




OUTGOING

Received by:   
Date: JUN 07 2023

June 06, 2023

**MEMORANDUM**

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

**THRU :** The Assistant Regional Director  
for Management Services

**FROM :** The OIC, PENR Officer  
Odiongan, Romblon

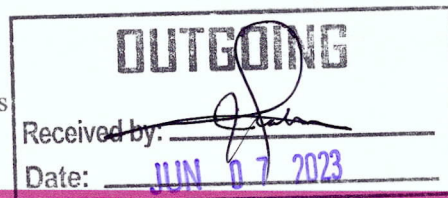
**SUBJECT :** REQUEST FOR THE CERTIFICATION OF FINALITY OF THE  
DECISION OF THE DENR CASE NO. M.-06-18-L DENR RULING  
FOR DENR ADMINISTRATIVE ORDER (DAO) NO. 2007-29  
SECTION 50-2 AMENDMENT SURVEY

Respectfully forwarding the request for the certification of finality of the case so that the office can act on the case ruling emphasize on DENR Administrative Order (DAO) No. 2007-29 Entitled: "REVISED REGULATION ON LAND SURVEY" under Section 50-2 Amendment- any survey that was conducted on Lot 750-B and 750-C both CSD-4B-001153-D.

For information and consideration, please.

*"For and in the absence of OIC PENRO"*

  
**MALVIN R. ROCERO**



June 06, 2023

**MEMORANDUM**

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

**THRU :** **The Assistant Regional Director**  
for Management Services

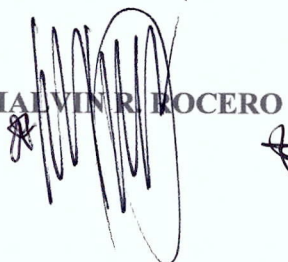
**FROM :** **The OIC, PENR Officer**  
Odiongan, Romblon

**SUBJECT :** **REQUEST FOR THE CERTIFICATION OF FINALITY OF THE  
DECISION OF THE DENR CASE NO. M.-06-18-L DENR RULING  
FOR DENR ADMINISTRATIVE ORDER (DAO) NO. 2007-29  
SECTION 50-2 AMENDMENT SURVEY**

Respectfully forwarding the request for the certification of finality of the case so that the office can act on the case ruling emphasize on DENR Administrative Order (DAO) No. 2007-29 Entitled: "REVISED REGULATION ON LAND SURVEY" under Section 50-2 Amendment- any survey that was conducted on Lot 750-B and 750-C both CSD-4B-001153-D.

For information and consideration, please.

*"For and in the absence of OIC PENRO"*

  
**MALVIN R. ROCERO**





June 6, 2023

**MEMORANDUM**

**FOR** : THE ASSISTANT REGIONAL DIRECTOR FOR  
TECHNICAL SERVICES

**THRU** : OIC PENR OFFICER

**FROM** : PAUL ANTHONY L. IRINGAN

**SUBJECT** : **REQUEST FOR THE CERTIFICATION OF FINALITY OF THE  
DECISION OF THE DENR CASE NO. M.-06-18-L DENR RULING  
FOR DENR ADMINISTRATIVE ORDER (DAO) NO. 2007-29  
SECTION 50-2 AMENDMENT SURVEY**

Respectfully submitted herewith the letter dated April 20, 2023 to follow-up the status of the Decision for the DENR Case No. M.-06-18-L under Lot No.750 Cad. 323-D. This Office humbly request the certificate of finality of the case so that we can act on the case ruling emphasize on **DENR Administrative Order (DAO) No. 2007-29** Entitled: **"REVISED REGULATION ON LAND SURVEY"** under Section **50-2 Amendment-** any survey that was conducted on Lot 750-B and 750-C both CSD-4B-001153-D.

**REFERENCE:**

As per **DENR Administrative Order (DAO) No. 2007-29** Entitled: **"REVISED REGULATION ON LAND SURVEY"** under Section **50-2 Amendment-**any survey or plan may be corrected and amended by administrative action of the approving the plan officially, provided, in the case of amendment affecting an untitled land parcel boundary, the land claimant, or registered owner and adjoining land claimant or registered owner consent to said amendment. Amendment surveys cover unregistered lands for purpose of changing the boundary lines and by increasing or decreasing the number of corners and lots without affecting the original area.

**FACTUAL BACKGROUND**

1. There was a sketch map made by Mr. Chito C. Alladin, - survey aide and Mr. Romulae S. Gadaoni executed on March 16, 1988;
2. The deed of sale executed by and between Susan Romero Ruiz and Rolly F. Corpin on May 21, 1988 with an area of 3,126 sq. m;
3. The deed of Extrajudicial Partition signed by the heirs of Ines Ramirez was executed on March 8, 1990;
4. The deed of sale executed by and between Illumianda R. Vicentuan and Proserpina Manito on May 17, 1996, with an area of 3,126 sq. m;
5. The deed of sale executed by and between Proserpina Manito and Lorilie Manito Fabon on sometimes in 2011, with an area of 3,126 sq. m;
6. That there was an approved survey plan number Csd-4B-001153-D approved on September 03, 2013;
7. That the conduct of Joined Survey is not by any fruit of certificate of finality but it is only the continuously follow-up letter from the protestant **ROLLY F. CORPIN**, to execute a joint verification survey that was stated on the dispositive portion of the decision of the case entitled: DENR Case no. M.-06-18-L under Lot No. 750 Cad. 323-D.

**Actions**

1. That the property subject for investigation and verification is lot 750-B and 750-C both on Csd-4B-001153-D





1. That the property subject for investigation and verification is lot 750-B and 750-C both on Csd-4B-001153-D
2. That the joint verification survey was conducted by Engr. Kevin Louise R. Jugno and Engr. John Felix F. Fortu. It was observe by Lorilie Manito Fabon, Dennis Corpin to represent Rolly F. Corpin and the adjacent lot owners.
3. That as per verification that the private Geodetic Engineers observed that the lot can be amend the fence is slightly misplaced on line 2-3 of lot 750-C.
4. That as per conducting the survey the engineers found that the approved survey plan was based on the actual position concrete fence or tree that was established monuments pointed by the previous owners. The adjacent owners supported it by identifying the boundary of the other heirs of Ines Ramirez namely Eulalio S. Ramirez that have donated a portion of his land to a Church.
5. That as per request of Dennis Corpin that they should lay-out the extrajudicial partition that based on the sketch made by a survey aide.
6. That as per verification the engineer lay-out the corners that are indicated on the approved plan.
7. That the two Lot Owners will not concede to each other in determining the correct boundary. That Dennis Corpin is not accepting the result of the approved plan and for purpose of changing the boundary lines and by increasing or decreasing the number of corners and lots without affecting the original area. If the survey will not change the area indicate in the approved plan, he will continue to contest the result of the joint survey therefore the Amendment survey is a **failure**.

## COMMENTS

The property was subdivided by person who not a Geodetic Engineer and drawn the sketch map of subject lot after the Deed of Sale was executed between the seller and the buyer. The buyer did not conduct the survey of the subject lot and not established on the ground the exact area, corners of the lot. Most of the problem on land is that the lot is not actual surveyed by a geodetic engineer in producing the exact area, marking the corners and also the boundaries before executing the extrajudicial partition. The 1<sup>st</sup> buyer must have conducted a survey to correct the actual areas, position and its boundaries. That it took almost 25 years after the 1<sup>st</sup> buyer, to execute the survey of the lot. After all the years have passed, the actual boundary was relied on the monument pointed by the owners. It is seller and buyer responsibility to protect and verify the area being bought or sold and to provide compensation if the lot is insufficient or defective.

## RECOMMENDATION:

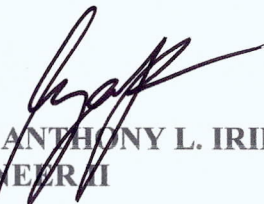
We recommend a consolidation and subdivision of the whole land of lot 750 cad.323-D San Agustin Cadastre because all shall be affected between changes of the subdivision. That it is the Heirs of Ines Ramirez or Susan Ramirez to provide the missing area in the actual position that there is a portion of land lot 750-A allocated to right of way that is not used and adjacent to the land of Dennis Corpin represented by Rolly Corpin. Also there is the 750-F the salvage zone. The following are recommended to solve the conflict if all parties agreed:

- To consolidate 750-A and 750-B, corresponding salvage zone and remaining portion can be allocated to a part of the land that is in the open space or vacant.
- To consolidate 750-A and 750-B, 750-C corresponding Salvage zones of the approved plan shall be subdivided equally to the claimant Mr. Rolly Corpin and Mrs. Lorielie Fabon.
- To consolidate 750-A and 750-B and corresponding Salvage zones of the approved plan and awarded to Rolly Corpin so that actual position and area.
- To consolidate all plan and subdivide in corresponding in the extrajudicial partition of the heirs of Ines Ramires.



Prepared By:

Noted by:

  
**PAUL ANTHONY L. IRINGAN**  
**ENGINEER II**

  
**ALLAN T. SENDIONG**  
**LMO III, Chief RPS**





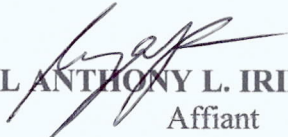
**VERIFICATION**

REPUBLIC OF THE PHILIPPINES )  
PROVINCE OF ROMBLON )  
MUNICIPALITY OF ODIONGAN )  
X-----X

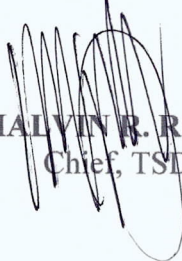
I, PAUL ANTHONY L. IRINGAN, Filipino, of legal age, single and have a address at Tabing-dagat, Odiongan, Romblon, Philippines after having been duly sworn and state:

That I am same person who prepared and signed the foregoing report of investigation; That I have read the said report and understand all the contents thereof. That the said report and all the contents are true as correct to the best of my knowledge, belief and information.

**IN WITNESS WHEREOF**, I have hereinto set my hand this ,6th day of June ,2023 at Odiongan, Romblon.

  
**PAUL ANTHONY L. IRINGAN**  
Affiant

SUBSCRIBED AND SWORN to before me this 6th day of June, 2023 at Odiongan, Romblon, and the affiant exhibits to me this PRC No. 10308 Issued at Manila, Philippines.

  
**MALVIN R. ROCERO**  
Chief, TSD

## JOINT VERIFICATION REPORT

### BACKGROUND:

This joint verification survey was commissioned by the lot owners namely, Mr. ROLLY CORPIN and Ms. LORILIE FABON in compliance to the ruling of DENR under DENR Case No. M-06-18-L as follows:

1. Order the PENRO concerned to supervise the conduct of joint relocation survey to be attended by both parties or their authorized representatives;
2. Hiring by both parties of a private Geodetic Engineer who will conduct the survey at their expense;
3. The parties to submit their individual public land application in accordance with the result of the survey conducted.

After a series of meeting with the Barangay Officials and representative of DENR it was agreed that the schedule of Relocation Survey to be held on January 17, 2023. Further, the Geodetic Engineers to conduct the verification/relocation survey were, Engr. John Felix Fortu, Engr. Kevin Louise Jugno and Engr. Paul Anthony Eringan, representing Rolly Corpin (Protestant), Lorilie Fabon (Protestee), and representing PENRO respectively.

### SURVEY DATA:

The subject lot is Lot 750, cad 323-d of the San Agustin Cadastre. Prior to the conduct of survey the following data and documents had been gathered for reference from the PENRO:

- Cadastral Map of Lot 750
- Technical Description
- Approved Subdivision plan No. Csd-4b-001153-D

Other documents also presented are:

- Extra Judicial Partitions of Heirs of Lorenzo Ramirez
- Deed of sale of Mr. Rolly Corpin
- Deed of Donation of Ms. Lorilie Fabon
- Sketch plan of Extra Judicial Partition of Heirs.

### JOINT RELOCATION SURVEY RESULT:

Comes January 17, 2023, Joint relocation survey commenced, present on site were Engr. John Felix Fortu, Engr. Kevin Louise Jugno, Engr. Paul Anthony Eringan and the rest of both parties' survey team, Lot owners were also in attendance as well as the barangay officials.

The conduct of joint survey proceeded in accordance with the manual for Land Surveys in the Philippines. Both the engineers representing each party agreed to a common point as reference in taking measurements of the Lot boundaries and actual position occupied by the lot owner. Using Real Time Kinematics instrument the undersigned take coordinates of the fence, buildings, the roads, seawalls, and other prominent structure visible in the area, the lot owners involved were also asked as to where their respective positions on ground are. After pointing out their position's, measurements were taken and plotted on plan as attached. The following are the findings:

### ON THE DOCUMENTS SUBMITTED:

- Extra Judicial Partition is duly notarized and signed by the Heirs of Lorenzo Ramirez Namely: Lorenzo Ramirez Jr., Susana R. Ruiz, Pedro S. Ramirez, Iluminada R. Vicentuan, Erlinda Ramirez. Among the above-mentioned heirs, only Susana, Iluminada, Eulalio and Erlinda got share on lot 750 with an area of 3,216 sq.m., 3,216 sq.m., 3,216 sq.m., and 9,833 sq.m. respectively. The above extra judicial partition is supported by a sketch map (see attached sketch map) showing the lot number, dimension, position, and area of each share, it was prepared by Chito C. Alladin, Survey Aide-1 and were also signed by Mr. Romulae S. Gadaoni, a Senior Special Investigator on that time.
- Deed of sale of Rolly Corpin from Susana Ramirez conveying her whole share on Lot 750. It was



- Deed of Donation by Proserfina Fetalino Manito donating the portion of Lot 750 with an area of 3,126 sq.m., with boundaries on the North by the share of Susana Ramirez, South by H. Ramirez, East by the Romblon Pass and on the West by the National Road.

#### ACTUAL POSITION ON GROUND:

- Lorilie Fabon actual Position on ground conforms with the approved subdivision plan however it does not coincide with the supposedly positions of heirs based on their extrajudicial partition on which their respective lot had been bought.
- Rolly Corpin occupies the share of Susana Ramirez designated as Lot 750-B of the sketch plan which also corresponds to Lot 750-A, Lot 750-B and a portion of salvage zone of the approved subdivision plan, however the area is reduced and does not equate to the area bought specified on the deed of sale.

Table shows the lot owners actual position vis a vis the sketch plan and the approved subdivision plan.

OCCUPANT	DESIGNATED LOT NUMBER ON SKETCH PLAN	AREA IN SQ.M.	TOTAL LOT AREA OCCUPIED IN SQ.M.	CALL OUT	DESIGNATED LOT NUMBER ON APPROVED PLAN	AREA	TOTAL LOT AREA OCCUPIED IN SQ.M.
ROLLY CORPIN	LOT 750-A	677	2,466	A	LOT 750-A	516	2,466
	LOT 750-B	1,789		B	LOT 750-B	1,375	
				C	SALVAGE ZONE PORTION	576	
LORILIE FABON	LOT 750-B	1,312	3,123	D	LOT 750-B	73	3,123
	LOT 750-C	1,811		E	LOT 750-C	2,140	
				F	SALVAGE ZONE PORTION	910	

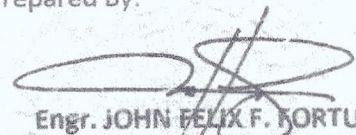
NOTE:

Please see attached survey plan showing the actual area as per extra judicial partition of heirs, approved subdivision plan and call out from A to F.

- The above findings were discussed on the lot owners together with the barangay officials and representative of DENR and it had been brought out during the discussion the following recommendation for amendment of plan:

To consolidate the portion of Lot 750-A, 750 B, 750-C and corresponding salvage zones of the approved subdivision plan, Csd-4B-001153-D, then to be divided equally to the claimants, Mr. Rolly Corpin and Ms. Lorielie Fabon. If both parties agree on this amendment each claimant would have an area of 2,850 sq.m. In the abovementioned option for amendment the party of Mr. Rolly Corpin is already agreeable.

Prepared By:



Engr. JOHN FELIX F. TORTU

PRC ID No. 10218 dated 11-08-2018

PTR No.0267625 dated 01-12-2023



## GEODETIC ENGINEER'S REPORT

This is compliance with the request of joint relocation survey for Lot 750-B and Lot 750-C, Csd-4B-001153-D located at Barangay Bonga, Sta Maria, Romblon.

Please be informed that I, Kevin Louise R. Jugno, Filipino, of legal age, with residential address at Brgy. Dapawan, Odiongan, Romblon and a licensed Geodetic Engineer with PRC Reg. No. 9394, was commissioned by Lorilie F. Manito Fabon to verify the boundary of Lot 750-C, Csd-4B-001153 with an area of 2,189 square meters. The purpose of the relocation survey is to determine the boundaries of the property and to determine the actual position of the client based on the existing approved plan.


The relocation survey was conducted in conformity with the provisions of RA 8560, as amended, otherwise known as "The Geodetic Engineering Act of 1998" and the provisions of the Department of Environment and Natural Resources Administrative Order No. 2008-29 otherwise known as "The Revised Regulations on Land Surveys".

Several technical data like cadastral maps and lot data computations of lots in the adjoining were then obtained and to be used as additional materials in the selection of reliable reference points.

On January 17, 2023, the relocation survey was conducted using electronic surveying instrument duly registered with the DENR-land management Bureau. Both owners of the property were present during the meeting and survey. Engr. John Felix Fortu was also present as the geodetic engineer of the claimant of Lot 750-B, Csd-4D-001153-D and Engr. Paul Iringan as the representative engineer of DENR Odiongan.

First, we conducted an acknowledgement meeting to the Barangay Hall of the barangay and oriented the purpose of the joint relocation survey. Then, an ocular inspection for existing monuments and actual structures in the vicinity were inspected. Several standard corner markers were found on the vicinity. Also, the actual positions of fences and other existing structures of client's property (Lot 750-C) were observed and noted. After the ocular inspection, we proceed to the gathering of data through the use of the Real Time Kinematic (RTK) and actual survey of the property. A computation has been made after the observation of the concrete markers and existing structures within the vicinity.

Based on the computation of the survey the actual position of my client Lorilie F. Manito Fabon (Lot 750-C, Csd-4B-001153-D) was correct based on the existing approved subdivision plan.

  
Engr. KEVIN LOUISE R. JUGNO  
Geodetic Engineer  
PRC ID No. 9394 dated 10-22-2015  
PTR No. 0272881 dated 01-25-2023



ROLLY CORPIN,  
Rep. by DENNIS CORPIN,  
Protestant,

DENR Case No. M-06-18-L

- versus -

Lot No. 750, CAD 323-D

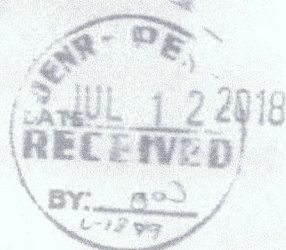
LORILIE FABON,  
Protestee.

Brgy. Sto. Niño  
Sta. Maria, Romblon

X ----- X

## DECISION

### NATURE OF THE CASE



This resolves the Protest dated February 11, 2014 of Rolly Corpin, represented by his attorney-in-fact Dennis Corpin, over the public land application of Lorilie Fabon denominated as Free Patent Application No. 045917-74. The contested lot is a portion of Lot 750, CAD 323-D of the San Agustin Cadastre. Said lot is covered by Subdivision Plan No. Csd-4B-001153-D which is the subject of the instant protest.

### PROCEEDINGS

The investigation on the Protest was made on the basis of an Order of Investigation dated May 6, 2014 issued by then OIC, PENR Officer Benjamin R. Jovinal for the then OIC, CENR Officer to cause the immediate investigation of the case.

Previously, Protestant's mother, Rosalina Corpin, wrote a letter to the CENRO protesting the approval of the survey plan for Lot 750-P. She asserted that the survey was erroneous as it encroached on their property. Special Investigator Fidel G. Medina submitted an investigation report dated January 30, 2012 stating that the adjoining properties of Corpin and Fabon had an existing boundary of planted mahogany trees aging about fifteen years and that Fabon's predecessor introduced improvements on portions of the subject lot. It was found that the portion occupied by the predecessor of Corpin is less than the area stated in the Deed of Absolute Sale and Extrajudicial Partition, which is their main document.

On November 3, 2012, the survey for Lot 750, CAD 323-D was conducted for Ines Ramirez, who was the original owner of Lot 750. It was approved, as indicated in Survey Plan

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000  
DENR VOIP (632) 7553300/30 local 2700/01  
Direct Line: (632) 4050157; Facsimile: (632) 4050046  
Email: denr.rdmimaropa@gmail.com

1  
JUL 27 2018  
MARLENE M. MADILLA  
Admin. Asst. III Regional Office-Davao



public land application, which was protested against by Corpin.

### CLAIMS AND EVIDENCE OF PROTESTANT

The claim of Corpin is based on the Deed of Absolute Sale dated May 21, 1988 executed between him and Susana Ruiz, which describes the subject property as follows:

*A portion of land (Lot No. 750-B, Cad 323-D, San Agustin Cadastre, of the subdivision plan of Lot 750) containing an area of 3,126 square meters, more or less, and bounded as follows; North, by No. 750-A; East, by seashore; South, by Lot 750-C; and West, by National Road. The boundaries are visible being indicated as corners by concrete cylindrical monuments. This portion is an integral part of the bigger parcel of land designated as Lot No. 750, Cad 232-D, San Agustin Cadastre.*

Corpin claims that said purchased lot was substantially reduced into 1,446 square meters when the survey was conducted and the area was designated as Lot No. 750-C for Fabon. Corpin insists that the survey was done without their consent.

### CLAIMS AND EVIDENCE OF PROTESTEE

Protestee Fabon states that she is the lawful owner and possessor of Lot No. 750-C with an area of three thousand one hundred twenty-six (3,126) square meters. She acquired the property from her mother thru an undated Deed of Donation Inter Vivos. The Deed of Donation describes the property as follows:

*A parcel of coconut land known as Lot No. 750-P, situated at Sto. Nino, Sta. Maria, Romblon, containing an area of **THREE THOUSAND ONE HUNDRED TWENTY [sic] (3,126) SQUARE METERS** and bounded on the North; by Lot No. 750-P El Raminet; East, by Romblon Pass; and on the West; by the National Road, said parcel of land is declared in my name under Tax Declaration No. A17-006-00409 and with assessed value of 3,110.00 pesos, series of 2014.*

### ISSUE

The only issue here is whether Subdivision Plan Csd-4B-001153-D for Lot 750, CAD-323-D should be cancelled or amended to settle the controversy in this case?

### RULING

This Office rules in the affirmative.

Even after a series of investigations were undertaken by this Office, there is as yet no determination of the true extent of the properties claimed by both parties. The survey which resulted in Subdivision Plan Csd-4B-001153-D for Lot 750, CAD-323-D did not coincide with the areas in separate documents based upon individually by both parties, namely, the Deed of



Thus, there is no resolution of the issue on the boundary dispute between the parties.

Pursuant to **DENR Administrative Order (DAO) No. 2007-29** on the *Revised Regulations on Land Surveys*, it is provided that:

Section 50. Cancellation and Rejection of Approved Survey Plans – Any survey plan may be cancelled, amended and rejected by the approving official.

- 1) xxx
- 2) **Amendment** – Any survey or plan may be corrected and amended by administrative action of the approving official, provided, in the case of amendment affecting an untitled land parcel boundary, the land claimant or registered owner and adjoining land claimant or registered owner consent to said amendment. Amendment surveys cover unregistered lands for purposes of changing the boundary lines and by increasing or decreasing the number of corners and lots without affecting the original area.
- 3) xxx (Emphasis ours)

A joint relocation survey duly attended by both parties or their authorized representatives is therefore necessary to resolve the instant case.

**WHEREFORE**, this Office hereby resolves to:

1. Order the PENRO concerned to supervise the conduct of a joint relocation survey to be attended by both parties or their authorized representatives;
2. The hiring by both parties of a private Geodetic Engineer who will conduct the survey at their expense;
3. The parties to submit their individual public land application in accordance with the result of the survey to be conducted.

**SO ORDERED.**

Manila, Philippines. JUN 05 2018

**NATIVIDAD Y. BERNARDINO, CESE**  
OIC, Regional Director

Copy furnished:

Atty. Gary Julito G. Lauron  
Counsel of Dennis Corpin  
Unit 1003 One Executive Office Bldg.  
West Avenue, Quezon City

Lorlie F. Manito-Fabon  
Office of the Vice Mayor  
Sta. Maria, Romblon

The Chief, Surveys and Mapping Division

PENRO Romblon

ARD-MS/LD



Department of Environment  
and Natural Resources  
**REGION 4B**



1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000  
DENR VOIP (632) 7553300/30 local 2700/01  
Direct Line: (632) 4050157; Facsimile: (632) 4050046  
Email: denr.rdmimaropa@gmail.com

8th 6-27-2018  
**MARLENE M. DAVILLA**  
Admin. Asst. III/Records Officer-Designate  
Legal Division, DENR WING/ROPA Region