



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

JUN 05 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 COPY OF THE DECISION DATED NOVEMBER 8, 2022 IN DENR CASE NO. M-5-19-L ENTITLED VINCENT GONZALES FORTUNE, PROTESTANT VERSUS SALVADOR BORROMEIO, RESPONDENT OVER LOT NO 1626, PLS-33 SITUATED IN SAN JOSE, OCC. MINDORO**

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 Engr. Vincent Gonzales Fortune, Jr., was nowhere to be found in his last known address at Brgy. San Roque and Brgy. Pag-asa, both in the Municipality of San Jose, Occ. Mindoro.

In this regard, please be informed that despite diligent search for the whereabouts of the concerned party and in order to deliver a copy of the Decision, the efforts run into futility.

For information and record.

  
ERNESTO E. TAÑADA

TSD-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 COPY OF DECISION DATED NOVEMBER 8, 2023  
IN DENR CASE NO. M-5-19-L ENTITLED  
"VINCENT GONZALES FORTUNE, PROTESTANT, VS  
SALVADOR BORROMEO, RESPONDENT. LOT  
NO. 1626, PLS-33 SAN JOSE OCCIDENTAL MINDORO

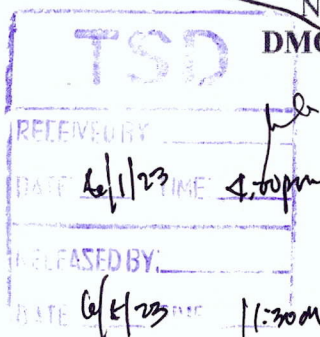
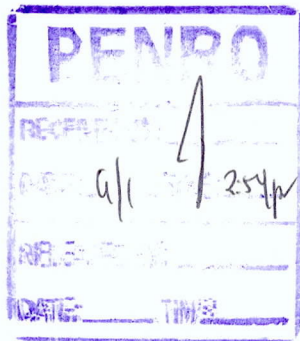
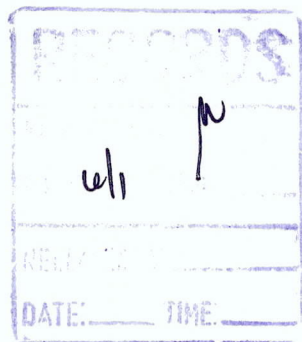
This is in connection to the memorandum dated May 15, 2023 of the OIC PENR Officer Mamburao Occidental Mindoro regarding above noted subject which was received by this office via registered mail of the Copy of the Decision dated November 8, 2022 in the above cited case, which were returned to sender (RTS) with the notation Insufficient Address. This Office has instructed to deliver copy of the Decision to the party, **Engr. Vincent Gonzales Fortune, Jr.** or his representative for this case to attain FINALITY.

Please be informed that certain staff of this office has attempted to find the address of Engr. Vincent Gonzales Fortune, Jr for the purpose of deliver the said decision however, Mr Fortune's address cannot be located in Barangay Pag-Asa and San Roque San Jose Occidental Mindoro.

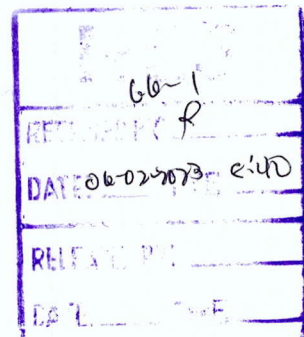
For information and further instruction.

For the CENRO:

NILO T. SALVADOR  
DMO IV / Deputy CENRO



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





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 COPY OF DECISION DATED NOVEMBER 8, 2023  
IN DENR CASE NO. M-5-19-L ENTITLED  
"VINCENT GONZALES FORTUNE, PROTESTANT, VS  
SALVADOR BORROMEO, RESPONDENT. LOT  
NO. 1626, PLS-33 SAN JOSE OCCIDENTAL MINDORO

This is in connection to the memorandum dated March 21, 2023 regarding above noted subject.

The undersigned proceeded to the Barangay San Roque San Jose Occidental Mindoro to know the address of Mr. Fortune, unfortunately, based on record of the Barangay There is no Vincent Gonzales Fortune in the voters and resident list of the said Barangay. Further, the undersigned proceeded to Barangay Pag-Asa, San Jose Occidental Mindoro for the same purpose but the said Barangay replied the same.

Due to this, I hereby report that the address of Mr. Vincent Gonzales Fortune is hard to find.

**MARK RANEE M. RAGUINDIN** ✓



**VINCENT GONZALES FORTUNE,**  
Protestant,

**DENR Case No. M-5-19-L**

- versus -

Lot No. 1626, Pls-33  
San Jose, Occidental Mindoro

**SALVADOR BORROMEIO,**  
Respondent.

X-----X

## DECISION

For resolution is the Petition, contained in a letter dated August 7, 1998 of Engr. Vincent Gonzalez Fortune, Jr. (Petitioner for brevity) against Salvador Borrromeo whose Homestead Application No. 9-2801 was registered as Original Certificate of Title (OCT) No. P-2790 covering Lot No. 1626, Pls-33 situated in San Jose, Occidental Mindoro. The Petitioner was praying for the reconsideration of the Order of Cancellation dated 29 July 1948 and the reinstatement of Homestead Application No. 214936 (E-114528) in the name of Fernando Gonzalez, his uncle.

In subsequent letters, the Petitioner, in gist, claims that his American father, together with the latter's brothers-in-law, one of whom is Fernando Gonzalez, came to Pandurucan (now called San Jose) in 1931 to look for a place to call home. As his father cannot own land in the Philippines, his uncle, Fernando Gonzalez, consented to put the selected land under his name, and eventually filed Homestead Application No. 214936 (E-114528).

Another letter dated August 31, 1999 was submitted by the Petitioner reiterating his petition for the reinstatement of said application.

Thereafter, on October 19, 1999, then Regional Executive Director Vicente S. Paragas directed the CENRO San Jose, Occidental Mindoro, particularly Land Management Officer (LMO) III Godofredo dela Cruz, to conduct a thorough investigation.

On November 18, 1999, LMO III dela Cruz reported, among others, the following findings:

1. On March 16, 1936, Fernando Gonzalez filed Homestead Application No. 214936 (E-114528) before the then Bureau of Lands;
2. On July 29, 1948, the application was cancelled;<sup>1</sup>
3. On July 12, 1954, Homestead Application No. 9-2801 (E-9-2307) was filed by Salvador Borrromeo;
4. On October 11, 1956, Fernando Gonzalez filed a motion for the reinstatement of Homestead Application No. 214936 (E-114528), but it was denied;
5. On November 28, 1961, the Acting Director of Lands ordered Homestead Patent No. V-76138 to be transmitted to the Register of Deeds for registration.

From the records of the instant case, OCT No. P-2790 has been cancelled as the land has already been subdivided.

<sup>1</sup> The Cancellation of Application dated July 29, 1948 issued by the Bureau of Lands stated that the land abandoned by the applicant is not fit for agricultural purposes xxx

JAN 11. 25. 2022

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

Whether the Department of Environment and Natural Resources (DENR) still has jurisdiction over the land.

**DISCUSSION AND RULING**

We resolve to dismiss the instant Petition.

It is clear that the disputed lot is already titled in the name of the Respondent, thus, the DENR does not anymore have jurisdiction over it.

In the case of *Araceli Mayuga vs. Antonio Atienza, et al.*,<sup>2</sup> it was held that:

The Court in *Spouses Galang v. Spouses Reyes*, citing *Heirs of Kionisala v. Heirs of Dacut*, observed the essential differences among an action for declaration of nullity of free patents and the corresponding certificates of titles issued pursuant thereto, an action for reversion and an action for reconveyance, viz.:

An ordinary civil action for declaration of nullity of free patents and certificates of title is not the same as an action for reversion. The difference between them lies in the allegations as to the character of ownership of the realty whose title is sought to be nullified. In an action for reversion, the pertinent allegations in the complaint would admit State ownership of the disputed land. x x x On the other hand, a cause of action for declaration of nullity of free patent and certificate of title would require allegations of the plaintiffs 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 therefor is consequently void *ab initio*. The real party in interest is x x x 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. x x x

From the foregoing, the real party in interest is not the State but the Petitioner, or his uncle, Fernando Gonzalez, who claims a right of ownership over the subject property even before the issuance of the homestead patent in favor of the Respondent.

**WHEREFORE**, premises considered, the instant Petition is hereby **DISMISSED** for lack of jurisdiction.

**SO ORDERED.**

City of Manila, Philippines. NOV 08 2022

  
**LORMELYN E. CLAUDIO, CESO IV**  
Regional Executive Director 

Copy furnished:

Engr. Vincent Gonzalez Fortune, Jr.  
San Jose, Occidental Mindoro

Salvador Borromeo  
San Jose, Occidental Mindoro

PENRO Occidental Mindoro

CENRO San Jose, Occidental Mindoro



Department of Environment  
and Natural Resources  
MIMAROPA Region



Doc ID: 95674

<sup>2</sup> G.R. No. 208197, January 10, 2018  
ARD-MS/LD



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

MAY 15 2023

**MEMORANDUM**

TO : The CENR Officer  
San Jose, Occ. Mindoro

FROM : The OIC-PENR Officer

SUBJECT : **SERVICE OF COPY OF DECISION DATED  
NOVEMBER 08, 2022 IN DENR CASE NO. M-5-19-  
L "ENTITLED VINCENT GONZALES FORTUNE,  
PROTESTANT VERSUS SALVADOR  
BORROMEO, RESPONDENT LOT NO, 1626, PLS-  
33 SAN JOSE, OCC. MINDORO**

DENR - DENR SAN JOSE  
MIMAROPA REGION  
RECEIVED BY: #2523-1027

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 copy of Decision dated November 8, 2022 in the above-cited case, which were returned to sender (RTS) with the notation *Insufficient Address*.

In this regard, you are requested to cause the delivery of the copy of Decision to the party, **Engr. Vincent Gonzales Fortune, Jr.** or his representative for this 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