



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

JUN 02 2023

MEMORANDUM

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

FROM : The OIC- PENR Officer

SUBJECT : **SERVICE COPIES OF THE DECISION DATED JUNE 03, 2022 IN DENR CASE NO. M-49-19-L ENTITLED NARCISO TIGAS, PROTESTANT VERSUS MSA (UNNUMBERED) ANDRES VALENZUELA, PROTESTEE AND KATIBAYAN NG ORIHINAL NA TITULO (K.O.T) NO. 3442 FP NO. 045110-96-3506/FPA NO. 045110-1321 FERNANDO TIGAS, PATENTEE-RESPONDENT**

Respectfully forwarded is the Memorandum dated May 31, 2023 of DMO IV/Deputy CENRO Nilo P. Salvador, regarding the above-mentioned subject.

Based on the report submitted by LMO II Mark Rane M. Raguindin, it appears that Mr. Narciso Tigas is already dead, 20 years ago. However, Mr. Fernando Tigas received a copy the above-cited Decision. On the other hand, Mrs. Rita Valenzuela, whose house is located at Brgy. Labangan, San Jose, Occ. Mindoro, a representative for Andres Valenzuela Sr., had passed away as per information from her grandson. All the surviving heirs of Rita Valenzuela have been residing outside of the Philippines. The grandson himself refused to receive the copy of the decision.

In view of the above, please be informed that the effort to deliver a copy of Decision to the concerned party has run into futility.

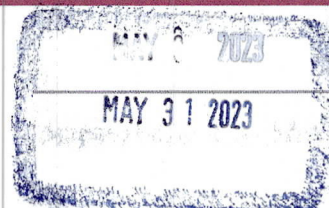
For information and record.

For and in the absence of the OIC-PENRO:


FERLINDA S. CASTILLO
Land Management Officer III/ Chief, RPS



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



MEMORANDUM

FOR : The OIC, PENR Officer
Mamburao, Occidental Mindoro

FROM : The CENR Officer

SUBJECT : SERVICE COPIES OF THE DECISION DATED JUNE 3, 2022 IN DENR CASE NO.M-29-19-L ENTITLED NARCISO TIGAS PROTESTANT, VERSUS MSA (UNNUMBERED) ANDRES VALENZUELA, SR. REPRESENTED BY RITA VALENZUELA PROTESTEE, KATIBAYAN NG ORIHINAL NA TITULO (KTO) NO. 045110-96-3506/ FPA NO. 045110-1321, FERNANDO TIGAS PATENTEE-RESPONDENT, LOT NO. 5919, TS-263 BARRIO LA CURVA SAN JOSE, OCCIDENTAL MINDORO


This is in connection to the memorandum dated May 15, 2023 of the OIC PENR Officer Mamburao Occidental Mindoro regarding above noted subject which was received by this office via registered mail of the Copy of the Decision dated November 8, 2022 in the above cited case, which were returned to sender (RTS) with the notation Insufficient Address with the instruction to deliver copy of the Decision to the party, **Fernando Tigas, Narciso Tigas and Rita R. Valenzuela**, or his representative for this case to attain FINALITY.

Please be informed that Mr. Fernando Tigas received the copy the decision on May 18, 2023, however both Narciso Tigas and Rita R. Valenzuela died, their heir's refuses to receive the said decision.

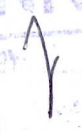
Please see attached copy of the decision with received signature.

For information and further instruction.

For the CENRO:



NILO P. SALVADOR
DMO IV / Deputy CENRO

PENRO


RECEIVED BY: 
DATE: 6/1/2023 TIME: 2:54pm

RECORDS

DATE: 6/1/2023 TIME: 1:00pm

RELEASED BY: 
DATE: 6/1/2023 TIME: 1:00pm


RES


RECEIVED BY: 
DATE: 06-02-2023 TIME: 2:40pm

RELEASED BY:
DATE: TIME:

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

TSD

RECEIVED BY: 
DATE: 6/1/23 TIME: 4:00pm



RELEASED BY: 
DATE: 6/2/2023 TIME: 4:00pm



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

May 22, 2023

MEMORANDUM

FOR : The CENR Officer 
Thru : The Chief RPS 
FROM : The Land Management Officer II
SUBJECT : SERVICE COPIES OF THE DECISION DATED JUNE 3, 2022
IN DENR CASE NO. M-29-19-L ENTITLED NARCISO TIGAS
PROTESTANT, VERSUS MSA (UNNUMBERED)
ANDRES VALENZUELA, SR. REP. BY RITA VALENZUELA
PROTESTEE, KATIBAYAN NG ORIHINAL NA TITULO (KTO)
NO. 045110-96-3506/FPA NO. 045110-1321, FERNANDO TIGAS
PATENTEE-RESPONDENT, LOT NO. 5919, TS-263 BARRIO
LA CURVA SAN JOSE, OCCIDENTAL MINDORO

This is in connection to the memorandum dated May 15, 2023 regarding above noted subject.

The undersigned proceeded to the Barangay La Curva, San Jose Occidental Mindoro to give a copy of the decision to the above mentioned names, fortunately, Mr. Fernando Tigas is there to receive a copy of the decision, however, Mr. Narciso Tigas (Father of Mr. Fernando Tigas) died 20 years ago and his heirs refused to receive the copy of decision allocated for him. On the other hand, the undersigned have known that Mrs. Rita Valenzuela's house is located at Barangay Labangan San Jose Occidental Mindoro near Pag-Ibig Building, at around 2:30 in the afternoon, the undersigned proceeded to Mrs. Valenzuela's house to give her copy but my expectation was wrong because according to her grandson she died and her sons and daughters are not living here in the Philippines, her grandson refused to receive the copy of the decision allocated for her.

For your information and record


MARK RANEE M. RAGUNDIN



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

MAY 15 2023

DENR - CENR SAN JOSE
MIMAROPA REGION

MEMORANDUM

TO : The CENR Officer
San Jose, Occ. Mindoro

FROM : The OIC-PENR Officer

SUBJECT : **SERVICE OF COPIES OF THE DECISION DATED JUNE 03, 2022 IN DENR CASE NO. M-49-19-L ENTITLED NARCISO TIGAS PROTESTANT, VERSUS MSA(UNNUMBERED) ANDRES VALENZUELA, SR. REP. BY RITA VALENZUELA, PROTESTEE, KATIBAYAN NG ORIHINAL NA TITULO (KTO) NO. P-3442, FP NO. 045110-96-3506/FPA NO. 045110-1321, FERNANDO TIGAS, PATENTEE-RESPONDENT, LOT NO. 5919. T-263 BARRIO LA CURVA. SAN**

Referred is a copy of Memorandum dated March 21, 2023 of Atty. Gandhi G. Flores regarding the service to parties by registered mail of the copies of Decision dated June 03, 2022 in the above-cited case, which were returned to sender (RTS) with the notation *Unclaimed*.

In this regard, you are requested to cause the delivery of the copy of Decision to the parties or their representatives for the case to attain FINALITY, a copy of which was sent to your office via registered mail. Further, please furnish the Legal Division of the proof of service or acknowledgement immediately upon receipt thereof by the party.

For information and compliance.


ERNESTO E. TAÑADA



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

CELESTIAL TIME/PHOTO COPY
JUN 6. 10. 2022
MARLENE M. BADILLA
Admin. Asst. III/Records Officer-Designate
Legal Division, DENR MIMAROPA Region

NARCISO TIGAS

Protestant,

-versus-

MSA (Unnumbered)

ANDRES VALENZUELA, SR.

Rep. by Rita Valenzuela

Protestee

DENR Case No. M-49-19-L

Lot No. 5919, Ts-263

Barrio La Curva, San Jose

Occidental Mindoro

Area: 460 square meters

KATIBAYAN NG ORIHINAL NA TITULO

(K.O.T.) No. P-3442

FP No. 045110-96-3506/FPA No. 045110-1321

FERNANDO TIGAS

Patentee-Respondent

X-----X

DECISION

Before this Office is the Protest dated June 23, 1973 filed by Narciso Tigas (referred to as Protestant) against the miscellaneous sales application (unnumbered) of the late Andres Valenzuela, Sr., represented by his wife, Rita R. Valenzuela (referred to as Protestee) covering Lot No. 5919, Ts-263, located in Barrio La Curva, San Jose, Occidental Mindoro, containing an area of Four Hundred Eighty Three (483) square meters.

An Order of Investigation dated August 06, 1973 was issued by then District Land Officer Mariano M. Villanueva directing Land Investigator Gregorio P. Mones to conduct an investigation and to submit the report for dispositive action. Mr. Mones was not able to finish the investigation. Per Order dated January 08, 1990 issued by then Regional Technical Director Pedro N. Calimlim, the case was assigned to Senior Special Investigator Perfecto P. Vitero, Jr., who submitted the Final Investigation Report dated April 09, 1990.

ALLEGATIONS OF THE PARTIES

I. Protestant

The protestant alleged that he has been in possession and occupation of the lot since 1962; that when he entered the lot, it was covered by forest which he cleared and built his house; that since his entry thereon, nobody has ever molested him, except during the first week of June, 1973 when Rita Reyes visited the premises and told him that she is the owner of the said lot.

II. Protestee

Per letter-declaration dated March 27, 1990 of the Protestee, attested before Senior Special Investigator Viterbo, Jr., she stated that "*xxx bilang bala ni Andres Valenzuela, Sr. ay nagpapahayag at nagbibigay alam na ang lote bilang 5919, Ts-263 na tunay na aplikante ay ang aking(sic) na si Andres Valenzuela, Sr. ay ibinibigay ko na ang Karapatan kay Narciso Tigas, sa dahilang siya na ang kasalukuyang nakatira sa nasabing lote.*"

ISSUE

Whether or not the Department of Environment and Natural Resources (DENR) has jurisdiction over the instant Protest.

DISCUSSION

RECEIVED
JUN 6. 10. 2022
MARLENE M. BADILLA
Admin. Asst. III/Records Officer-Designate
Legal Division, DENR MIMAROPA Region

The Protest is unmeritorious. The Office no longer has jurisdiction over the case at bar in light of the fact that the subject lot is already covered by an Original Certificate of Title.

It was stated in the Final Investigation Report that:

"That during the course of my investigation, at Barrio of La Curva, San Jose, Occidental Mindoro, I found out that one Leopoldo Tigas is actually occupying lot No. 5919, Ts-263. According to him, he occupied the land as Narciso Tigas voluntarily waived his lot to him. He occupied the lot for about three (3) years now with nobody ever molested him in his occupation of the lot. He said that he constructed his house thereon as he has no other residential lot to live together with his family.

That according to the records, the said lot No. 5919, Ts-263, was applied for by the late Andres Valenzuela, Sr. of San Jose, Occidental Mindoro, and covered by his Misc. Sales Application Unnumbered. Since the applicant had already died, his wife Rita R. Valenzuela is no longer interested to the said lot and transferred the right to Narciso Tigas who in turn waived his right to Leopoldo Tigas. At present, the land is under actual occupation and possession of Leopoldo Tigas."

Records show that on September 20, 1996, Free Patent No. 045110-96-3508 was issued by then PENR Officer Ernesto M. Asuncion in favor of the Patentee-Respondent. Consequently, it was registered as K.O.T. No. P-3442 on September 23, 1996 before the Register of Deeds.

The prevailing doctrine in the instant case has been settled in the case of *Heirs of Kionisala vs Heirs of Honorio Dacut*, G.R. No. 1473779, 27 February 2002, the Supreme Court held that:

"A cause of action for declaration of nullity of free patent and certificate of title require allegations of the plaintiff's ownership of the contested lot prior to the issuance of such free patent and certificate of title as well as the defendant's fraud or mistake; as the case may be, in successfully obtaining these documents of title over the parcel of land claimed by plaintiff. In such a case, the nullity arises strictly not from the fraud or deceit but from the fact that the land is beyond the jurisdiction of the Bureau of Lands to bestow and whatever patent or certificate of title obtained therefore is consequently void ab initio. The real party in interest is not the State but the plaintiff who alleges a pre-existing right of ownership over the parcel of land in question even before the grant of title to the defendant."
(Emphasis supplied)

Based on the foregoing, the subject lot is beyond the authority of the DENR to dispose since a free patent and Original Certificate of Title has already been issued over the lot. Moreover, considering that the Protestants claimed that the patented lot is his private property, the action for nullification of title should be instituted by them and not the government.

WHEREFORE, premises considered, the Protest is **DISMISSED** for lack of jurisdiction.

SO ORDERED.

City of Manila, Philippines. JUN 13 2022


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID 55579

~~FERNANDO I~~ TIGAS Received - 5/18/23

cc:

Narciso Tigas
Bo. La Curva, San Jose, Occidental Mindoro

Rita R. Valenzuela
Bo. La Curva, San Jose, Occidental Mindoro

Fernando Tigas
Bo. La Curva, San Jose, Occidental Mindoro

PENRO
Brgy. Payompon, Mamburao, Occidental Mindoro

CENRO
National Hi-way, Brgy. Labangan, San Jose, Occidental Mindoro

CERTIFIED TRUE / PHOTO COPY

May 6.10.2022

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