

Republic of the Philippines  
4th Judicial Region  
**REGIONAL TRIAL COURT**  
Calapan City, Oriental Mindoro  
Branch 39

SPS. NORMA BAGOS & Civil Case No. CV-16-6928  
DEMETRIO BAGOS,  
Plaintiffs,

- versus -

For:

MILAGROS DELOS REYES-  
BACAY, MARILOU D. BACAY,  
PETRONIO D. BACAY, LEONISA  
D. BACAY, ANGELICA D. BACAY,  
AMELYN D. BACAY,  
Defendants.

QUIETING OF TITLE  
WITH RECOVERY OF  
POSSESSION AND  
DAMAGES WITH PRAYER  
FOR THE IMMEDIATE  
ACTUAL INDEPENDENT  
SURVEY ON THE  
LOCATION OF THE  
PROPERTY

X - - - - - X

### **MANIFESTATION**

The Provincial Environment and Natural Resources Officer (PENR Officer) of the Provincial Environment and Natural Resources Office – Oriental Mindoro (PENRO) of the Department of Environment and Natural Resources (DENR) MIMAROPA Region, through the undersigned counsel, and unto this Honorable Court, most respectfully submits this *Manifestation* and states the following:

1. The undersigned was consulted by Engineer Elizabeth D. Moreno-Mesina (Engineer Moreno-Mesina), a geodetic engineer holding the position of Engineer III from the DENR MIMAROPA Regional Office, detailed in DENR PENRO Oriental Mindoro, regarding the *Order* of this Honorable Court dated May 3, 2023 which the latter received on June 2, 2023 when she went to inquire from this Honorable Court, upon learning from her officemate that she was ordered to survey the lot subject of the instant case.
2. In the said *Order* of this Honorable Court dated May 3, 2023, the body and the dispositive portion particularly state:

**“ACCORDINGLY**, as prayed for  
by the parties, and seeing the wisdom in



verifying the exact boundaries or the meets and bounds of the disputed property, Engr. Elizabeth D. Moreno Mesina of the Provincial Environment and Natural Resources Office is hereby directed to conduct a verification survey of the property in the presence of the counsels and the parties as well as Nester Aranzado, Teodoro Bacay, and Consuelo Aranzado and to submit a Report to this Court within thirty (30) days from receipt of a copy of this Order which shall be personally served by this Court's Sheriff upon said government geodetic engineer.

The parties through counsels are directed to bring them copies of their respective documents during the conduct of the survey so that in case the geodetic engineer needs them for reference the same are already available. In the meantime, the presentation of plaintiffs' evidence in chief shall continue on July 05, 2023 at 8:30 A.M.

**SO ORDERED IN OPEN COURT.”**  
(Underscoring Ours)

3. Prior to the consultation of Engineer Moreno-Mesina with the undersigned, the former inquired from the DENR-MIMAROPA Regional Office as to the procedure in conducting surveys pursuant to a court's order. Engineer Moreno-Mesina was given a copy of *Memorandum*<sup>1</sup> dated February 1, 2023 signed by Undersecretary Atty. Ernesto D. Adobo, Jr., *CESO I* with subject, “CLARIFICATION AND GUIDANCE ON THE SURVEY OF LAND OUTSIDE THE JURISDICTION OF DENR BY VIRTUE OF COURT ORDER”, which she handed to the undersigned.
4. With due respect and high regard to this Honorable Court, a careful perusal of the said Memorandum shows pertinent provisions of laws and rules that substantiate that the “DENR has no jurisdiction to conduct surveys over titled lands since its jurisdiction is limited to the approval of subdivision plans.”<sup>2</sup>

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<sup>1</sup> A copy of the Memorandum dated February 1, 2023 signed by Undersecretary Atty. Ernesto D. Adobo, Jr., *CESO I* is attached hereto as Annex “A”.

<sup>2</sup> Ibid, p. 1.



5. Section 4 of Executive Order No. 192, otherwise known as the "Reorganization Act of the Department of Environment and Natural Resources", categorically specifies the DENR's mandate, in this wise:

"SECTION 4. Mandate. The Department shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, specifically forest and grazing lands, mineral resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos." (Emphasis and Underscoring Ours)

6. Moreover, Sections 2 to 4 of Commonwealth Act No. 141, otherwise known as "The Public Land Act" which categorically provide for the DENR Secretary's jurisdiction over the disposition and management of the lands of the public domain are quoted hereunder:

"SECTION 2. The provisions of this Act shall apply to the lands of the **public domain**; but timber and mineral lands shall be governed by special laws and nothing in this Act provided shall be understood or construed to change or modify the administration and disposition of the lands commonly called "friar lands" and those which, being privately owned, have reverted to or become the property of the Commonwealth of the Philippines, which administration and disposition shall be governed by the laws at present in force or which may hereafter be enacted.

SECTION 3. The Secretary of Agriculture and Commerce shall be the executive officer charged with carrying out the provisions of this Act through the Director of Lands, who shall act under his immediate control.



SECTION 4. Subject to said control, the Director of Lands shall have direct executive control of the **survey**, classification, lease, sale or any other form of concession or disposition and management of the lands of the **public domain**, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Commerce.” (Emphasis Ours)

7. Furthermore, Section 1 of DENR Administrative Order (DAO) 2007-29 provides for the DENR’s policy on public land surveys, in this wise:

**Section 1. Policy and Objectives** - It is the policy of the state to accelerate the adjudication and disposition of lands of the **public domain** for the purpose of achieving tenurial security, land ownership equity, improvement of standard of living and stimulation of land market activities in consonance with the principles of sustainable development.

Toward these ends, the DENR shall pursue as a priority, the unification, synchronization and regulation of all surveys on, but not limited to, agricultural lands, mineral lands, forestlands, protected areas, civil and military reservations, road networks and lands for other purposes and expedite the conduct, verification and approval of surveys thereon.” (Emphasis Ours)

8. Accordingly, as stated in the attached Memorandum,<sup>3</sup> it was respectfully expressed by our Undersecretary that:

“[The DENR] is aware that in certain instances, there is need to conduct a verification survey over a titled land. This Office agrees that the parties to such a case may hire a court-designated private geodetic engineer to conduct the needed verification survey. The findings of the verification survey may be validated or verified by the DENR based on the data available in its custody.” (Underscoring Ours)

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<sup>3</sup> Ibid.



9. Thus, in good faith and without any intention to defy the *Order* of this Honorable Court, the foregoing Manifestation is humbly and respectfully submitted to inform this Honorable Court that Engineer Moreno-Mesina cannot proceed with the conduct of the survey as explained above.

### **PRAYER**

**WHEREFORE**, premises considered, it is respectfully prayed of this Honorable Court that this Manifestation be considered and made part of the record of the instant case.


Other reliefs just and equitable are likewise prayed for.

**RESPECTFULLY SUBMITTED.**

Calapan City, Oriental Mindoro. June 26, 2023.

**DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES  
Provincial Environment and Natural Resources Office**  
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Ilang-Ilang Street, Sitio II, Suqui  
5200 Calapan City, Oriental Mindoro

By:

  
**FRANCES MARGARETTE A. MENDOZA**  
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**EXPLANATION**

Pursuant to the Revised Rules of Civil Procedure, the foregoing Motion is being served on all parties by substituted service *via* accredited courier LBC under Rule 13 of the 2019 Amendments to the Rules of Civil Procedure instead of personal service due to lack of material time and manpower. The Motion is being filed to the Honorable Court personally.

  
**FRANCES MARGARETTE A. MENDOZA**

*Copy furnished:*

**ATTY. EDELBERTO C. BUNQUIN**  
2<sup>nd</sup> Floor, FaceMeg Building  
Poblacion, Puerto Galera  
Oriental Mindoro

LBC Tracking No. \_\_\_\_\_  
Date: \_\_\_\_\_

**ATTY. EARL LIGORIO R. TURANO II**  
2<sup>nd</sup> Floor, OMPSTA Building  
Gov. Ignacio Street, Brgy. Camilmil  
Calapan City, Oriental Mindoro

LBC Tracking No. \_\_\_\_\_  
Date: \_\_\_\_\_

**THE REGIONAL EXECUTIVE DIRECTOR**  
DENR MIMAROPA REGION  
3<sup>rd</sup> Floor, 1515 DENR By the Bay Building  
Roxas Boulevard, Brgy. 668  
Ermita, Manila

LBC Tracking No. \_\_\_\_\_  
Date: \_\_\_\_\_

**CHIEF, SURVEYS AND MAPPING DIVISION**  
DENR MIMAROPA REGION  
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FEB 01 2023

## MEMORANDUM

TO : The Regional Executive Director  
 DENR - National Capital Region

FROM : The Undersecretary  
 Legal and Administration

SUBJECT : CLARIFICATION AND GUIDANCE ON THE SURVEY OF  
 LAND OUTSIDE THE JURISDICTION OF DENR BY VIRTUE  
 OF COURT ORDER

This pertains to your Memorandum dated 18 July 2022 seeking for guidance on the above-stated subject, as well as your suggestion, to wit:

1. To comply with the Court's order to conduct survey over titled land;
2. To conduct the survey outside the office hours; and
3. To require payment of the minimum industry rate for geodetic engineers.

In response thereto, this Office would like to maintain that DENR has no jurisdiction to conduct surveys over titled lands since its jurisdiction is limited to the approval of subdivision plans.

Section 4 of Executive Order (E.O.) 192,<sup>1</sup> otherwise known as the "Reorganization Act of the Department of Environment and Natural Resources", categorically specifies the DENR's mandate, to wit:

SECTION 4. Mandate. - The Department shall be the primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources, specifically forest and grazing land, mineral resources, including those in reservation and watershed areas, and lands of the public domain... (Emphasis supplied)

Moreover, Sections 2 to 4 of Commonwealth Act 141,<sup>2</sup> as amended, otherwise known as "The Public Land Act", categorically provide the DENR Secretary's jurisdiction over the disposition and management of the lands of the public domain, to wit:

SECTION 2. The provisions of this Act shall apply to the lands of the public domain; but timber and mineral lands shall be

PROVIDING FOR THE REORGANIZATION OF THE DEPARTMENT OF ENVIRONMENT, ENERGY AND NATURAL RESOURCES, RENAMING IT AS THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND FOR OTHER PURPOSES  
 AN ACT TO AMEND AND COMPLETE THE LAWS RELATIVE TO LANDS OF THE PUBLIC DOMAIN.

governed by special laws and nothing in this Act provided shall be understood or construed to change or modify the administration and disposition of the lands commonly called 'friar lands' and those which, being privately owned, have reverted to or become the property of the Commonwealth of the Philippines, which administration and disposition shall be governed by the laws at present in force or which may hereafter be enacted.

SECTION 3. The Secretary of Agriculture and Commerce shall be the executive officer charged with carrying out the provisions of this Act through the Director of Lands, who shall act under his immediate control.

SECTION 4. Subject to said control, the **Director of Lands shall have direct executive control of the survey**, classification, lease, sale or any other form of concession or disposition and management of **the lands of the public domain**, and his decisions as to questions of fact shall be conclusive when approved by the Secretary of Agriculture and Commerce.

SECTION 5. The Director of Lands, with the approval of the Secretary of Agriculture and Commerce, shall prepare and issue such forms, instructions, rules, and regulations consistent with this Act, as may be necessary and proper to carry into effect the provisions thereof and for the conduct of proceedings arising under such provisions. (Emphasis supplied)

Also, Section 1 of DENR Administrative Order (DAO) 2007-29<sup>5</sup> as a categorically provides the DENR's policy on public land surveys, to wit:

SECTION 1. Policy and Objectives. — It is the policy of the state to accelerate the adjudication and disposition of lands of the public domain for the purpose of achieving tenurial security, land ownership equity, improvement of standard of living and stimulation of land market activities in consonance with the principles of sustainable development.

Toward these ends, the DENR shall pursue as a priority, the unification, synchronization and regulation of all surveys on, but not limited to, agricultural lands, mineral lands, forestlands, protected areas, civil and military reservations, road networks and lands for other purposes and expedite the conduct, verification and approval of surveys thereon.

Occasionally, the regular courts direct the DENR to conduct a survey over titled property. In this instance, the DENR may file manifestations with the court informing them of the DENR's jurisdiction over lands of the public domain and its lack of jurisdiction over titled lands.

Moreover, this Office is aware that in certain instances, there is a need to conduct a verification survey over a titled land. **This Office agrees that the parties to such a case may hire a court-designated private geodetic engineer to conduct the needed verification survey. The findings of the verification survey may be validated or verified by the DENR based on the data available in its custody.**



Finally, with regard to your suggestion that the DENR - NCR may comply with a court order directing it to conduct survey over titled land provided that certain conditions are met (e.g., as long as it will be done outside office hours), this Office opines that there is legal impediment in such action. It will be noted that DENR official transactions must be conducted within its official working hours and must be conducted in the prescribed manner pursuant to existing laws, rules and regulations.

In light of the foregoing discussion, this Office hopes that it has addressed the issues involved regarding the above-stated subject.

For your information and proper guidance

ATTY. ERNESTO D. ADOBO, JR. CESO I