveyor to relocate the lots because he was applying for fencing permit and the result showed that portion of the Gabat's house is inside the property line of the plaintiffs.

Q9. Who is the surveyor?

A9. It was Engr. Antonio Michelle Escalona.

Q10. What is the result of his relocation survey by Engr. Escalona?

A10. He said that the house of the Gabats encroached on the lots of plaintiffs. The terrace of the house and the kitchen of Gabats are outside their property line but inside the property line of the plaintiffs. He said

*(Affiant handed Special Power of Attorney, marked as **Annex "L".**)*

Q4. And where are the plaintiffs that they have to execute an SPA instead of filing this case themselves?

A4. At that time of filing, they were both abroad because they work there. Now, Ms. Tampipi is in Belgium and Mr. Franck Dewaste is here now but he usually goes to France for his work so they deemed it necessary to execute an SPA so I can handle the matters pertaining to their properties.

Q5. What is this property you are referring to?

A5. They are the two parcels of land located at Barangay Aninuan. They are registered in my wife's name. They are covered by TCT No. 064-2014000366 and TCT No. 064-2012000749.

Q6. Do you have the titles of these parcels of land with you?

A6. Yes.

*(Affiant handed two transfer certificates of title : TCT No. 064-2014000366 and TCT No. 064-2012000749, marked as **Annex "A"** and **Annex "B".**)*

Q7. Why did you file this case on behalf of the plaintiffs?

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Q8. And how did you know that there is an encroachment on the plaintiff's property?

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A10. He said that the house of the Gabats encroached on the lots of plaintiffs. The terrace of the house and the kitchen of Gabats are outside their property line but inside the property line of the plaintiffs. He said

it was a total of about 337 sq.m. encroachment on the plaintiff's property.

Q11. Do you have proof of the said encroachment?

A11. Yes. I have the relocation survey of Engr. Escalona. Here it is.

(Affiant showing a blueprint of the relocation survey signed by Engr. Escalona attached herein and made an integral part hereof as Annex "I")

Q12. What happened after the survey?

A12. Mr. Dewaste talked to the Gabats to settle the matter. At first there was talk of a settlement where the Gabats will just exchange a right of way at the back of their property to give the plaintiffs a way out to the road near the Tribal Hills.

Q13. What happened to the settlement?

A13. After some time, the Gabats changed their mind and then insisted that there is no encroachment and so no right of way.

Q14. What happened after that?

A14. Mr. Dewaste demanded that they demolished the portion that encroached upon his property. But they did nothing. I also talked to them several times but nothing happened.

Q15. What did you do then after they did nothing?

A15. We filed a complaint before the barangay.

Q16. What happened in the barangay?

A16. At first, the Gabats showed up and agreed to have a common surveyor do a survey again. Mr. Dewaste agreed on a surveyor from the Land Registration Authority.

Q17. When did the surveyor from the LRA conduct the survey??

A17. No one from the LRA came to do a survey at that time.

Q18. What happened then?

A18. The Gabats insisted to use their own surveyor instead.

Q19. And what did you do?

A19. At first, Mr. Dewaste didn't agree because he was afraid that the Gabat's surveyor would be of course be in favor of the Gabats but then to settle everything right away, he agreed hesitantly.

it was a total of about 337 sq.m. encroachment on the plaintiff's property.

Q11. Do you have proof of the said encroachment?

A11. Yes. I have the relocation survey of Engr. Escalona. Here it is.

(Affiant showing a blueprint of the relocation survey signed by Engr. Escalona attached herein and made an integral part hereof as Annex "I")

Q12. What happened after the survey?

A12. Mr. Dewaste talked to the Gabats to settle the matter. At first there was talk of a settlement where the Gabats will just exchange a right of way at the back of their property to give the plaintiffs a way out to the road near the Tribal Hills.

Q13. What happened to the settlement?

A13. After some time, the Gabats changed their mind and then insisted that there is no encroachment and so no right of way.

Q14. What happened after that?

A14. Mr. Dewaste demanded that they demolished the portion that encroached upon his property. But they did nothing. I also talked to them several times but nothing happened.

Q15. What did you do then after they did nothing?

A15. We filed a complaint before the barangay.

Q16. What happened in the barangay?

A16. At first, the Gabats showed up and agreed to have a common surveyor do a survey again. Mr. Dewaste agreed on a surveyor from the Land Registration Authority.

Q17. When did the surveyor from the LRA conduct the survey??

A17. No one from the LRA came to do a survey at that time.

Q18. What happened then?

A18. The Gabats insisted to use their own surveyor instead.

Q19. And what did you do?

A19. At first, Mr. Dewaste didn't agree because he was afraid that the Gabat's surveyor would be of course be in favor of the Gabats but then to settle everything right away, he agreed hesitantly.

Q20. And so what happened after that?

A20. Nothing happened again. On the agreed date of survey no one came. So the barangay reset the schedule. The barangay was reset two times because they did not attend.

Q21. And what happened on the reset schedule?

A21. On July 20, 2019 on the reset schedule, the Gabats came but no surveyor. It was only representative of surveyor who came but they did not have any documents to show.

Q22. Were you already there at the time?

A22. Yes. I was the one attending the barangay. Mr. DEwaste was present only the first time. So I have first hand knowledge.

Q23. So how did the hearing before the barangay turned out?

A23. The Gabats again requested for two weeks to conduct a survey.

Q24. And you agreed.

A24. We hesitantly agreed again. We have no choice if we want to settle the matter amicably.

Q25. What happened after two weeks?

A25. Still nothing. No word from the Gabats.

Q26. What did you do then?

A26. Mr. Dewaste was really made and so we requested for the issuance of the certificate to file action from the barangay.

Q27. Do you have a copy of that?

A27. Yes. Here.

*(Affiant showing a Katunayan Upang Makadulog sa Hukuman attached herein and made an integral part hereof as **Annex "J"**)*

Q28. After you filed this case in court, what other actions have taken to pursue this case?

A28. We have motioned for an independent survey by the DENR, which was approved by the court.

Q29. What happened to the survey by the DENR?

A29. After several attempts at the actual relocation survey failed due to the failure of the Gabats to cooperate, the DENR PENRO

represented by Engineer Garcia finally conducted a relocation survey even without the defendants presence after the court approved the same. At that time, he told me that there appears to be an encroachment on the property of the plaintiffs.

Q30. What happened after that ?

A30. There was no official report of that time but after two to three months, Engr. Garcia returned with the court Sheriff, Sheriff Gerardo Viray to do another survey.

Q31. What is the result of his survey?

A31. His report said there is no encroachment.

Q32. What did you do then?

A32. We pushed our lawyer to file a reconsideration in court and ask for another independent survey. Obviously something went wrong. During the actual survey he said there is an encroachment and then his final report he changed his statement.

Q33. Did the court grant the same?

A33. Yes. Fortunately, the court approved another survey by the DENR.

Q34. What transpired next?

A34: I worked very hard to coordinate with the DENR MIMAROPA for another conduct of relocation survey. After several glitches with the DENR due to lack of surveyor, another private surveyor came to survey the property.

Q35. Who is this private surveyor?

A35. Engineer Oscar Castro.

Q36. What is the result of Engr. Oscar Castro's survey?

A36. According to his report, there is indeed an encroachment of the Gabat house, which is more or less 101 sqm. Here is a copy of the report.

(Affiant showing a copy of the survey report of Engr. Oscar Castro attached herein and made an integral part hereof as Annex "M")

Q37. What happened to the DENR survey?

A37. It finally happened in March 20, 2023. A DENR team from MIMAROPA came to do a survey. During their survey, the team already mentioned that they see an encroachment of the Gabat

house on our property. In fact, the DENR team mentioned to me that the lot plan prepared by Engr. Garcia showed an encroachment of the Gabat house on the plaintiff's property so they are wondering also why the final report said no encroachment.

Q38. What is the result of that survey?

A38. The DENR MIMAROPA, after my several personal follow-ups in their office in Manila finally gave me a copy of their report and told me to file the same in court. Then they also filed a copy electronically in court. The report confirmed that there is an encroachment of about 86 sqm. Here is a copy of the report.

(Affiant showing a copy of the survey report of DENR Engr. Buenafe attached herein and made an integral part hereof as Annex "N")

Q39. For what purpose are you executing this Judicial Affidavit?

A39. I am executing this statement as part of my testimony in the above-entitled case.

Q40. Is there anything else you wish to tell the Honorable Court?

A40. None, Ma'am.

Q41. Ma'am, do you affirm and confirm the truthfulness and veracity of all the statements you stated in this judicial affidavit?

A41. Yes, ma'am.


Affiant sayeth naught.


MICHELLE MIRAN GAJETOS

SUBSCRIBED AND SWORN TO before me this JUN 20 2023, Affiant, known to me to be the same person and exhibited to me her NMID cen 0113-, in Calapan City, Oriental Mindoro, Philippines.

0866826-6

Doc. No. 479;
Page No. 97;
Book No. XVII;
Series of 2023.


ATTY. CHARLOTTE F. ACUBA-GOCO
Notary Public for Oriental Mindoro
MY COMMISSION UNTIL 31 DECEMBER 2024
Notarial Commission No. 22-237
ROLL NO. 46063, IBP LIFETIME ID NO. 03989
PTR NO. 1021130, CALAPAN 12/01/2022
MCLE NO. VII-0003124 valid until 04/14/2025
G/F LGC Bldg. Lalud, Calapan City,
Oriental Mindoro, Philippines
(043)288-7860

REPUBLIC OF THE PHILIPPINES)
 ORIENTAL MINDORO)

ATTESTATION

I, Atty. Charlotte F. Aguba-Goco, of legal age, Filipino, with residence at 18 A. Tolentino Sr. St., Block 6, Sta. Maria Village, Calapan City, Oriental Mindoro, after having been duly sworn to in accordance with law, do hereby depose and say:

1. I am the lawyer who conducted the direct examination of **MICHELLE MIRAN GAJETOS**.
2. I faithfully recorded or caused to be recorded the questions I asked and the corresponding answers that the witness gave.
3. Neither I nor any person then present or assisting me coached the witness regarding her answers.


IN WITNESS, WHEREOF, I have hereunto set my hand this
JUN 20 2023 at Calapan City, Oriental Mindoro.


 ATTY. CHARLOTTE F. AGUBA-GOCO
 Affiant

SUBSCRIBED AND SWORN TO before me this JUN 20 2023, Atty. Charlotte F. Aguba-Goco, known to me to be the same person and exhibited to me her IBP Lifetime ID No. 03989, in Calapan City, Oriental Mindoro, Philippines.

Doc. No. 68;
 Page No. 15;
 Book No. II;
 Series of 2023.

C:\Users\LENOVO\Downloads\JA DEWASTE .Michelle11.doc


 ATTY. RONALD KEVIN L. MONTELLANO
 Notary Public
 Until Dec. 31, 2024
 Notarial Commission No. NP-23-253
 2nd Floor, 059 Juan Luna Street, San Vicente Central,
 Calapan City, Oriental Mindoro
 Roll of Attorneys No. 83680
 IBP No. 254968/ 12-28-22 (for 2023)/ Oriental Mindoro
 PTR No. 1031685/ 01-03-23 (for 2023)/ Calapan City
 MCLE Compliance pursuant to B.O. No-1 S-2008,
 admitted to the Bar on June 13, 2022

ANNEX "A"

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
Land Registration Authority
QUEZON CITY

Registry of Deeds for Calapan, Mindoro Oriental

Transfer Certificate of Title

OWNER'S DUPLICATE • OWNER'S DUPLICATE • OWNER'S DUPLICATE • OWNER'S DUPLICATE • OWNER'S DUPLICATE

No. 064-2014000366

IT IS HEREBY CERTIFIED that certain land situated in THE BARRIO OF ANINUAN, MUNICIPALITY OF PUERTO GALERA, PROVINCE OF OR. MINDORO, ISLAND OF MINDORO, more particularly bounded and described as follows:

LOT NO: 2 PLAN NO: (LRA) PCS-39541

PORTION OF: LOT 10, PCS-04-018574 LOT 11, PSD-04-018574

LOCATION: THE BARRIO OF ANINUAN, MUNICIPALITY OF PUERTO GALERA, PROVINCE OF OR. MINDORO, ISLAND OF MINDORO (continued on next page)

is registered in accordance with the provision of Section 103 of the Property Registration Decree in the name of

Owner: ROSALINDA T. TAMPIPI, OF LEGAL AGE, FILIPINO, MARRIED TO FRANCK DEWASTE, FRENCH NATIONAL

Address: ERGY, ANINUAN, PUERTO GALERA, ORIENTAL MINDORO MIMAROPA

subject to the provisions of the said Property Registration Decree and the Public Land Act, as well as to those of the Mining Laws, if the land is mineral, and subject, further, to such conditions contained in the original title as may be subsisting.

IT IS FURTHER CERTIFIED that said land was originally registered as follows:

Patent Type: Free Patent

Original RD: CALAPAN, MINDORO ORIENTAL

Patent Date: 08/06/1979

OCT Date: 11 15 1979

Under Act No.: 496

OCT No.: OCT-P-1748, P-1478

Volume No.: P-9

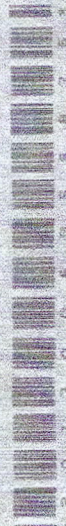
Page No.: 148

Original Owner: ISIDRO EVANGELISTA

This certificate is a transfer from TRANSFER CERTIFICATE OF TITLE T-140922; 2012004569 (TOTALLY CANCELLED) by virtue hereof in so far as the above-described land is concerned.

Entered at Calapan, Mindoro Oriental, Philippines on the 16th day of JANUARY 2014 at 02:11pm.

ATTY. PEPITO MORTAL
Register Of Deeds



TCT No.: 064-2014000366

Page No.: 2

TECHNICAL DESCRIPTION (Continued from page 1)

BOUNDARIES:

LINE	DIRECTION	ADJOINING LOT(S)
1-2	NW	LOT 9, BOTH OF PCS-04-018574
2-3	NE	LOT 8029, CAD. 533-D, PUERTO GALERA CADASTRE
3-5	SE	LOT 14
5-6		LOT 12, BOTH OF PCS-04-018574
6-8	SW, SE	LOT 1, OF THE CONSOLIDATION-SUBDIVISION PLAN
8-1	SW	(ROAD) LOT 15

TIE POINT: BLM NO. 1, CAD 533-D, MUNICIPALITY OF PUERTO GALERA, PROVINCE OF ORIENTAL MINDORO

LINE	BEARING	DISTANCE
TO CORNER 1	S. 88° 41' W	6066.15 M.
1-2	N. 65° 47' E	81.32 M.
2-3	S. 81° 56' E	15.48 M.
3-4	S. 16° 11' W	7.50 M.
4-5	S. 16° 09' W	21.57 M.
5-6	S. 66° 31' W	18.88 M.
6-7	N. 16° 18' W	16.02 M.
7-8	S. 65° 10' W	60.12 M.
8-1	N. 19° 36' W	15.00 M.

AREA: ONE THOUSAND SEVEN HUNDRED FOUR SQUARE METERS (1704), MORE OR LESS

DESCRIPTION OF CORNERS: ALL POINTS REFERRED TO ARE INDICATED ON THE PLAN AND MARKED ON THE GROUND AS FOLLOWS; POINTS 1 TO 5 & 8 BY OLD PS AND THE REST BY

P.

S. CYL. CONC. MONS. 15 X 60 CM.

BEARINGS: TRUE

DECLINATION:

DATE OF ORIGINAL SURVEY: JAN. 4, 2004

DATE OF SUBD/CONE SURVEY: JUNE 28, 2013

DATE OF APPROVED SURVEY: N/A

GEODETIC ENGINEER: PELAGIO A. ESCALONA

NOTES:

XXX

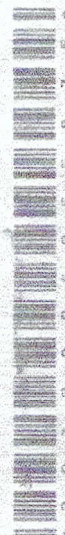
NOTICE

XXX

Additional Memorandum of Encumbrances continued on page number 03
of the New Philaris Title form with serial number 201207206203

Date

2.28.14



TCT No.: 064-2014000366

Page No.: 3

MEMORANDUM OF ENCUMBRANCES

Entry No.: 2014001346

Date: February 28, 2014 09:28:04AM

LEASE CONTRACT : EXECUTED BY AND BETWEEN :

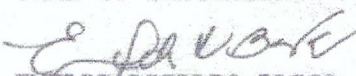
- ROSALINDA TAMPIPI DEWASTE, FILIPINO, OF LEGAL AGE, MARRIED
AND RESIDENT OF PUERTO GALERA, ORIENTAL MINDORO, HEREINAFTER
REFERRED TO AS THE "LESSOR"

- AND -

- HELOISE, ZOE AND ANOUCK ALL SURNAME DEWASTE, FRENCH NATIONAL,
ALL SINGLE, ALL OF LEGAL AGE, AND RESIDENT OF PUERTO GALERA,
ORIENTAL MINDORO, HEREINAFTER REFERRED TO AS THE "LESSEE"

COVERING THE PARCEL OF LAND DESCRIBED IN THIS TCT NO.
064-2014000366 IN THE FULL AMOUNT OF FIFTY THOUSAND PESOS
(PHP50,000.00) FOR A PERIOD OF TWENTY-FIVE (25) YEARS, FROM MARCH
01, 2014 TO MARCH 1, 2039, SUBJECT TO ALL TERMS AND CONDITIONS
STIPULATED IN THE CONTRACT OF LEASE, IN ACCORDANCE WITH DOC. 384,
PAGE NO. 77, BOOK NO. XVI, SERIES OF 2014, BEFORE NOTARY PUBLIC,
ATTY. MARIA ROSARIO S. TAM-ARMAMENTO, ON FILE IN THIS REGISTRY.

DATE OF INSTRUMENT - FEBRUARY 10, 2014


EMELDA RIZALDO BASCO

OIC - Deputy Register of Deeds



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
Land Registration Authority
QUEZON CITY

ANNEX "B"

Registry of Deeds for Calapan, Mindoro Oriental

Transfer Certificate of Title

OWNER'S DUPLICATE OWNER'S DUPLICATE OWNER'S DUPLICATE OWNER'S DUPLICATE

No. 064-2012000749

IT IS HEREBY CERTIFIED that certain land situated in BRGY. OF ANINUAN, MUN. OF PUERTO GALERA, PROVINCE OF ORIENTAL MINDORO, more particularly bounded and described as follows:

A PARCEL OF LAND (LOT 9, OF THE CONSOL-SUBD. PLAN, PCS-04-018574, BEING A PORTION OF THE CONSO. OF LOTS 8030-A, 8030-B, AND 8030-C, PSD-04-077996, L.R.C. RECORD NO.), SITUATED IN THE BRGY. OF ANINUAN, MUN. OF PUERTO GALERA, PROVINCE OF ORIENTAL MINDORO. BOUNDED ON THE SW., ALONG LINES 1-2-3-4-5 BY LOT 15 (ROAD); ON THE NW., ALONG LINE 5-6 BY LOT 8, OF THE CONSOL-SUBD. PLAN; ON THE NE., ALONG LINE 6-7 BY LOT 8029, CAD. 533-D, PUERTO GALERA CAD.; AND ON THE SE., ALONG LINE 7-1 BY LOT 10, OF THE CONSOL-SUBD. PLAN. BEGINNING AT A POINT MARKED (Continued on next page).

is registered in accordance with the provision of Section 103 of the Property Registration Decree in the name of

Owner: ROSALINDA T. TAMPIPI, OF LEGAL AGE, FILIPINO, MARRIED TO FRANCK DEWASTE, FRENCH NATIONAL (A PARAPHERNAL AND EXCLUSIVE PROPERTY)

Address: BARANGAY ANINUAN, PUERTO GALERA, ORIENTAL MINDORO MIMAROPA
subject to the provisions of the said Property Registration Decree and the Public Land Act, as well as to those of the Mining Laws, if the land is mineral, and subject, further, to such conditions contained in the original title as may be subsisting.

IT IS FURTHER CERTIFIED that said land was originally registered as follows:

Patent Type: Free Patent

Original RD : CALAPAN, MINDORO
ORIENTAL

Patent Date: 08/06/1979

OCT Date: 11 15 1979

Under Act No.: 496

OCT No: OCT-P-1748

Volume No: P-9

Page No: 148

Original Owner : ISIDRO EVANGELISTA

This certificate is a transfer from TRANSFER CERTIFICATE OF TITLE T-140919 (TOTALLY CANCELLED) by virtue hereof in so far as the above-described land is concerned.

Entered at Calapan, Mindoro Oriental, Philippines on the 23rd day of FEBRUARY 2012 at 03:42pm.

ATTY. PERITO PAALA MORTEL
Register Of Deeds



TCT No.: 064-2012000749

Page No.: 2

TECHNICAL DESCRIPTION (Continued from Page 1)

"1" ON PLAN, BEING S. 88 DEG. 41'W., 6066.15 M. FROM BLLM NO. 1, CAD. 533-D, PUERTO GALERA CADASTRE. THENCE N. 28 DEG. 02'W., 4.35 M. TO POINT 2; THENCE N. 35 DEG. 55'W., 5.98 M. TO POINT 3; THENCE N. 43 DEG. 33'W., 4.73 M. TO POINT 4; THENCE N. 51 DEG. 41'W., 5.53 M. TO POINT 5; THENCE N. 66 DEG. 12'E., 56.43 M. TO POINT 6; THENCE S. 81 DEG. 56'E., 35.91 M. TO POINT 7; THENCE S. 65 DEG. 55'W., 81.34 M. TO POINT OF BEGINNING, CONTAINING AN AREA OF ONE THOUSAND THREE HUNDRED TWELVE (1,312) SQUARE METERS. ALL POINTS REFERRED TO ARE INDICATED ON THE PLAN AND ARE MARKED ON THE GROUND BY PS., CYL. CONC. MONS. 15 X 60 CMS., BEARINGS TRUE; DATE OF ORIGINAL SURVEY, AND THAT OF THE CONSOL. SUBD. SURVEY, JAN. 4, 2004, AND WAS APPROVED ON SEPT. 24, 2004.

XXX

NOTICE

Additional Memo
of the New Philat.

Date

3-27-12

2011/00207498



TCT No.: 064-2012000749

Page No.: 3

2011802604498

MEMORANDUM OF ENCUMBRANCES

Entry No.: 2012001814

Date: March 27, 2012 1:08 pm

LEASE CONTRACT: THIS CONTRACT OF LEASE IS EXECUTED BY AND BETWEEN:

-ROSALINDA TAMPIPI DEWASTE, FILIPINO, OF LEGAL AGE, MARRIED, AND RESIDENT OF PUERTO GALERA, ORIENTAL MINDORO, HEREINAFTER REFERRED TO AS THE "LESSOR";

-AND-

HELOISE, ZOE, ANOUCK, ALL SURNAME DEWASTE, FRENCH NATIONAL ALL OF LEGAL AGE, ALL SINGLE AND RESIDENT OF PUERTO GALERA, ORIENTAL MINDORO, HEREINAFTER REFERRED TO AS THE "LESSEE"

COVERING THE PARCEL OF LAND DESCRIBED IN THIS TCT NO. 064-2012000749 FOR THE SUM OF FIFTY THOUSAND PESOS (PHP50,000.00), FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM MARCH 12, 2012 TO MARCH 12, 2037, RENEWABLE FOR ANOTHER PERIOD OF 25 YEARS AT THE OPTION OF THE LESSEE, CONSENT FOR THE RENEWAL IS HEREIN GIVEN BY THE LESSOR, IN ACCORDANCE WITH DOC. NO. 329, PAGE NO. 67, BOOK NO. VIII, SERIES OF 2012, BEFORE NOTARY PUBLIC, ATTY. MARIA ROSARIO S. TAM-ARMAMENTO, ON FILE IN THIS REGISTRY.

DATE OF INSTRUMENT - MARCH 12, 2012


EMELDA RIZALDO BASCO
OIC - Deputy Register of Deeds



DEED OF ABSOLUTE SALE
(Whole Area of 1,312 Sq. Meters)

Annex "D"
ANNEX "C"

KNOW ALL MEN BY THESE PRESENTS:

This DEED OF ABSOLUTE SALE was made and executed by and between MODESTO EVANGELISTA married to Rodora Mendoza, of legal age, Filipino and a resident of Barangay of Aninuan, Puerto Galera, Oriental Mindoro, hereinafter called as VENDOR; and ROSALINDA T. TAMPIPI, of legal age, Filipino, married to Franck Dewaste, French National, a paraphernal and exclusive property and a resident of Barangay of Aninuan, Puerto Galera, Oriental Mindoro, hereinafter called as VENDEE;

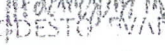
W I T N E S S E T H

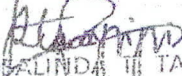
That for and in consideration of the sum of FIFTY THOUSAND (P 50,000.00) PESOS ONLY, Phil. Currency, to me in hand paid by the said VENDEE, the receipt of which amount with my entire satisfaction is hereby acknowledged, have sold, transferred and conveyed by these presents, I do hereby SELL, TRANSFER and CONVEY unconditionally and absolutely unto the said VENDEE, her heirs, successors and assigns a parcel of land with an area of ONE THOUSAND AND THREE HUNDRED TWELVE (1,312) SQUARE METERS, known as Lot -9, Pcs-04-018674, covered and embraced in the TCT No. T-140919, Book No. T-1117 and Page No. 19, situated in the Brgy. of Aninuan, Mun. of Puerto Galera, Province of Oriental Mindoro.


That I am the registered and lawful owner as evidence of the aforementioned title;

That I hereby guarantee and peaceful ownership and possession of the above-mentioned property;

IN WITNESS WHEREOF, we have hereunto signed our names this 27th day of December, 2011 at Calapan City, Oriental Mindoro.


MODESTO EVANGELISTA
Vendor



ROSALINDA T. TAMPIPI
Vendee


With My Conformity:
FRANCK DEWASTE
Vendee's Husband

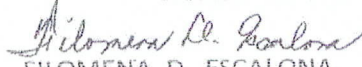
CTC No.: 01310053
Issued On: 11-28-11
At: Brgy. Aninuan, Puerto Galera


TIN No.: 774-395-947-000
Issued On: N/A
At: BIR, RDO No. 113

With My Conformity:


RODORA MENDOZA
Vendor's Wife

SIGNED IN THE PRESENCE OF:


1. FILOMENA D. ESCALONA


2. 

A C K N O W L E D G M E N T

Republic Of The Philippines)
Province Of Oriental Mindoro) S.S.
C i t y O f C a l a p a n)

BEFORE ME, on this 27th day of December, 2011 at Calapan City, came personally the above-named persons, all known to me and to me known to be the same persons who executed the foregoing instrument, DEED OF ABSOLUTE SALE and they acknowledged to me that the same is of their own free and voluntary act and deed.

WITNESS MY HAND AND NOTARIAL SEAL.


ATTY. LILIA L. CALABOCAL
Notary Public

DEED OF ABSOLUTE SALE
(Whole Area of 1,304 Square Meters)

Annex "E"

ANNEX "D"

KNOW ALL MEN BY THESE PRESENTS:

This DEED OF ABSOLUTE SALE was made and executed by and among ROMEO EVANGELISTA married to Belen de Guzman, of legal age, Filipino and a resident of Brgy. Aninuan, Puerto Galera, Oriental Mindoro, hereinafter called as VENDOR; and ROSALINDA T. TAMPIPI, of legal age, Filipino, married to Franck Dewaste, French National, a paraphernal and exclusive property and a resident of Brgy. Aninuan, Puerto Galera, Oriental Mindoro, hereinafter called as VENDEES;

W I T N E S S E T H

That for and in consideration of the sum THIRTY THOUSAND (P 30,000.00) PESOS ONLY, Phil. Currency, to me in hand paid by the said VENDEES, the receipt of which amount with my entire satisfaction is hereby acknowledged, have sold, transferred and conveyed by these presents, I do hereby SELL, TRANSFER and CONVEY unconditionally and absolutely unto the said VENDEES, her heirs, successors and assigns a parcel of land with an area of ONE THOUSAND THREE HUNDRED FOUR (1,304) SQUARE METERS, known as Lot -10, Pcs-04-018674 covered and embraced in the TCT No. T-140921, Book No. T-1117 and Page No. 21, situated in the Barangay of Aninuan, Mun. of Puerto Galera, Province of Oriental Mindoro

That I am the registered and lawful owner as evidence of the afore-mentioned title;

That I hereby guarantee a peaceful ownership and possession of the above-mentioned property;

IN WITNESS WHEREOF, I/we have hereunto signed my/our name/s this 3rd day of October, 2012 at Calapan City, Oriental Mindoro.

Romeo Evangelista
ROMEO EVANGELISTA
Vendor

Rosalinda T. Tampipi
ROSALINDA T. TAMPIPI
Vendee

CTC No.: 271-895-947-000

TIN: 271-895-947-000

Issued On: 01-06-2012

Issued On: N/A

At: Puerto Galera

At BIR, RDO No.-113

With My Conformity:

Belen Evangelista
BELEN DE GUZMAN

Vendor's Wife

With My Conformity:

Franck Dewaste
FRANCK DEWASTE
Vendee's husband

SIGNED IN THE PRESENCE OF:

Vanessa D. Abaya
1. VANESSA D. ABAYA

Filomena D. Escalona
2. FILOMENA D. ESCALONA

A C K N O W L E D G M E N T

Republic Of The Philippines)
Province Of Oriental Mindoro) S.S.
C i t y O f C a l a p a n)

BEFORE ME, on this 3rd day of October, 2012 at Calapan City, came personally the above-named persons, all known to me and to me known to be the same persons who executed the foregoing instrument, DEED OF ABSOLUTE SALE and they acknowledged to me that the same is of their own free and voluntary act and deed.

WITNESS MY HAND AND NOTARIAL SEAL.

Doc. No. 257

Lilia L. Calabocal
ATTY. LILIA L. CALABOCAL
Notary Public
Until December 31, 2012

DEED OF ABSOLUTE SALE
(Partial Area of 400 Square Meters)

Annex "F"
ANNEX "E"

KNOW ALL MEN BY THESE PRESENTS:

This DEED OF ABSOLUTE SALE was made and executed by and among TEDDIE EVANGELISTA married to Jury Magbuhos, of legal age, Filipino and a resident of Brgy. Aninuan, Puerto Galera, Oriental Mindoro, hereinafter called as VENDOR; and ROSALINDA T. TAMPIPI, of legal age, Filipino, married to Franck Dewaste, French National, a paraphernal and exclusive property and a resident of Brgy. Aninuan, Puerto Galera, Oriental Mindoro, hereinafter called as VENDEE;

W I T N E S S E T H

That for and in consideration of the sum THIRTY THOUSAND (P 30,000.00) PESOS ONLY, Phil. Currency, to me in hand paid by the said VENDEE, the receipt of which amount with my entire satisfaction is hereby acknowledged, have sold, transferred and conveyed by these presents, I do hereby SELL, TRANSFER and CONVEY unconditionally and absolutely unto the said VENDEE, her heirs, successors and assigns a parcel of land with an area of FOUR HUNDRED (400) SQUARE METERS, known as Lot -11, Pcs-04-018574 covered and embraced in the TCT No. T-140922, Book No. T-1117 and Page No. 22, situated in the Barangay of Aninuan, Mun. of Puerto Galera, Province of Oriental Mindoro

That I am the registered and lawful owner as evidence of the afore-mentioned title;

That I hereby guarantee a peaceful ownership and possession of the above-mentioned property;

IN WITNESS WHEREOF, we have hereunto signed

our names this, 27th day of

September, 2013 at Calapan City, Oriental Mindoro.

Evangelista
TEDDIE EVANGELISTA

Vendor

TIN: 294-135-781-000

Issued On: N/A

At: BIR, RDO-113

With My Conformity:

Jury Magbuhos
Jury Magbuhos
Vendor's Wife

Rosalinda T. Tampipi
ROSALINDA T. TAMPIPI

Vendee

TIN: 274-895-947-000

Issued On: N/A

At: BIR, RDO No.-113

SIGNED IN THE PRESENCE OF:

1. Danilo Delos Reyes
DANILLO DELOS REYES

2. Pilomena D. Escalona
PILOMENA D. ESCALONA

With My Conformity:

Franck Dewaste
Franck Dewaste
Vendee's Husband

A C K N O W L E D G M E N T

Republic Of The Philippines)
Province Of Oriental Mindoro) S.S.
City Of Calapan)

BEFORE ME, on this 27th day of September, 2013 at Calapan City, came personally the above-named persons, all known to me and to me known to be the same persons who executed the foregoing instrument, DEED OF ABSOLUTE SALE and they acknowledged to me that the same is of their own free and voluntary act and deed.

WITNESS MY HAND AND NOTARIAL SEAL.

Doc. No. 664:

Page No. 15:

Book No. _____:

Series of 2013

Lilia L. Calabocal
ATTY. LILIA L. CALABOCAL
Notary Public

Until December 31, 2013

Roll No.: 20318

PTR: 3085174/01-14-13

At: Calapan City

AMOUNT OF DOCUMENTARY STAMP TAX PAID 3,000.00
OFFICIAL RECEIPT NO. _____ DATE OF PAYMENT 09-27-13
NAME OF AUTHORIZED AGENT BANK PAB
AMOUNT OF CAPITAL GAINS TAX PAID 12,500.00
OFFICIAL RECEIPT NO. _____ DATE OF PAYMENT 09-27-13
NAME OF AUTHORIZED AGENT BANK PAB
Teddie Evangelista
NAME AND SIGNATURE OF PAID

AMOUNT OF GST & CGT PAID ON THIS DOCUMENT AND CERTIFICATE
THIS REGISTRATION ISSUED UNDER CAR NO. ED 1702264
10-03-13 AND CERTIFIED CORRECT.

Ronelio C. Dizon
RONELIO C. DIZON
REVENUE DISTRICT OFFICE
TINAYONG, BGC - 103.500

DECLARATION OF REAL PROPERTY

Annex 9

TD No.: 2015-110002-00392

Cancelled: ☐ Property Identification No.: 029-11-0002-009-05

Owner: TAMPIPI, ROSALINDA T. MRD. TO FRANK DEWASTE (A PARAPHERNAL AND EXCLUSIVE PROPERTY)

ANNEX "F"

Address: ANINUAN, PUERTO GALERA, ORIENTAL MINDORO

Administrator/Beneficial User:

Address:

ANINUAN

PUERTO GALERA, ORIENTAL

Location of Property:

(Number and Street)

(Barangay/District)

(Municipality&Province/City)

OCT/TCT/CLOA No.: 064-2012000749

Survey No.: PCS-04-018574

CCT:

Lot No.:

Blk. No.:

Dated:

Cadastral Lot no: 9

Boundaries:

North: NE LOT 8029

South: W LOT 15

East: SE LOT 10

West: NW LOT 8

KIND OF PROPERTY ASSESSED:

☒ LAND:☐ MACHINERY:☐ BUILDING:☐ OTHERS:

No. of Storeys:

Specify:

Brief Description:

Classification	Area (sq.m.)	Market Value	Actual Use	Assessment Level	Assessed Value
RESIDENTIAL	1,312	278,144.00	RESIDENTIAL(R)	20%	55,630.00
TOTAL :	1,312	Php 278,144.00		Php	55,630.00

Total Assessed Value

FIFTY FIVE THOUSAND SIX HUNDRED THIRTY PESOS ONLY

(Amount in words)

Taxable ☒Exempt ☐

Effectivity of Assessment/Reassessment:

1

2015

Qtr.

Yr.

RECOMMENDING APPROVAL:

APPROVED BY:

MERVIN JOHN G. LALONGISIP, REA

01/01/2015

ONISIMO S. NALING, REA

01/01/2015

MUNICIPAL ASSESSOR

Date

Provincial Assessor

Date

This declaration cancels TD No.: 2012-110002-00845

Previous AV. Php

33,590.00

Previous Owner: TAMPIPI, ROSALINDA T. MRD. TO FRANK DEWASTE (A PARAPHERNAL AND EXCLUSIVE PROPERTY)

Memoranda: General Revision.

Annotation: Vol. No. P-9 Page No. 148

Notes: This declaration is for real property taxation purposes only and the valuation indicated herein are based on schedule of unit market values prepared for the purpose and duly enacted into an Ordinance by the Sangguniang Panlalawigan under Ordinance No. 35-2014 dated 6/25/2014. It does not and cannot by itself alone confer any ownership or legal title to the property.

DECLARATION OF REAL PROPERTY

TD No.: 2015-110002-01386

Cancelled: ☐ Property Identification No.: 029-11-0002-009-(05)-1001

Owner: DEWASTE, FRANCK ALBERT JULES

TIN: _____

Address: ANINUAN, PUERTO GALERA, ORIENTAL MINDORO

Telephone No.: _____

Administrator/Beneficial User: _____

TIN: _____

Address: _____

Telephone No.: _____

Location of Property: _____

ANINUAN

PUERTO GALERA, ORIENTAL

(Number and Street)

(Barangay/District)

(Municipality/Province/City)

OCT/TCT/CLOA No.: _____

Survey No.: _____

CCT: _____

Lot No.: _____

Blk. No.: _____

Dated: _____

Cadastral Lot no: 9

Boundaries:

North: _____

South: _____

East: _____

West: _____

KIND OF PROPERTY ASSESSED:

☐ LAND:

☐ MACHINERY:

☒ BUILDING:

☐ OTHERS:

No. of Storeys: 1

Specify: _____

Brief Description: ONE FAMILY RESIDENCE IV-B

Classification	Area (sq.m.)	Market Value	Actual Use	Assessment Level	Assessed Value
RESIDENTIAL	88.10	680,563.40	ONE FAMILY RESIDENCE	25%	170,140.00
TOTAL :	88.10	Php 680,563.40		Php	170,140.00

Total Assessed Value ONE HUNDRED SEVENTY THOUSAND ONE HUNDRED FORTY PESOS ONLY

(Amount in words)

Taxable ☒

Exempt ☐

Effectivity of Assessment/Reassessment: 1

Qtr.

2019

Yr.

RECOMMENDING APPROVAL:

APPROVED BY:

MERVIN JOHN G. LALONGISIP, REA

04/11/2018

ONISIMO S. NALING, REA

04/11/2018

MUNICIPAL ASSESSOR

Date

Provincial Assessor

Date

This declaration cancels TD No.: NEW

Previous AV. Php

Previous Owner:

Memoranda: NEW

Annotation:

Notes: This declaration is for real property taxation purposes only and the valuation indicated herein are based on schedule of unit market values prepared for the purpose and duly enacted into an Ordinance by the Sangguniang Panlalawigan under Ordinance No. 35-2014 dated 6/25/2014. It does not and cannot by itself alone confer any ownership or legal title to the property.

DECLARATION OF REAL PROPERTY

Annex "H"

TD No.: **2015-110002-00423** Cancelled: ☐ Property Identification No.: **029-11-0002-009-32**

Owner: **TAMPIPI, ROSALINDA T. MRD. TO FRANK DEWASTE (A PARAPHERNAL AND EXCLUSIVE PROPERTY)**

Address: **ANINUAN, PUERTO GALERA, ORIENTAL MINDORO** Telephone No.: **ANNEX "H"**

Administrator/Beneficial User: _____ TIN: _____

Address: _____ Telephone No.: _____

Location of Property: **ANINUAN** **PUERTO GALERA, ORIENTAL MINDORO**

(Number and Street) (Barangay/District) (Municipality&Province/City)

OCT/TCT/CLOA No.: **064-2014000366** Survey No.: **(LRA) PCS-39541**

CCT: _____ Lot No.: _____ Blk. No.: _____

Dated: _____ Cadastral Lot no: **2**

Boundaries:

North: **W: LOT 9, PCS-04-018574** South: **E: LOT 14 & LOT 12, PCS-04-018574**

East: **NE: LOT 8029, CAD 533-D** West: **SW: (ROAD) LOT 15**

KIND OF PROPERTY ASSESSED:

☒ **LAND:** ☐ **MACHINERY:**

☐ **BUILDING:** ☐ **OTHERS:**

No. of Storeys: _____ Specify: _____

Brief Description: _____

Classification	Area (sq.m.)	Market Value	Actual Use	Assessment Level	Assessed Value
RESIDENTIAL	1,704	331,398.40	RESIDENTIAL(R)	20%	66,280.00
TOTAL :	1,704	Php 331,398.40			Php 66,280.00

Total Assessed Value **SIXTY SIX THOUSAND TWO HUNDRED EIGHTY PESOS ONLY**

(Amount in words)

Taxable ☒ Exempt ☐ Effectivity of Assessment/Reassessment: **1** **2015**

Qtr. Yr.

RECOMMENDING APPROVAL: **APPROVED BY:**

MERVIN JOHN G. LALONGISIP, REA **01/01/2015** **ONISIMO S. NALING, REA** **01/01/2015**

MUNICIPAL ASSESSOR Date Provincial Assessor Date

This declaration cancels TD No.: **2012-110002-00963** Previous AV. Php **40,020.00**

Previous Owner: **TAMPIPI, ROSALINDA T. MRD. TO FRANK DEWASTE (A PARAPHERNAL AND EXCLUSIVE PROPERTY)**

Memoranda: **General Revision.**

Annotation: **Vol. No. P-9 Page 148**

Notes: This declaration is for real property taxation purposes only and the valuation indicated herein are based on schedule of unit market values prepared for the purpose and duly enacted into an Ordinance by the *Sangguniang* Pambalawigan under Ordinance No. 35-2014 dated 6/25/2014. It does not and cannot by itself alone confer any ownership or legal title to the property.



Republika ng Pilipinas
Lalawigan ng Silangang Mindoro
Bayan ng Puerto Galera
BARANGAY ANINUAN

ANNEX "J"

TANGGAPAN NG LUPONG TAGAPAMAYAPA

TANGGAPAN NG LUPONG TAGAPAMAYAPA

MICHELLE M. GAJETOS
(Mga) Maysumbong
-Laban kay/kina-

Usaping Barangay Blg. _____
Ukol sa: Pagsususkat ng Lupa

MR. ROGER GABAT
MRS. JOCYLINE GABAT
(Mga) Ipinagsusumbong

KATUNAYAN UPANG MAKADULOG SA HUKUMAN

Ito ay nagpapatunay na :

1. Nagkaroon ng personal na pagharap sa pagitan ng mga panig sa harap ng Punong Barangay subalit nabigo ang pamamagitan;
2. Ang Punong Barangay ay nagtakda ng Pulong ng mga panig para sa pagbuo ng pangkat;
3. Ang mga ipinagsusumbong ay sinadya o tumangging humarap ng walang makatwirang dahilan sa paglilitis ng pag- aayos sa harap ng Pangkat; at

(pulisya.)^{4.} Dahil dito, ang kaukulang sumbong para sa alitan ay maaari nang ihain sa hukuman

Pinatutunayan:  **CHARITO C. GARCIA**
Tagapangulo ng Pangkat


MAILA B. BUNQUIN
Kalihim ng Pangkat

PHILIPPINE EMBASSY)
CONSULAR SECTION) s.s.
Brussels, Belgium)

Annex "K"
ANNEX "K"

ACKNOWLEDGMENT

BEFORE ME, CHARLES ANDREI P. MACASPAC, Consul of the Republic of the Philippines at the City of Brussels, Belgium, duly commissioned and qualified, on this 31st day of May 2019, personally appeared the following:

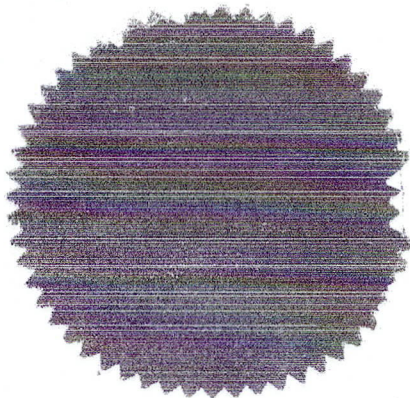
NAME	PASSPORT/ ID NO.	DATE/PLACE OF ISSUE
DEWASTE ROSALINDA TAMPIPI	Belgium Card B 3649125 82	02 Apr. 2019 Gent

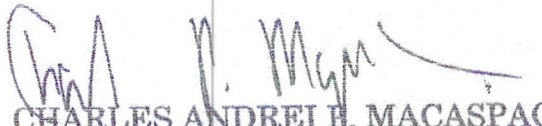
known to me and known to be the same person who executed the foregoing document and acknowledged the same as her own free act and voluntary deed.

This instrument consists of four (4) pages, including this whereon the acknowledgement is written, had been signed by the party and relates to a SPECIAL POWER OF ATTORNEY.

For the contents of the foregoing document, the Embassy of the Philippines in Brussels assumes no responsibility.

WITNESS MY HAND AND SEAL, at the place and on the date first above written.




CHARLES ANDREI P. MACASPAC
Consul

Fee Paid : €22.50
O.R. No. : 8574436
Service No : 1965
Doc. No. : 1137
Page No. : 31
Book No. : VI
Series of 2019

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

I, ROSALINDA T. TAMPIPI, of legal age, Filipino and residing at Coupure Rechts 198, 9000 Gent, Belgium, do hereby name, constitute, FRANCK ALBERT JULES DEWASTE, likewise of legal age, French and resident of Brgy. Aninuan, Puerto, Galera, Oriental Mindoro to be my true and lawful attorney-in-fact, for me and in my name and stead to do the following acts, to wit:

1. To conduct all of my affairs, manage my property in Brgy. Aninuan Puerto Galera with Certificate Title No. 064-2014000366 and 064-2012000749 exercise all of my legal rights and powers, including all rights and powers that I may acquire in the future;
2. Conduct any business, enter and execute binding contracts regarding the same, with any third person, individual or corporation;
3. To represent me in all legal processes that will require my presence and consent;
4. As such he is hereby authorized to appear and represent me in all stages of any business or contract and other legal processes, with authority a) to prepare and file the necessary legal papers/documents/forms b) attend interview/meeting, if necessary and required c) perform such other acts as may aid in the prompt disposition of the said transactions and other legal processes and to perform such acts to carry out such legal purpose;
5. To receive, receipt for, open, pursue, act upon and reply to any and all kinds of correspondence, or mail matter in relation to the aforementioned transactions and other legal processes; and
6. To delegate in whole or in part any all of the powers herein granted or conferred, by means of an instrument in writing, in favor of any third persons;
7. Execute all the necessary steps which may be deemed necessary in order to protect my sole beneficial and best interest;
8. To do and all other acts necessary to execute the foregoing purposes, as fully and effectively to all intents and purposes as I could do in person, if personally present.

This Special Power of Attorney shall become effective immediately and shall not be in any way affected by our distance or physical disability. This Special Power of Attorney shall continue to be effective until finally revoked.

HEREBY GIVING AND GRANTING unto my said ATTORNEY-IN-FACT full powers and authority to do and perform all and every act requisite or necessary to carry into effects the foregoing acts as if I am personally present, and hereby ratifying and confirming all that my said attorney-in-fact shall lawfully do or cause to be done by virtue hereof.

For this purpose, I am identifying the hereunder specimen signature of my attorney-in-fact as his true and usual signature:

Specimen Signature of:



FRANCK ALBERT JULES DEWASTE
ATTORNEY-IN-FACT

Signed in the presence of:

IN WITNESS WHEREOF, we have hereunto signed our names this _____ day of _____, 2019, at _____, Philippines.



ROSALINDA T. TAMPI
Principal

Signed in the Presence of:

WITNESS

WITNESS

REPUBLIC OF THE PHILIPPINES) S.S.
_____)

BEFORE ME, this _____ day of _____ 2019, personally appeared ROSALINDA T. TAMPI and FRANCK ALBERT JULES DEWASTE, exhibiting to me their valid identification cards, Driver's I.D. No. 217979312 and PASSPORT NO. 13BB37603, respectively, known to me, and to me known to be the same persons who executed the foregoing instrument and acknowledged to me that the same are their own free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the same date, year, and place above-written.

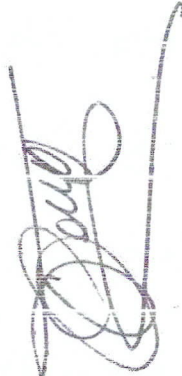
Doc. No: _____;
Page No: _____;
Book No. _____;
Series of 2019.

SPECIAL POWER OF ATTORNEY

ANNEX "L"

KNOW ALL MEN BY THESE PRESENTS:

I, FRANCK ALBERT JULES DEWASTE, of legal age, French and residing at Brgy. Aninuan, Puerto Galera, Oriental Mindoro, do hereby name, constitute, MICHELLE MIRAN GAJETOS, likewise of legal age, Filipino and resident of Brgy. Aninuan, Puerto Galera, Oriental Mindoro, to be my true and lawful attorney-in-fact, for me and in my name and stead to do the following acts, to wit:

- 
1. To represent me in filing a case for ejectment and/or accion publiciana or reivindicatoria or any action against Roger A. Gabat, resident of Brgy. Aninuan, Puerto Galera, Oriental Mindoro, and /or any and all persons claiming rights under him, involving a parcel of land with Certificate Title No. 064-2014000366 and 064-2012000749;
 2. To enter into legal binding contracts regarding the same with any third person, individual or corporation;
 3. To represent me in all legal processes that will require my presence and consent;
 4. As such she is hereby authorized to appear and represent me in all stages of the said action/s and other legal processes, with authority a) to prepare and file the necessary legal papers/documents/forms b) attend interview/meeting, if necessary and required c) perform such other acts as may aid in the prompt disposition of the said action/s and other legal processes and to perform such acts to carry out such purpose;
 5. To receive, receipt for, open, pursue, act upon and reply to any and all kinds of correspondence, or mail matter in relation to the aforementioned action/s and all other legal processes; and
 6. To do and all other acts necessary to execute the foregoing purposes, as fully and effectively to all intents and purposes as I could do in person, if personally present.

This Special Power of Attorney shall become effective immediately and shall not be in any way affected by our distance or physical disability. This Special Power of Attorney shall continue to be effective until the action/s mentioned above and all legal processes relative thereto is terminated.

HEREBY GIVING AND GRANTING unto my said ATTORNEY-IN-FACT full powers and authority to do and perform all and every act requisite or necessary to carry into effects the foregoing acts as if I am personally present, and hereby ratifying and confirming all that my said attorney-in-fact shall lawfully do or cause to be done by virtue hereof.

Principal

FRANCK ALBERT JULES DEWASTE

With my conformity:

Michelle Miran Gajetos

Signed in the presence of:

ARLYN C. AGASA

MICHEL VERRET

SUBSCRIBED AND SWORN to before me this 11th day of
JUNE 2019 in CALAPAN CITY, OR. MINDORO affiant exhibiting
to me his sufficient proof of identity consisting of his PASSPORT NO.
13BB37603 bearing his picture and signature.

Doc. No. 143Page No. 30Book No. 1

Series of 2019

ATTY. ESTRELLA C. BALTAZAN

Notary Public

Until December 31, 2020

IBP Lifetime No. 016829, Oriental Mindoro

PTR No. 0216688 A, January 29, 2019, Calapan City

Roll of Attorneys No. 69771

MCLE Compliance No. VI - 0016911, April 14, 2022

O. C. CASTRO SURVEYING & ENGINEERING SERVICES

AEB Building, Poblacion, Noveleta, Cavite
Tel. no. 046-4381412
Email address: occastro111@yahoo.com

ANNEX "M"

March 24, 2022

GEODETC ENGINEER'S REPORT

This is in connection with the verification survey I made on May 14 & 15, 2022 at Barangay Aninuan, Municipality of Puerto Galera, Province of Oriental Mindoro as per request of Spouses Rosalinda T. Tampipi and Franck Albert Jules Dewaste. The survey was executed by me personally using a total station surveying instrument made by "Topcon" with serial no. L10643 registered with the Land Management Bureau (LMB certificate no. 743) and a GNSS-RTK (Global Navigation Satellite System- Real-Time Kinematic) survey-grade instrument made by "Comnav".

The purpose of the survey is to determine whether or not the improvements made on Lot 8029-C-2-B, Psd-04-177159 (property of Spouses Roger Gabat & Jocelyn Gabat) encroach on Lot 9, Pcs-04-018574 and Lot 2, (LRA)Pcs-39541 (properties of Spouses Rosalinda T. Tampipi and Franck Albert Jules Dewaste).

Copies of the titles and of the approved survey plans were provided. Lot 8029-C-2-B, Psd-04-177159 originated from Lot 8029, Cad 533-D, Puerto Galera Cadastre while Lot 9, Pcs-04-018574 and Lot 2, (LRA)Pcs-39541 originated from Lot 8030, Cad 533-D, Puerto Galera Cadastre. Lots 8029 & 8030 are adjoining lots with common boundary line. The portion in question is along this common boundary line.

The positions of more than 100 points were observed including existing P.S. monuments, stake markers, corners of existing fences, sides of existing roads and other prominent corners. Out of these observed points it was found out that most of the points within Lot 8029 do not conform to those described in the titles and approved survey plans; hence only observed points within Lot 8030 were considered as points of reference in my verification survey.

After analysis of observed data, I used corner "8" of Lot 2, (LRA)Pcs-39541 as common point of reference and corner "5" of Lot 9, Pcs-04-018574 as reference check both points being found marked on the ground by concrete posts in their proper and correct relative positions. It was also found out that portion the roof of the house owned by Spouses Roger Gabat & Jocelyn Gabat extends beyond the property line and the barbed wire fence along the line connecting the existing red-painted P.S. cylindrical concrete monuments falls inside Lots 2 & 9 and encroaches an area of 101.50 square meters on the ground. The existing concrete water tank constructed by Spouses Roger Gabat & Jocelyn Gabat also falls inside Lot 2.

Attached are sketch plans showing the results of the verification survey.

For your information.


OSCAR C. CASTRO

Geodetic Engineer

PRC Reg. No. 3588 Dated 6-22-1988

PRC ID Valid until 11-14-2024

PTR No. 0207133 Issued on -11-2022

Issued at Gen. Trias City, Cavite

TIN 137-946-013

O. C. CASTRO SURVEYING & ENGINEERING SERVICES

AEB Building, Poblacion, Noveleta, Cavite

Tel. no. 046-4381412

Email address: occastro111@yahoo.com

ANNEX "M"

March 24, 2022

GEODETIC ENGINEER'S REPORT

This is in connection with the verification survey I made on May 14 & 15, 2022 at Barangay Aninuan, Municipality of Puerto Galera, Province of Oriental Mindoro as per request of Spouses Rosalinda T. Tampipi and Franck Albert Jules Dewaste. The survey was executed by me personally using a total station surveying instrument made by "Topcon" with serial no. LI0643 registered with the Land Management Bureau (LMB certificate no. 743) and a GNSS-RTK (Global Navigation Satellite System- Real-Time Kinematic) survey-grade instrument made by "Comnav".

The purpose of the survey is to determine whether or not the improvements made on Lot 8029-C-2-B, Psd-04-177159 (property of Spouses Roger Gabat & Jocelyn Gabat) encroach on Lot 9, Pcs-04-018574 and Lot 2, (LRA)Pcs-39541 (properties of Spouses Rosalinda T. Tampipi and Franck Albert Jules Dewaste).

Copies of the titles and of the approved survey plans were provided. Lot 8029-C-2-B, Psd-04-177159 originated from Lot 8029, Cad 533-D, Puerto Galera Cadastre while Lot 9, Pcs-04-018574 and Lot 2, (LRA)Pcs-39541 originated from Lot 8030, Cad 533-D, Puerto Galera Cadastre. Lots 8029 & 8030 are adjoining lots with common boundary line. The portion in question is along this common boundary line.

The positions of more than 100 points were observed including existing P.S. monuments, stake markers, corners of existing fences, sides of existing roads and other prominent corners. Out of these observed points it was found out that most of the points within Lot 8029 do not conform to those described in the titles and approved survey plans; hence only observed points within Lot 8030 were considered as points of reference in my verification survey.

After analysis of observed data, I used corner "8" of Lot 2, (LRA)Pcs-39541 as common point of reference and corner "5" of Lot 9, Pcs-04-018574 as reference check both points being found marked on the ground by concrete posts in their proper and correct relative positions. It was also found out that portion the roof of the house owned by Spouses Roger Gabat & Jocelyn Gabat extends beyond the property line and the barbed wire fence along the line connecting the existing red-painted P.S. cylindrical concrete monuments falls inside Lots 2 & 9 and encroaches an area of 101.50 square meters on the ground. The existing concrete water tank constructed by Spouses Roger Gabat & Jocelyn Gabat also falls inside Lot 2.

Attached are sketch plans showing the results of the verification survey.

For your information.


OSCAR C. CASTRO

Geodetic Engineer

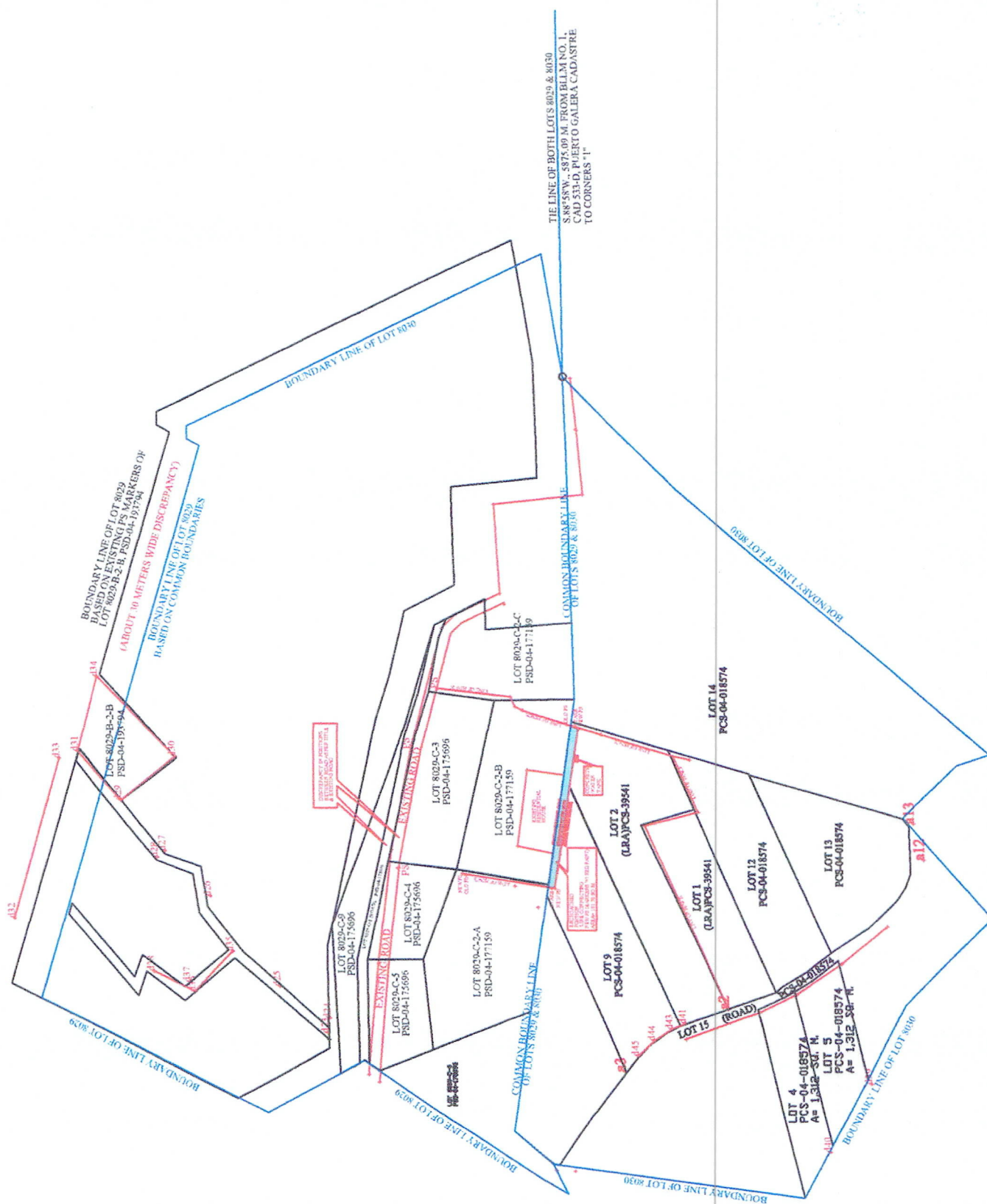
PRC Reg. No. 3588 Dated 6-22-1988

PRC ID Valid until 11-14-2024

PTR No. 0207133 Issued on -11-2022

Issued at Gen. Trias City, Cavite

TIN 137-946-013



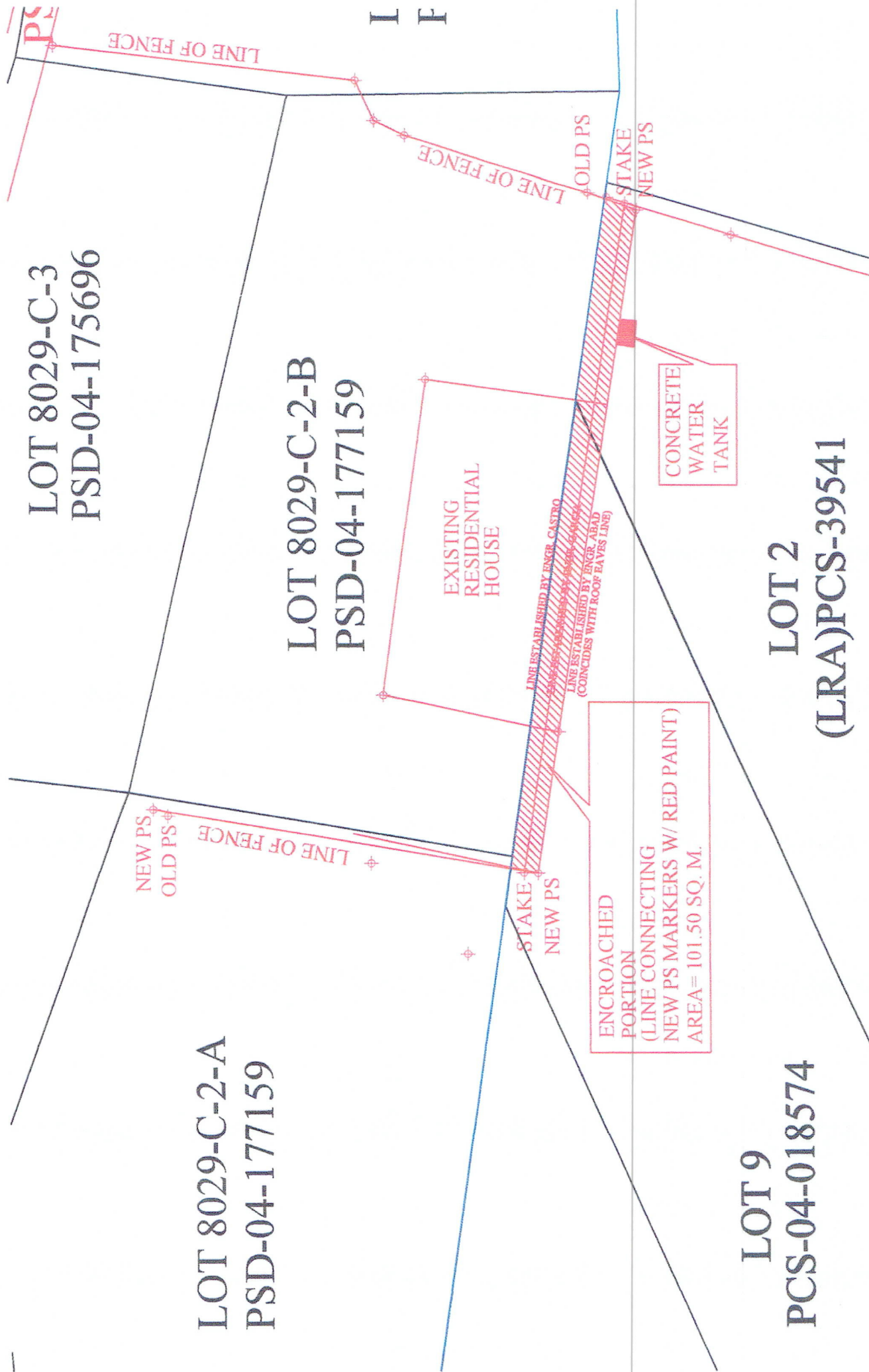
LOT 8029-C-3
PSD-04-175696

LOT 8029-C-2-B
PSD-04-177159

LOT 8029-C-2-A
PSD-04-177159

LOT 9
PCS-04-018574

LOT 2
(LRA)PCS-39541





SPS. ROSALINDA T. TAMPIPI &
FRANK ALBERT JULES DEWASTE,
Rep. by MICHELLE MIRAN GAJETOS
Plaintiffs

Civil Case No. CV-19-7420

- versus -

For:

SPS. ROGER A. GABAT &
JOCELYN GABAT, and all persons
Claiming rights and interest under
them,

ACCION REINVIDICATORIA
AND DAMAGES WITH PRAYER
FOR ISSUANCE OF WRIT OF
PRELIMINARY MANDATORY
INJUNCTION

x ----- x

COMPLIANCE

The undersigned and unto this Honorable Court, respectfully avers that:

1. The DENR MIMAROPA Regional Office, Chief Legal Division Atty. Gandhi G. Gagni-Flores Manifest to Regional Trial Court 4th Judicial Region, Calapan City, Oriental Mindoro Branch 40, express that "a Joint Survey should be conducted by a DENR Geodetic Engineer (GE) together with representative GEs from both parties.
2. The DENR Regional Office Assistant Regional Director for Management issued a Memorandum to the Chief, Surveys and Mapping Division requesting for Geodetic Engineer (GE) to be assigned to undertake this activity in compliance with the said Manifestation and the Court Order.
3. The Chief, Surveys and Mapping Division assigned Engr. Reian D. Buenafe to lead the survey team with Engr. Karl Genesis S. Gelomio, Paul Cesar E. Garcia and the representative from CENR Office of Socorro, Michaelangelo Morente to conduct of Joint Survey.
4. Pursuant to the Travel Order No. 190 dated March 16, 2023 and Work and Financial Plan issued by OIC, Assistant Regional Director for Technical Services Maximo C. Landrito, the undersigned to proceeded to conduct the Joint Survey.
5. In compliance therewith the undersigned coordinated with the parties involved and the Barangay Officials to discuss the matter. (see "annex A" Attendance Sheet)
6. Both parties identified their reference point or existing monuments that was used on the previous survey. After conducting side shot observations on existing monuments,

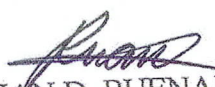
the team identified additional existing monuments to determine the exact position of the contested area.

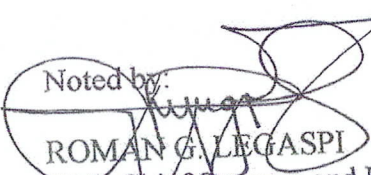
7. The team executed the survey using Real Time Kinematic (RTK) instrument following the guidelines of Lands Memorandum Circular No. 2015-001, pursuant to DENR Administrative Order No. 2007-29 entitled "Revised Regulation on Land Survey" and its implementing procedure DENR Memorandum Circular No. 2010-13 entitled, "Manual on Land Survey Procedures".
8. The Plaintiff paid the travelling expenses of the survey team.

In compliance to the above-mention manifestation, the under signed respectfully submit the following findings:

- Corner 1 of Lot 7, Pcs-04-018574, was used as a common point and corners 1, 2, 4, and 5 of Lot 1, Pcs-04-018574; corners 4 and 5 of Lot 5, Pcs-04-018574; and corner 14 of Lot 8070, Cad-533-D, Puerto Galera Cadastre used as for checked.
- Sub Lot "A" is a portion of LOT 9, PCS-04-018574 and Sub Lot "B" is a portion of LOT 1, (LRA)PCS-39541 both occupied by SPS. Roger Gabat & Jocelyn Gabat with a total land area of 86 Sq.m.

WHEREFORE, in view of the foregoing findings and observations, attached herewith is the Verification Plan of the Joint Survey conducted.


REILAN D. BUENAFE
Engr. II

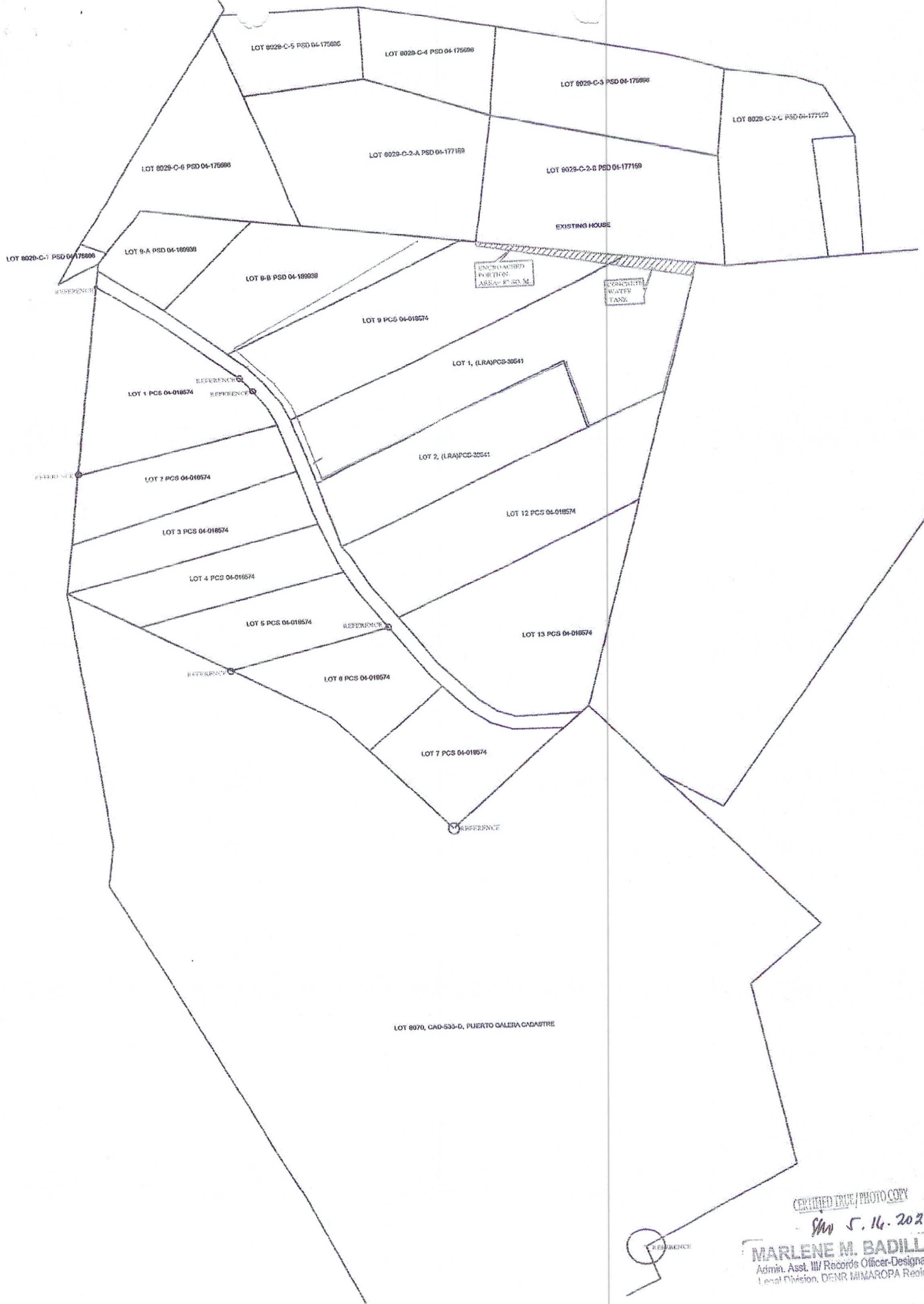
Noted by:

ROMAN G. LEGASPI
OIC, Chief Surveys and Mapping Division
8

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Email: mimaroparegion@denr.gov.ph

CERTIFIED TRUE/PHOTO COPY

MAY 16, 2023

MARLENE MADILL
Admin. Asst. III/Records Officer-Designate
Legal Division, DENR MIMAROPA Region



CERTIFIED TRUE / PHOTO COPY

May 5. 16. 2023

MARLENE M. BADILLA
Admin. Asst. III / Records Officer-Designate
Legal Division, DENR MIMAROPA Region

MARCH 21, 2023

ATTENDANCE
JOINT SURVEY

PLANTIFFS

1. OSCAR C. CASTRO

2. RICHARD XII. COLACAN

3. Michelle Miran Gayetas

4.

DEFENDANTS

1. ROGER GABAT
0936944176

2. STEPHAN ARANZADO

3.

4.

BARANGAY OFFICIAL

1. RUBEN ALBING -

2. RICHARD ANILAO -

CERTIFIED TRUE / PHOTO COPY

MAR 21, 2023

MARLENE M. PADILLA
Asst. Ag. & Records Officer-Designate
Legal Division, DENR MARIKINA Region