

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

BENITO R. ALBRANDO,
Protestant,

-versus-

DANILO RAMIREZ and
NELSON ARBO(deceased);
Protestees,

x- - - - - x

POSITION PAPER
(For protestee Danilo Ramirez)

Protestee, by himself, respectfully submits the instant position paper in support of his defenses against the claims of the protestant:

I.
PREFATORY STATEMENT

Protestant based his protest on the alleged sale of the above-mentioned parcel of land to herein protestee by Nelson Arbo knowing that said property has already been sold previously to the former.

Protestee vehemently opposes and denies said claim. Protestant has no cause of action as will be discussed herein below.

II.
STATEMENT OF FACTS AND CASE

The facts are as follows:

1. Way back April 10, 2007, protestee was enticed by Nelson Arbo (seller, for brevity) who was a DENR official/employee back then to buy his rights over a portion of

RE 70503496277

Post Office

Letter/Package

Posted on

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

REGISTERED
LAS PINAS CENTRAL POST OFFICE
PHILIPPINES

09 JUN 2023

DENR MIMAROPA
RECORDS SECTION
RECEIVED

JUN 13 2023

☐ INCOMING ☐ OUTGOING

BY: pw DATE NO.

TIME

Lot No. 821-27, Csd-04-017642-D

Area: 700 square meters

Panacan, Narra, Palawan

land with an area of SEVEN HUNDRED (700) SQUARE METERS including the improvements existing therein in the amount of SIXTY FIVE THOUSAND PESOS (Php 65,000.00). Said portion is part of the land known as Lot No. 821-27,Csd-04-017642-D with a total area of 1,392 square meters situated in Panacan, Narra, Palawan as evidenced by a copy of the Sale of Rights and Improvements hereto attached and marked as Annex "A";

2. In addition , an Affidavit of Waiver of Rights was executed by the seller in favor of the protestee which state among others that the former has been in possession of said parcel of land since 1999 up to the time said document was made which was on May 16, 2008 copy of which is hereto attached and marked as Annex "B";

3. However, in a letter dated October 3, 2008, protestee filed a complaint with the Office of the Resident Ombudsman (DENR) against the seller for having sold said parcel of land to third parties. Protestee had no idea or knowledge of the previous transactions involving the portion of land. In fact, protestee relied on the representations of the seller since the subject property was unregistered land and the fact that according to him, the same was free from all liens and encumbrances. Copy of the letter is hereto attached and marked as Annex "C". Obviously, I made a mistake;

4. On June 14 , 2011 , an order of investigation was issued by the Provincial Environment and Natural Resources (PENRO)Puerto Princesa, Palawan regarding the protest filed by the protestant pertaining to the anomalous transaction involving the subject property. On February 10, 2012, protestee and protestant requested that the hearing be conducted before DENR Region IV, Manila for convenience and to save on travel expenses. Said request was reduced into writing via a letter addressed to Mr. Hilario V. Regondola Jr., Land Mgt. Officer III/Hearing Officer, DENR-PENRO, Sta. Monica , Puerto Princesa City copy of the order and the letter are hereto attached as Annex "D" and "E", respectively. Nothing happened with the investigation;

5. What happened next was that a copy of an Interlocutory Order dated January 18, 2021 was received by the protestee only on **May 23, 2023** requiring the latter to submit a position paper fifteen (15) days upon receipt. Said

order was not accompanied by any document and or pleading that would be the basis of filing the position paper. It was only last June 7, 2023 when protestee got hold of the "protest" or more than twelve (12) years after it was filed. Hence, this position paper;

III

ISSUE

-Who has the better right to possess the property as between the protestant and protestee?

IV

DISCUSSION

It is not for the protestee to determine the validity of the previous transactions involving the subject property. This is neither the time nor forum to resolve the issue. Protestee can only speak for himself. As far as he is concerned, he is a **purchaser in good faith**.

An innocent purchaser for value is one who buys the property of another without notice that some other person has a right to or interest in it, and who pays a full and fair price at the time of the purchase or before receiving any notice of another's claim (Rosales v. Burgos, GR No. 143573, Jan.30, 2009, 577 SCRA 264).

For the record, protestee came to know of the previous sale made to third persons including the sale to the protestant only on October 3, 2008 when he filed a complaint against Nelson Arbo. There is no way he could have known the previous sale because the subject property is unregistered land. There is no monument or title wherein prospective buyers can look into and verify whether the same is clear of any and all liens and encumbrances;

It is worth mentioning that from the time the subject property was sold to the protestee, the latter immediately took possession of the same. At present, protestee is still in

open, continuous, exclusive and notorious possession and occupation of the subject property as evidenced by a copy of Barangay Certification issued by Punong Barangay of Barangay Panacan, Narra, Palawan dated October 18, 2022 as well as copy of Certification issued by Ramfel Feliciano and Jerald Favila dated 06-02-23 hereto marked as Annex "F" and "G";

As for the issue of double sale, the provision of Civil Code specifically Article 1544 aptly applies in this case. It reads:

-“If the same thing should have been sold to different vendees, the ownership shall be transferred to the person who may have first taken possession thereof in good faith, if it should be movable property.

Should it be immovable property, the ownership shall belong to the person acquiring it who in good faith first recorded it in the Registry of Property.

Should there be no inscription, the ownership shall pertain to the person who in good faith was first in possession (emphasis supplied); and, in the absence thereof, to the person who presents the oldest title, provided there is good faith.”

As already stated, protestee was in possession of the property from the time he bought the same, having paid good money to own it. He was known in the community as the owner of the subject property. No one came forward that time to claim the property even the protestant. In fact, residents in the area does not know the protestant or have an idea that he has any interest over the subject property only now. If only for this, the instant protest must fail.

PRAYER

WHEREFORE, protestee respectfully prays that the instant protest be **denied**; further, the pending survey authority as requested by the protestee for Lot 821-27, Csd-04-017642-D be immediately **granted**; furthermore, to allow the protestee to file necessary action whether judicial or administrative for original registration of title. Other reliefs just and equitable under the premises are likewise prayed.

Las Pinas City for Quezon City, June 13, 2023


DANILO A. RAMIREZ

Protestee

058-B Aldana St., San Isidro Subd.
Pamplona I, Las Pinas City

**VERIFICATION/CERTIFICATION NON-FORUM
SHOPPING**

I, DANILO A. RAMIREZ, under oath, allege:

I am the protestee in the abovementioned case; I have read the position paper and caused the preparation of the same; all the allegations are true and correct of my own personal knowledge and based on authentic records; I have not commenced any other action or proceedings involving the same issue in any court, or any other tribunal or agency; to the best of my knowledge, no such action or proceeding is pending in any court or any other tribunal or agency, and if there is any action or proceeding either pending or may have been terminated, I will state the status thereof; and if I should thereafter learn that a similar action or proceeding has been filed or is pending, I undertake to report the fact within five (5) days therefrom to the Honorable Department where the case is filed.

Las Pinas City for Manila, June 13, 2023


DANILO A. RAMIREZ

SUBSCRIBED AND SWORN to before me this 9th day of June , 2023 in Las Pinas City affiant exhibiting his OSCA I.D. with No. N-09430.

Doc. No. 366


Page No. 75

Book No. VI

Series of 2023

Copy furnished:

Benito R. Albrando


ARMIN L. ROXAS
Notary Public for Las Pinas City
Until Dec. 31, 2023
Appt No. LP 21-020/Roll No. 42564
IBP No.: 239135/11-09-22/PPLM (for 2023)
PTR No.: 12459516/1-3-23/LPC
MCLE COMP. No.: VII-0007123

Greater Manila Towerhills Subd, Fatima Court
B34,L10 and 11, Brgy. Dolores,
Taytay, Rizal

SALE OF RIGHTS AND IMPROVEMENTS

ANNEX "A"

KNOW ALL MEN BY THESE PRESENTS:

I, **NELSON Q. ARBO**, of legal age, Filipino, married and residing at National Highway, Brgy. Panacan, Narra, Palawan, for and in consideration of the sum of **SIXTY FIVE THOUSAND PESOS** (Php 65,000.00), Philippine Currency and other valuable considerations to me in hand paid by **DANILO A. RAMIREZ** likewise of legal age, Filipino, married and residing at Poblacion, Narra, Palawan, have waived, transferred and conveyed any and all rights and participations that I have or may have over a **SEVEN HUNDRED (700) SQUARE METERS** portion of land known as Lot No. 821-27, Csd-04-0176-42-D containing an area of 1,392 Square Meters and situated at Panacan, Narra, Palawan, which portion of a parcel of land is more particularly described as follows, to wit:

"A PARCEL OF LAND, bounded on the Northwest by Road; on the Southeast by portion of Lot 281; Northeast by portion of the same lot, and of the Southwest by a portion of 281 and containing an area of **SEVEN HUNDRED (700) SQUARE METERS**".

Unto the afore-named waivee, **DANILO A. RAMIREZ**, his heirs, successors and assigns the above-described parcel of land free from all liens and encumbrances, whatsoever;

That I hereby warrant valid and peaceful possession and other rights over the above-described parcel of land and will defend the same against any and all claims of third persons, whomsoever

IN WITNESS WHEREOF, I have hereunto affixed my signature this **10 APR 2007** of **2006** at **NARRA, PALAWAN**

[Signature]

DANILO A. RAMIREZ
Waivee

[Signature]
NELSON Q. ARBO
Waiver

SIGNED IN THE PRESENCE OF:

1. *[Signature]*

2. *[Signature]*
Jaime Ramirez Jr

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
MUNICIPALITY/CITY **NARRA, PALAWAN**

BEFORE ME, a Notary Public for and in the Municipality of **NARRA, PALAWAN** Province, this **10 APR 2007**, personally appeared **NELSON Q. ARBO** with his DENR ID. No. 076 issued by PI NRO Atty. Virgilio B. Tiongson known to me and to me known to be the same person who executed the foregoing instrument and he acknowledged to me that the same is his own free and voluntary act and deed.

WITNESS MY HAND AND SEAL on the date & place first above written

Doc No. **424**
Page No. **87**
Book No. **XXXV**
Series of **2007**

[Signature]
ATTY. NIXON T. RAMIREZ
NOTARY PUBLIC

Until December 31, 2007
IBP No. 622552 / Palawan
PTR No. 0362342 / 12-22-06 / Palawan
Tin No. 188-390-559

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF PALAWAN :S.S.
MUNICIPALITY OF _____)

ANNEX "B"

AFFIDAVIT OF WAIVER OF RIGHTS

That I, NELSON Q. ARBO, Filipino, of legal age, single/married/widow/widower and with residence and postal address at NARRA, PALAWAN, after having been duly sworn to in accordance with law, depose and say:

That I am the actual occupant/claimant and original owner of a certain parcel of land with Lot No. 821-27 CSD 04-017642- D, containing an area of SEVEN HUNDRED sq.m./has., more or less located at Brgy. (700 sq. m.) Barangay Panacan, Narra, Palawan

That parcel of land is described under Tax Declaration No. _____

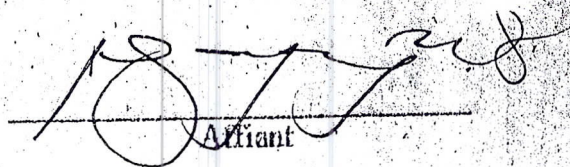
That I have been continue occupation and possession of said parcel of land since 1999 to the present and occupation had never been contested by any adverse person;

That for and in consideration for some valuable amount duly acknowledged by me from DANILO A. RAMIREZ to my full satisfaction. I do hereby waive and transfer any rights together with all the improvements found thereon over said parcel of land described above in favor of DANILO A. RAMIREZ of legal age/single/married/widow/widower and with residence and postal address at NARRA, PALAWAN

That I hereby warrant to protect the rights of DANILO A. RAMIREZ from any adverse claim Nor third party;

That I will not interpose or object now or in the future he/she legally perfect his/her rights leading to the issuance of patent in his/her favor.

IN WITNESS WHEREOF, I have hereunto set my hands this 16th day of MAY 2008.


Affiant

WITNESS:

1. MANUEL SUYAT

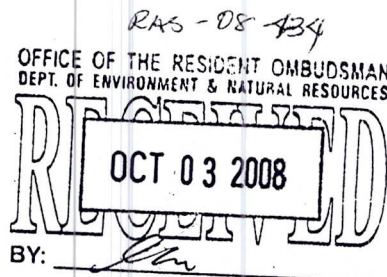
2. ROBBY M. NATALIO

SUBSCRIBED AND SWORN to before me this 16th day of MAY 2008
Affiant affix his/her Community Tax Certificate No. 04054673 issued at QUEZON PALAWAN, issued on 1-2-08

Doc. No. 500
Page No. 101
Book No. 60
Series 08

ATTY. NIXON T. RAMIREZ
NOTARY PUBLIC
(Officer Authorized to Administer Oath)
PTR No. 5176309 / 11-23-07 / Palawan
IBP No. 629643 / Palawan
Bar Roll No. 48818

Poblacion, Narra, Palawan
c/o Mila R. Suyat
8 Camias St., Narra, Palawan
03 October 2008



The Resident Ombudsman
Annex Building, DENR Compound
Visayas Avenue, Diliman
Quezon City

ANNEX "A"
C

The Resident Ombudsman:

This is to file a complaint against **NELSON Q. ARBO**, a DENR official, residing at National Highway, Brgy. Panacan, Narra Palawan who sold to the undersigned a parcel of land bounded on the Northwest by Road; on the Southeast by portion of Lot 281; Northeast by portion of the same lot and on the Southwest by a portion of Lot 281 and containing an area of SEVEN HUNDRED (700) square meters, more or less, Reference LOT NO. 821-27, CSD-04-047642-D, as evidenced by SALE OF RIGHTS AND IMPROVEMENTS, hereto attached and marked as Annex "A".

This parcel of land was sold to me in the amount of **SIXTY FIVE THOUSAND PESOS (P65,000.00)**, Philippine Currency and was paid in cash. Upon my personal verification from the Community Environment and Natural Resources Office (CENRO), Department of Environment and Natural Resources, Narra, Palawan, the said land was first (1st) sold to certain TEODORO DE PERALTA on January 24, 2006 as evidenced by Deed of Waiver of Rights, hereto attached and marked as Annex "B" w/c was also sold by this TEODORO DE PERALTA to certain BENITO ALBRANDO last February 10, 2006 as evidenced by Deed of Waiver of Rights, hereto attached and marked as Annex "C". I bought this parcel of land from NELSON Q. ARBO last April 10, 2007. Knowing this, I was surprised that there were previous buyers aside from me thus the reason of filing this complaint/s against him. I was calling him and his wife several times, but apparently nobody is answering my call anymore.

I will appreciate very much if immediate action against this official be imposed.

Hoping for your immediate action and assistance on my complaint. Thank you very much!

Respectfully Yours,


DANILO A. RAMIREZ
Home No.(8721837) Cell No. (09215700531)



Republic of the Philippines
Department of Environment and Natural Resources
Region IV
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Sta. Monica, Puerto Princesa City
Tel/Fax 433-7377 Email penro@pd-enr.com

ANNEX " " D

BENITO R. ALBRANDO,
Protestant,

PENRO Case No. 0282

-versus-

Lot No. 821-27, Csd-04-017642-D

DANILO RAMIREZ and
NELSON ARBO,

Area: 700 square meters

Protestees.

Panacan, Narra, Palawan

x-----x

ORDER OF INVESTIGATION

A protest in due form was filed by Benito Albrando against Danilo Ramirez over a certain parcel of land identified as Lot No. 821-27, Csd-04-017642-D containing an area of Seven Hundred (700) square meters and situated at Panacan, narra, Palawan, alleging in substance; that certain Nelson Arbo executed an Affidavit waiving and transferring all his rights and interest over the subject lot to a certain Teodoro Peralta; that on February 10, 2006 Teodoro Peralta, in turn, executed a Deed of Waiver of Rights in favor of Benito Albrando regarding the same lot; that on May 15, 2008, he came to know that a certain Jaime and Danilo, all surnamed Ramirez are requesting the CENRO of Narra for Survey Authority regarding Lot 821-27, Csd-04-017642-D which he objected and requested the said Office to hold in abeyance the said request pending clarification of the issue. Protestant requested for further investigation of this case alleging "bad faith" in this anomalous transaction.

The Hearing Officer/LMO III Hilario V. Regondola, Jr. is hereby directed to conduct investigation in accordance with Section 6 and 7 of Land Office Circular No. 68 and thereafter, submit corresponding report after termination of the investigation.

SO ORDERED,

JUL 17 2008

Puerto Princesa City.

JUAN C. DELA CRUZ
CIC-PENRO

Copy Furnished:

1. Mr. Benito R. Albrando
Greater Manila Towerhills Subdivision
Fatima Court, Block 34, Lots 10 and 11, brgy. Dolores
Taytay, Rizal
2. Danilo Ramirez
c/o Jaime Ramirez
Quezon, Palawan
3. Mr. Nelson Q. Arbo
CENRO, Puerto Princesa City

(40)

ANNEX " " 

February 10, 2012

Mr. Hilario V. Regondola, Jr.
Land Mgt. Officer III/Hearing Officer
DENR-PENRO, Sta. Monica
Puerto Princesa City



Sir :

We, both parties concern regarding the double sale of Lot No. 821-27, Csd-04-017642-D located at Panacan, Narra, Palawan from Mr. Nelson Arbo, would like to manifest that the hearing to be held at DENR Region 1V, Manila. The reason is that we are having a hard time and affect us so much in terms of money and time.

Hoping for your immediate action.

Very truly yours,


BENITO R. ALBRANDO


DANILO RAMIREZ



MISSION

A very much alive and reliant community, with extremely conspicuous number of people making strenuous effort for a better future through and their profound faith in God.

VISION

Draw the Barangay, closer to the people, and incite them to bestow, maximum trust which is indispensable in attaining the desired outcome in the implementation of varied programs and projects of the Local Government that will lead to a well develop, calm, disciplined and God-like community

Barangay Panacan Officials 2018-2022

*Hon. Ferdinand P. Zaballa
Punong Barangay*

Sangguniang Barangay:

*Hon. Rogelio V. Mahinay Jr.
Hon. Rolando V. Esperancilla
Hon. Don M. Veneranda
Hon. Marisol B. Diaz
Hon. Rosalie M. Waban
Hon. Jessica M. Caabay
Hon. Efren B. Gonzaga
Hon. Reynita M. Duguran*

*Hon. Keren M. Socrates
Barangay Kagawad/SK Chairman*

*Ms. Lea F. Locsin
Barangay Treasurer*

*Ms. Allen H. Sagun
Barangay Secretary*

*Ms. Myckinly L. Azuelo
Barangay Clerk*

Republic of the Philippines
Province of Palawan
Municipality of Narra
BARANGAY PANACAN

IN-EX " " F

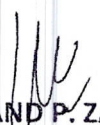
OFFICE OF THE PUNONG BARANGAY

BARANGAY CERTIFICATION

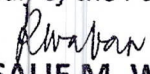
This is to certify that **Mr. Danilo Ramirez**, resident of Barangay Panacan, Narra, Palawan is the actual occupant of Lot No. 821-27 Csd 04—17642-D with an area of Seven hundred (700) square meters of each lot located at Purok Masagana, Barangay Panacan, Narra, Palawan.

This certification is hereby issued to **Danilo Ramirez** for the purpose of Lot Titling for whatever legal purpose it may serve his best.

Issued this 18th day of October, 2022


FERDINAND P. ZABALLA
Punong Barangay

For and in behalf of the Punong Barangay


ROSALIE M. WABAN
Barangay Kagawad

Cert. Fee: P100.00

O.R.No.: 0822849

Issued On: 10/18/2022

Issued at: Panacan, Narra, Palawan

06 May 22, 2023

ANNEX " "

6

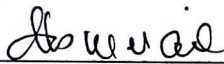
We the undersigned hereby certifies that we are conducted clearing/cleaning the area in connection with the parcel of land of Mr. Danilo A. Ramirez with Lot No. **821-27 CSD 04-017642-D** located at Barangay Panacan, Poblacion Narra, Palawan. Attached herewith is our Identification Card.

IN WITNESS WHEREOFF, we have here unto affixed our signatures on the date and place above written


RAMFEL FELICIANO


JERALD FAVILA

WITNESSES:

1. 

2. 

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

SUBSCRIBED AND SWORN TO BEFORE
ME THIS **06-02-23** AT CITY OF
PUERTO PRINCESA PALAWAN, AFFIANT
HAVING EXHIBITED TO ME HIS/HER CTC
NO. _____ ISSUED ON _____
AT _____


Doc. No. **244**
Page No. **59**
Book No. **CCAN**
Series of 2023.




ATTY. ROLAND E. PAY
NOTARY PUBLIC

JUNE 24, 2022 TO DECEMBER 31, 2023
PTR NO. 2942856/01-03-2023
IBP NO. 319783/04-03-2023
ROLL NO. 32126
MCLE COMPLIANCE NO. VI-0025867/4-29-2019

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE
PROFESSIONAL DRIVER'S LICENSE



Last Name, First Name, Middle Name
FELICIANO, RAMFEL RAMIREZ


Nationality Sex Date of Birth Weight (kg) Height(m)
 PHL M 1969/06/02 80 1.67

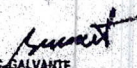
Address
38 CHICO ST NARRA PALAWAN

License No. Expiration Date Agency Code
N01-10-001063 2023/06/02 D11

Blood Type Eyes Color
 O+ BROWN

Restrictions Conditions
 1,2,3 NONE

Signature of Licensee 


 EDGAR C. SALVANTE
 Assistant Secretary

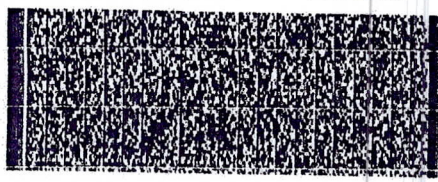
RESTRICTIONS:

1. MOTORCYCLES/MOTORIZED TRICYCLES
2. VEHICLE UP TO 4500 KGS G.V.W
3. VEHICLE ABOVE 4500 KGS G.V.W
4. AUTOMATIC CLUTCH UP TO 4500 G.V.W
5. AUTOMATIC CLUTCH ABOVE 4500 G.V.W
6. ARTICULATED VEHICLE 1600 KGS G.V.W AND BELOW
7. ARTICULATED VEHICLE 1601 UP TO 4500 G.V.W
8. ARTICULATED VEHICLE 4501 & ABOVE G.V.W

CONDICTIONS:

- A. WEAR EYEGLASSES
- B. DRIVE ONLY W/SPECIAL EQPT FOR UPPER LIMBS
- C. DRIVE ONLY W/SPECIAL EQPT FOR LOWER LIMBS
- D. DAYLIGHT DRIVING ONLY
- E. ACCOMPANIED BY A PERSON W/NORMAL HEARING

Serial Number
044939452



IF ORGAN DONATION:
 I WILL NOT DONATE ANY ORGAN
 IN CASE OF EMERGENCY NOTIFY:
 NAME: THIEMA FELICIANO
 ADDRESS: 38 CHICO ST NARRA PALAWAN
 TEL. NO.: 0995309744







REPUBLIC OF THE PHILIPPINES
Philippine Health Insurance Corporation

PhilHealth
Your Partner in Health

09-050155268-1

FAVILA, JERALD HULGUIN

APRIL 14, 1980 - MALE

PUROK MAGSABAKA TERESA HARRA, PALAWAN - 5333

INDIGENT



CERTIFICATION

The person whose name and signature appear on this card is a beneficiary of the National Health Insurance Program. He/She, including his/her qualified dependents, are entitled to the benefits and privileges of the Program by virtue of Republic Act No. 7875, as amended.

Celestina Ma. Jude P. de la Serna

DR. CELESTINA MA. JUDE P. DE LA SERNA
OIC-President and CEO

Jerald Hulguin Favila