

March 10, 2023

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P-2023-96717

DENR MIMAROPA RECORDS SECTION	
RECEIVED	
BY:	<i>[Signature]</i>
DATE:	MAR 17 2023
TIME:	

LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director
DENR Region IV-B, MIMAROPA
DENR by the Bay 1515 L&S Bldg.,
Roxas Blvd., Manila

Dear Director Lormelyn Claudio:

Greetings of peace!

I am writing to follow up on my application for Sales Patent covering Lot 3989, Cad 800-D. Upon inquiry from the PENR Office of Puerto Princesa, Palawan, I was informed that a query/request for clarification was sent to your Office through a Memorandum dated October 6, 2022 (copy attached for your ready reference).

The PENRO would like to obtain guidance from your Office on the question of whether the transfer and assignment of rights made by Nova Marie Tagaro in favor of Ester Sison should be treated as constituting a violation of Sec. 22 of CA 141 and of Sec. 2 of RA 730. That if this is so, the payment made by Nova Marie Tagaro should be forfeited in favor of the government.

Per certification I have obtained from the CENR Office of Puerto Princesa City, the lot subject of my application for a Sales Patent was released and classified as alienable and disposable land sometime in July 2001.

In 2003, Erlinda Serdon waived her rights and interest in favor of Nova Marie Tagaro. The latter filed an MSA covering Lot 3989, Cad 800-D, located in Brgy. Sta. Monica, Puerto Princesa City with an area of 440.07 square meters, and has paid in full the purchase price of P52,880.00 in 2015. After occupying and residing in the subject lot for more than ten (10) years, Nova Marie Tagaro, who is single, executed a waiver of rights in favor of her aunt, Ester Sison. Thus, the MSA of Nova Marie Tagaro was rejected and all the records were ordered incorporated, to form part of the MSA filed by her aunt, Ester Sison. However, Ester Sison became sickly and had to find treatment in Manila. For this reason, Ester Sison deemed it best to waive her rights over the subject lot in my favor, her niece, Daryl J. Ocampo-Villar.

Meanwhile, on May 28, 2015, a memorandum was issued by USEC Demetrio Ignacio, Jr., then Undersecretary for Field Operations, ordering the suspension of issuance of: survey authority, conduct and approval of survey of untitled lands and the acceptance and processing of public land applications within the province of Palawan. Consequently, the processing of the MSA of my aunt Ester Sison, was halted.

The suspension pertaining to the processing of patent applications under the memorandum dated May 28, 2015 had already been lifted. To my dismay, I was informed by the DENR PENR Office here in Palawan that the processing of my application for sales patent cannot proceed because of the query they have forwarded to the Office of the Regional Executive Director.

With all due respect, I believed that no violation had been committed because the transfer of rights were among the same family. Section 2 of RA 730 provides:

SECTION 2. Except in favor of the Government or any of its branches, units, or institutions lands acquired under the provisions of this Act shall not be subject to encumbrance or alienation before the patent is issued and for a term of ten years from the date of the issuance of such patent, nor shall they become liable to the satisfaction of any debt contracted prior to the expiration of said period. No transfer or alienation made after the said period of ten years and within fifteen years from the issuance of such patent **except those made by virtue of the right of succession shall be valid** unless when duly authorized by the Secretary of Agriculture and Natural Resources and the transferee or vendee is a Filipino citizen. Every conveyance made shall be subject to repurchase by the original purchaser or his legal heirs within a period of five years from the date of conveyance.

The transfer /waiver of rights of the subject lot was made for and among the family members. All my predecessors-in-interest, and now my family and I, have continuously, actually resided (pictures of the house are attached for ready reference) and occupied the lot identified as Lot 3989, Cad 800-D. Our family home is on this lot. It is my humble submission that we have not committed any violation to merit the forfeiture of the payment made by my aunt.

Madam, I am appealing to your just and fair judgment, please instruct the PENR Officer of Palawan to finally take action on my application for sales patent and that the full payment of the purchase price in the amount of P52,880.00 and other records pertinent thereto be duly credited and included in my sales application. I hope our long wait for our Title will finally be over.

Your favorable consideration of the matter will be highly appreciated.

Thank you very much.

Very truly yours,



DARYL J. OCAMPO-VILLAR





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brgy. Sta. Monica, Puerto Princesa City
Telfax No. (048) 434-8791
Email Add: penropalawan@denr.gov.ph

October 6, 2022

MEMORANDUM

FOR : The Regional Executive Director
1515 L&S Bldg., Roxas Blvd.
Ermita, Manila 1000

THRU : The Assistant Regional Director
For Technical Services

Attn : The Chief, Land Patents and Deeds Division

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **REQUEST FOR CLARIFICATION REGARDING THE
REQUIREMENTS AND PAYMENT OF PURCHASE PRICE OF
A PARCEL OF LAND DESCRIBED AS LOT NO. 3989, CAD
800-D WITH AN AREA OF 440.07 SQUARE METERS
LOCATED IN BRGY. STA. MONICA, PUERTO PRINCESA
CITY**

Forwarded is the Memo dated September 5, 2022 of OIC-Community Environment and Natural Resources Officer, **Pedro A. Velasco** of CENRO Puerto Princesa City received 13th of September 2022 by this office relative to the above subject.

It is informed upon evaluation of the request for clarification in addition to the provision of Section 30, Chapter IV of CA 141 is Section 124, Chapter 14 of same Act **related to Sales Patent Applications** which states that "Any acquisition, conveyance, alienation, transfer or other contract made or executed in violation of any of the provisions of section one hundred and eighteen, one hundred and twenty, one hundred and twenty one, one hundred and twenty two and one hundred and twenty three of this act shall be unlawful and null and void from its execution and shall produce the effect of annulling and cancelling the grant title, patent or permit originally issued, recognized or confirmed, actually or presumptively, and **cause the reversion of the property and improvements to the state.**" (Emphasis supplied).

Furthermore, under RA No. 730 "AN ACT TO PERMIT THE SALE WITHOUT PUBLIC AUCTION OF PUBLIC LANDS OF THE REPUBLIC OF THE PHILIPPINES FOR RESIDENTIAL PURPOSES TO QUALIFIED APPLICANTS UNDER CERTAIN CONDITIONS," provided under Section 2 (portion) that, "except in favor of the government or any of its branches, units, or institutions lands acquired under the provisions of this act

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shall not be subject to encumbrance or alienation **before the patent is issued** and for a term of ten years from the date of the issuance of such patent, nor shall they become liable to the satisfaction of any debt of the issuance of such patent..." (Emphasis supplied).

In view hereof, it is in the opinion that order dated January 25, 2015 issued by the late CENRO Emer D. Garraez on the rejection of the Miscellaneous Sales Application of applicant Nova Marie Taguro may deem proper. However, transfer and assignment made of same applicant, Novie Marie Taguro in favor of Ester O. Sison is violation of Section 122 of CA 141 and Section 2 of RA No. 730. Hence, payment made thereof is forfeited in favor of the government and records of same application cannot be incorporated with the new application of Ester O. Sison and to application of any other applicant.

However, the filed application on Lot 3989, Cad 800-D by applicant, Daryl J. Ocampo shall continue to be given due course consistent with the existing rules and regulations.

For your information and further advice of action.


FELIZARDO B. CAYATOC

Copy Furnished:

The CENRO
Sta. Monica, Puerto Princesa City.

✓ ~~Ms~~ Daryl J. Ocampo
Sta Monica, PPCity

Doc. Ref. No. 2022-8301
TSD-RPS-DFD

DENR-PALAWAN
PENRO-RECORDS
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By fhed
Date: 11 OCT 2022 2022-2694