

MAR 13 2023

☐ INCOMING ☐ OUTGOING _____
BY: _____ DATE NO. _____
TIME: 10:45 AM

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

In Re: PETITION FOR JUDICIAL
CONFIRMATION OR TITLING OF
LAND UNDER REPUBLIC ACT
11573.

Case No. LRC-22-
23518

PETITION FOR JUDICIAL
CONFIRMATION OR
TITLING OF LAND

SORIANO M. DEL MUNDO,
Petitioner.

COMPLIANCE WITH MOTION

The Petitioner, through the undersigned counsel, unto this Honorable Court, respectfully states that:

1. On February 9, 2023, the undersigned received an *Order* dated February 2, 2023 from this Honorable Court directing Petitioner Soriano M. Del Mundo to submit to the Land Registration Authority (LRA) Docket Division the following requirements:

1. Full size blue-print copy of the survey plan duly certified as true copy by the Branch Clerk of Court. (All bearings, distances, and technical descriptions of the land appearing on the plan must be legible);
2. Print copy of the accompanying technical description certified as true copy by the Branch Clerk of Court;
3. Geodetic Engineer's certificate on the approved plan or certification in lieu of

Geodetic Engineer's certificate issued by the
Regional Technical Director concerned;

4. Proof of payment of publication fee by way of
Official Receipt in the amount of P 2,000.00,
the case number and the name of the
applicant indicated therein. Payment to the
National Printing Office, Quezon City may be
made in cash or Postal Money Order;"

2. In the same *Order*, Petitioner was ordered to submit proof
of compliance.

3. On March 8, 2023, the undersigned sent a *Letter*
addressed to the LRA Docket Division submitting the aforementioned
requirements as ordered by this Honorable Court. A copy of this
Letter, duly received by the LRA, is attached herein as Annex "A."

4. Petitioner was likewise ordered by this Honorable Court to
submit to the LRA certifications from the Land Management Bureau
(LMB), Community Environment and Natural Resource Office
(CENRO), and the Land Management Services (LMS) that the lot
subject of this Petition is: (1) not covered by any kind of public land
application or land patent; (2) not covered by previously approved
isolated survey; (3) within the area classified as alienable and
disposable land of the public domain.¹

5. Under Section 7 of Republic Act 11573, a duly signed
certification by a geodetic engineer that **"the land is part of alienable
and disposable agricultural land of the public domain is
sufficient proof that the land is alienable."** Furthermore, the same
law categorically states that such certification **"shall be imprinted in
the approved survey plan"** to be attached to the petition filed in
Court.²

6. The law is specific in providing the required piece of
evidence in order to prove the alienable and disposable character of
the land.

7. As such, the fifth requirement recommended by the LRA
in the abovementioned *Order* is superfluous and is **not a condition**

¹ This recommendation is stated under item number five (5) in the *Order* dated
February 2, 2023.

² *Ibid.*

sine qua non. There is nothing under RA 11573 which requires an applicant for judicial titling to submit certifications from several administrative agencies showing that the land is alienable and disposable. In fact, the law does away with such requirements by simplifying the proof required, as provided for in Section 7 of RA 11573. If a statute is clear, plain, and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation.³

8. In *Jocelyn M. Limkaichong v. Land Bank of the Philippines et. al.*,⁴ the Supreme Court ruled that administrative agencies cannot impose rules or requirements that go beyond what the law specifically provides, to wit:

“[r]ules and regulations cannot go beyond the terms and provisions of the basic law they seek to implement. This power... **cannot be extended to amending or expanding the statutory requirements or to embrace matters not covered by the statute.** Rules that subvert the statute cannot be sanctioned.”
(Emphasis ours.)

9. Furthermore, Sections 23 and 24 of Presidential Decree 1529 similarly do not require the submission of certifications from the LMB, CENRO, and the LMS, in order to establish the jurisdictional requirements of the Court. When the words and phrases of the statute are clear and unequivocal, their meaning must be determined from the language employed and the statute must be taken to mean exactly what it states.⁵

10. Verily, the fifth recommendation by the LRA is outside the scope of RA 11573; thus, the Petitioner should be exempted from complying therefrom. *The spring cannot rise higher than its source.*

³ *Bolos v. Bolos*, G.R. No. 186400, October 20, 2010.

⁴ G.R. No. 158464, August 02, 2016.

⁵ *Pascual v. Pascual-Bautista*, G.R. No. 84240, March 25, 1992.

PRAYER

WHEREFORE, it is respectfully prayed that the Honorable Court:

1. NOTE the Compliance of the Petitioner to the *Order* dated February 2, 2023 as to items number one (1) to four (4); and
2. GRANT EXEMPTION from compliance to the fifth requirement stated in the *Order* dated February 2, 2023.

Other just and equitable reliefs are also prayed for.

Quezon City for Calapan City, Oriental Mindoro: March 10, 2023.

SALUMBIDES & DELOS SANTOS

Counsel for the Petitioner
4th Floor, The West Wing Bldg.,
107 West Avenue, Quezon City 1105
Tel. Nos. (7) 005-8675 / (8) 351-5804
info@abslawfirm.net

By:

BENITO JOSE LEGARDA DE LOS SANTOS

PTR No. 4024752 D / 01-04-2023
IBP Lifetime Member No. 09201 / 05-27-2010
Roll No. 57844
MCLE Compliance No. VII-0026056 / 04-14-2025
Email: bjdls@abslawfirm.net

RICHELLE JOY L. BELGIRA

PTR No. 4024753 D / 01-04-2023
IBP No. 273661 / 01-06-2023
Roll No. 69870
MCLE Compliance No. VII-0016146 / 04-14-2025
Email: rjb@abslawfirm.net

By:

MARIE ADORACION P. DACQUEL

PTR No. 3975228 D / 01-04-2023

IBP No. 273663 / 01-06-2023

Roll No. 80520

Recently Admitted to the Bar

Email: mdacquel@abslawfirm.net

Furnished by Licensed Courier:

Tracking Receipt No.:

Office of the Solicitor General
134 Amorsolo St., Legaspi Village
Makati City

Land Registration Authority
East Avenue cor. NIA Road
Quezon City

Office of the Provincial Prosecutor
Calapan City, Oriental Mindoro

**Department of Environment and
Natural Resources**
Legal Division
3rd Floor, 1515 DENR by the Bay
Roxas Blvd. Brgy. 668
Ermita, Manila

Register of Deeds Calapan City
Calapan City, Oriental Mindoro

EXPLANATION: Copies of this *Compliance with Motion* were filed and served to the above-named by licensed courier and electronic mail due to time and distance constraints posed by the pandemic.



Case Reference No. A22-014

March 8, 2023

LAND REGISTRATION AUTHORITY (LRA)

Docket Division
East Avenue cor. NIA Road
Quezon City



TO WHOM IT MAY CONCERN:

We write on behalf of our client, Mr. Soriano del Mundo, who is the Petitioner in the case titled *In Re: Petition for Judicial Confirmation or Titling of Land under Republic Act 11573*, docketed as *Land Registration Case No. LRC-22-23518 (LRA Record No. E-ORD-2023000002)* pending before the Regional Trial Court Branch 39, Oriental Mindoro.

Our client was directed by the Honorable Court in an *Order*¹ dated February 2, 2023 to submit copies of the following documents in connection with our client's petition, to wit:

1. *One (1) full size blue copy of Survey Plan Mli-045211-02-A-D duly certified as true copy by the Branch Clerk of Court with the Geodetic Engineer's Certificate on the attached approved plan, herein attached as Annex B;*
2. *Print copy of Technical Description of Survey Plan Mli-045211-02-A-D certified*

¹ A copy of this *Order* is attached to this letter as Annex "A."

3. *A copy of Official Receipt No. 7445254 dated February 16, 2023, as proof of payment of publication fee by way of Official Receipt in the amount of P 2,000.00, to the National Printing Office, herein attached as Annex D.*

We are, hereby, furnishing you the abovementioned documents in compliance with the *Order* of the Honorable Court.

For the Firm,



MARIE ADORACION P. DACQUEL

ANNEX

A

RECEIVED

SALUMBIDES LAW FIRM

DATE FEB 28 2023

BY Rios B

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH XXXIX (39)

rtc2cal039@judiciary.gov.ph

09239080281

Calapan City

-oOo-

IN RE: PETITION FOR JUDICIAL
CONFIRMATION OR TITLING OF
LAND UNDER REPUBLIC ACT
11573

Land Registration Case No.
LRC-22-23518
(LRA Record No. E-ORD-
2023000002)

SORIANO M. DEL MUNDO,
Petitioner.

PETITION FOR JUDICIAL
CONFIRMATION OR TITLING OF
LAND

x-----x

ORDER

This refers to the *Report* dated January 5, 2023 filed by the Land Registration Authority (LRA) with this Court in connection with the above-entitled case. Finding the recommendations contained therein to be well-taken, the same is hereby given due course.

ACCORDINGLY, Petitioner through counsel is hereby directed to submit to the LRA through its Docket Division the following:

1. Full size blue print copy of survey plan duly certified as true copy by the Branch Clerk of Court. (All bearings & distances & technical descriptions of the land appearing on the plan must be legible);
2. Print copy of accompanying technical description certified as true copy by the Branch Clerk of Court;
3. Geodetic Engineer's certificate on the approved plan or certification in lieu of Geodetic Engineer's certificate issued by the Regional Technical Director concerned;
4. Proof of payment of publication fee by way of Official Receipt in the amount of P2,000.00, the case number & name of applicant indicated therein. Payment to the National Printing Office, Quezon City may be made in cash or Postal Money Order; and
5. Certifications from the Land Management Bureau (LMB), Community Environment and the Natural Resources Office

(CENRO), and the Land Management Services LRA as the case may be, copy furnished the LRA:

- a. That the lot subject of the application or any portion thereof is not covered by any kind of public land application or land patent;
- b. That the lot is not covered by previously approved isolated survey; and
- c. That the lot is within the area classified as alienable and disposable land of public domain.

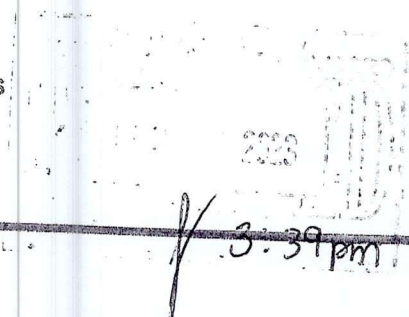
within thirty (30) days from receipt of a copy of this Order and to submit to this Court proof of compliance with this directive within five (5) days from such submission. Thereafter, and on the basis of such compliance, the Court shall set the Petition anew for Initial Hearing.

The initial hearing originally set on April 12, 2023 is hereby cancelled in order to give way to petitioner's compliance with LRA requirements and to enable LRA sufficient period to effect compliance with Secs. 23 and 24 of Presidential Decree No. 1529.

SO ORDERED.

City of Calapan, February 2, 2023.


JOSEPHINE C. CARANZO
Presiding Judge



TECHNICAL DESCRIPTIONS

Survey Plan No.
Land Owner/Claimant
Location

: **MLI-045211-02-A-D (MISCELLANEOUS LEASE)**
: **SORIANO DEL MUNDO**
: **SAN ISIDRO, PUERTO GALERA, ORIENTAL MINDORO**

Boundaries:

| Line | Direction | Adjoining Lots/Features |
|-------|-----------|---|
| 1-2 | NE | GREGORIO DELGADO |
| 2-3 | SE | LOT 7048, CAD-533-D, PUERTO GALERA CADASTRE |
| 3-4 | SE | LOT 7039, CAD-533-D, PUERTO GALERA CADASTRE |
| 4-5 | SW | EUGENIO DEL MUNDO |
| 5-6-7 | NW, SW | CRECENCIA DEL MUNDO |
| 7-8 | NW | SALVAGE ZONE (20.00 M. WIDE) |
| 8-9-1 | NE | ROSALIE M. BARCELONA |

Tie Point: BLLM NO. 1, PUERTO GALERA CADASTRE
Lot Description:

| Line | Bearing | Distance |
|----------------------|--------------------|-------------------|
| Tie Point – 1 | N 82° 59' W | 5546.08 m. |
| 1-2 | S 40° 00' E | 10.00 m. |
| 2-3 | S 35° 51' W | 29.62 m. |
| 3-4 | S 33° 49' W | 24.66 m. |
| 4-5 | N 56° 11' W | 10.00 m. |
| 5-6 | N 34° 00' E | 26.00 m. |
| 6-7 | N 48° 23' W | 14.17 m. |
| 7-8 | N 38° 00' E | 27.00 m. |
| 8-9 | S 40° 00' E | 15.00 m. |
| 9-1 | N 25° 03' E | 6.45 m. |

ANNEX "C"

Area

Descriptions of corners
Bearings
Date of Original Survey
Date of Survey
Date Approved
Geodetic Engineer

: **Nine Hundred Five (905) sq. m. more or less**
: All corners are marked **Old PS** cyl. conc. mons. 15x60 cms.
: Grid
:
: Feb. 18, 2006
: July 19, 2006
: **ISIDRO R. GELLEZ**

Note: This Technical Description is based from the
Records on file in this office as certified by Virginia
M. Regodon, Chief, Land Records Section
Requested by: SORIANO M. DEL MUNDO
Who paid the Cert. Fee: P50.00
under Ref. No.02222023-282311-date:02/22/2023

Prepared & Verified by:

Approved by:

JOCELYN A. SARILE
Asst. Division Chief/LAMS Coordinator

ROMAN G. LEGASPI
OIC, Chief, Surveys and Mapping Division

1515 DENR by the Bay Building, Roxas Boulevard, Barangay 668, Ermita, Manila
DENR VOIP (02) 8248-3367/8249-3367 loc. 2701
Website: <http://mimaropa.denr.gov.ph/>
Email: mimaroparegion@denr.gov.ph

**CERTIFIED REPRODUCED COPY
OF THE DOCUMENT FILED**



ATTY. RONNEL A. DEINLA
Clerk of Court V

28 FEB 2025

ANNEX "D"

ACCOUNTABLE FORM No. 51-C
Revised January, 1992

(ORIGINAL)

| | | | |
|---|--|----------------|------|
|  | Official Receipt of the Republic of the Philippines | | |
| | Nº 7445254 M | | |
| | Date _____ | | |
| Agency <u>LPO</u> | | Fund _____ | |
| Payor <u>Soriano M. Del Mundo</u> | | | |
| Nature of Collection | Account Code | Amount | |
| <u>LHC 22-23513</u> | | <u>₱ 2,150</u> | |
| | | | |
| | | <u>2</u> | |
| | | | |
| | | | |
| | | | |
| <u>un usual</u> | | | |
| TOTAL | | ₱ 2,150 | |
| Amount in Words <u>Two thousand one</u> | | | |
| <u>Hundred fifty pes</u> | | | |
| <input type="checkbox"/> Cash | Drawee Bank | Number | Date |
| <input type="checkbox"/> Check | | | |
| <input type="checkbox"/> Money Order | | | |
| Received the amount stated above. | | | |
| <div style="text-align: center;">  Collecting Officer </div> | | | |
| NOTE: Write the number and date of this receipt on the back of check or money order received. | | | |