

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
Branch 51
Puerto Princesa City
rtc1prp051@judiciary.gov.ph
0908-416-4058

DENR MIMAROPA RECORDS SECTION RECEIVED	
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REPUBLIC OF THE PHILIPPINES,
REPRESENTED BY OSCAR C.
DOMINGUEZ, REGIONAL
EXECUTIVE DIRECTOR OF THE
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
(DENR) – REGION IV-B
(MIMAROPA),

Plaintiff,

CIVIL CASE No. 5182

for

CANCELLATION OF FREE
PATENT and ORIGINAL
CERTIFICATE OF TITLE, and
REVERSION

- versus -

MARITES T. ROXAS and THE
REGISTRY OF DEEDS OF PUERTO
PRINCESA CITY, PALAWAN,
Defendants.

X ----- X

DECISION

Before this Court is a Complaint for Cancellation of Free Patent and Original Certificate of Title (OCT), and Reversion of Lands filed by plaintiff Republic of the Philippines, represented by the Regional Executive Director of Department of Environment and Natural Resources (DENR)–Region IV-B-MIMAROPA, against defendant Marites Roxas (Roxas) and the Register of Deeds of Puerto Princesa City.

As culled from the records, the factual antecedents are as follows:

On 21 October 1996, Free Patent (FP) No. 045316-96-6563¹ was issued in favor of defendant Roxas based on her Free Patent Application (FPA) No. 045316-773² which covers a parcel of land identified as Lot No. 2450-A, Csd-04-013919-D, with an area of One Thousand (1000) square meters, a portion of Lot No. 2450 Cad-800-D, situated in Barangay San Jose, Puerto Princesa City. Defendant Roxas was entitled to a free patent grant over the subject property

¹ Exhibit "C" (Order: Approval of Application and Issuance of Patent) – Record, p. 51

² Exhibit "B" (Application for Free Patent) – Record, p. 50

by virtue of the Affidavit of Waiver³ over Lot No. 2450-A, Csd-04-013919-D executed by Nuevo D. Latube.

Thereafter, pursuant to FP No. 045316-96-6563, the Register of Deeds of Palawan issued the Original Certificate of Title (OCT) No. 3753⁴ in favor of defendant Roxas.

On 17 April 1997, a protest was filed by Angelita Santino in DENR Regional Office IV-B MIMAROPA against the irregular issuance of patents in favor of several government employees over Lot No. 2450, Cad 800-D. The protest was docketed as DENR Case No. M-045-06-L and entitled "Angelita Santino (Claimant-Protestant) vs. Nuevo D. Latube, et. al. (Respondents)."⁵

The parcel of land subject of this case is one of the eleven (11) subdivided lots in question in the same DENR case. The respondents therein filed their respective Free Patent Applications for their respective lots including defendant Roxas.

Upon subsequent investigation and verification,⁶ it was discovered that the tract of land identified as Lot No. 2450 Cad-800-D located in Barangay San Jose, Puerto Princesa City containing an area of 75,741.53 square meters is within timberland or forest zone area as per Approved Land Classification Map No. 203, Project No. I, Block-A certified on 29 December 1923 and Proclamation No. 2152, a law that declared the entire province of Palawan as Mangrove Swamp Forest approved on 29 December 1981.

Plaintiff argued that Lot No. 2450-A, Csd-04-013919-D, a portion of Lot No. 2450 Cad-800-D, is classified as timberland or forest zone and, therefore, not within the alienable and disposable area of public domain. Consequently, the OCT No. 3753 issued to defendant Roxas is considered *null and void ab initio* and the subject parcel of land covered by said title remains and still forms part of the mass of the public domain.

Records disclosed that Summons was served to defendant Roxas on 8 October 2015 but she refused to receive the same.⁷ Noted in the return of summons⁸ that defendant Roxas already returned the title. Thereafter, the plaintiff was allowed to present its evidence *ex-parte*.

³ Affidavit of Waiver – Record, p.9

⁴ Exhibit "F", Copy of Original Certificate No. 3753 – Record, p.139

⁵ Exhibit "I", Copy of DENR Order dated August 9, 2006 – Record, p.110

⁶ Exhibit "A", Certification/Lot Verification – Record, p. 43

⁷ Order dated December 22, 2017 – Records, p. 53

⁸ Summons dated April 22, 2015 – Records, p. 31

In support of its case, the plaintiff presented the testimonies of the following witnesses: 1) Noel Sumido;⁹ 2) Nova Bille Garcellano;¹⁰ 3) Engr. Ernesto Villarico (Engr. Villarico);¹¹ 4) Imelda Publico;¹² and 5) Marlene Badilla.¹³ In addition, the plaintiff offered the following documentary evidence which were admitted¹⁴ by the Court:

Exhibits	Documents
"A" with submarkings "A-1 to A-2"	Certification/Lot Verification dated 27 March 2008 issued by DENR-CENRO Puerto Princesa City
"B" with submarkings "B-1 to B-3"	Application for Free Patent No. 045316-773 dated 9 September 1996 executed by Marites T. Roxas
"C" with submarkings "C-1 to C-2"	Order of Approval and Issuance of Patent dated 21 October 1996 issued by DENR-PENRO Palawan
"D" with submarking "D-1"	Judicial Affidavit of Imelda B. Publico dated 16 September 2021
"F" with submarkings "F-1 to F-2"	Original Certificate of Title No. 3753 issued in favor of Marites T. Roxas
"G" with submarking "G-1"	Judicial Affidavit of Marlene M. Badilla dated 22 June 2021
"H"	Identification Card of Marlene M. Badilla issued by DENR Region IV-B MIMAROPA
"I" with submarking "I-1"	ORDER dated 9 August 2006 issued by DENR Region IV-B MIMAROPA
"J" with submarking "J-1"	Memorandum for the Secretary of the DENR dated 13 October 2006 issued by DENR Region IV-B MIMAROPA
"K" with submarking "K-1"	Judicial Affidavit of Engr. Ernesto S. Villarico dated 31 May 2021
"L"	NAMRIA Identification Card of Engr. Ernesto S. Villarico
"M" with submarkings "M-1 to M-2"	Land Classification Map No. 203 dated 29 December 1923

The only issue to be resolved in this case is whether or not FP No. 045316-96-6563 and OCT No. 3753 issued in the name of

⁹ Forest Ranger, DENR-CENRO Puerto Princesa City

¹⁰ Records Officer, DENR-CENRO Puerto Princesa City

¹¹ Member of National Mapping and Resource Information Authority (NAMRIA)

¹² Records Officer I, Registry of Deeds of Puerto Princesa City

¹³ Records Officer of the Legal Division, DENR-MIMAROPA Region

¹⁴ Order dated February 15, 2023 – Record, p.183

defendant Marites T. Roxas and its derivative titles, if any, should be cancelled and the land covered by the same should be reverted to the custody, management and administration of the Republic of the Philippines.

Pursuant to the Regalian Doctrine (Jura Regalia), all lands of the public domain belong to the State.¹⁵ This means that the State is the source of any asserted right to ownership of land, and is charged with the conservation of such patrimony. All lands not appearing to be clearly under private ownership are presumed to belong to the State. Also, public lands remain part of the inalienable land of the public domain unless the State is shown to have reclassified or alienated them to private persons.¹⁶

In the case of *Republic of the Philippines-Bureau of Forest Development vs. Vicente Roxas and the Register of Deeds of Oriental Mindoro*,¹⁷ the Court held that:

Reversion is an action where the ultimate relief sought is to revert the land back to the government under the Regalian doctrine. Considering that the land subject of the action originated from a grant by the government, its cancellation therefore is a matter between the grantor and the grantee. In *Estate of the Late Jesus S. Yujuico v. Republic*¹⁸, reversion was defined as an action which seeks to restore public land fraudulently awarded and disposed of to private individuals or corporations to the mass of public domain. It bears to point out, though, that the Court also allowed the resort by the Government to actions for reversion to cancel titles that were void for reasons other than fraud, i.e., violation by the grantee of a patent of the conditions imposed by law; and lack of jurisdiction of the Director of Lands to grant a patent covering inalienable forest land or portion of a river, even when such grant was made through mere oversight. In *Republic v. Guerrero*,¹⁹ the Court gave a more general statement that "this remedy of reversion can only be availed of in cases of fraudulent or unlawful inclusion of the land in patents or certificates of title."

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¹⁵ Section 2, Art. XII, 1987 Constitution

¹⁶ *Heirs of Mario Malabanan v. Republic*, G.R. No. 179987, September 03, 2013

¹⁷ G.R. No. 157988, December 11, 2013

¹⁸ G.R. No. 168661, October 26, 2007

¹⁹ G.R. No. 133168, March 28, 2006

Record reveals that upon the approval of Roxas's free patent application by the Provincial Environment and Natural Resources-Land Management Services, Puerto Princesa City, FP No. 045316-96-6563 was issued. Thereafter, the property was registered under OCT No. 3753 on 22 October 1996.

Subsequent investigation and verification showed that Lot. No. 2450, Cad-800-D, located in Barangay San Jose, Puerto Princesa City was found to be within timberland or forest zone as per Approved Land Classification Map No. 203, Project No. 1, Block-A dated 29 December 1923. Hence, subject Lot No. 2450-A, Csd-04-013919-D covered by OCT No. 3753 which is a portion of Lot No. 2450 Cad-800-D is also a timberland and, therefore, could not be segregated from the public domain as timberlands were classified as inalienable and non-disposable public lands.

Engr. Ernesto S. Villarico of NAMRIA testified on the existence of LC Map No. 203²⁰ dated 29 December 1923. In his Judicial Affidavit,²¹ Engr. Villarico identified the LC Map No. 203 as the Land Classification Map of the Municipality of Puerto Princesa, Province of Palawan. He confirmed that the parcel of land subject of this case is classified as timberland, to wit:

Q11: Mister Witness, at upper right portion of the map is the title "Land Classification, Palawan Project No. 1, Municipality of Puerto Princesa, Province of Palawan". Can you please tell this Honorable Court what this means?

A11: This means that this map is the Land Classification Map of the Municipality of Puerto Princesa, Province of Palawan.

Q12: So Mister Witness, what can you find in land Classification Map No. 203, if any?

A12: In Land Classification Map No. 203, you can see a detailed illustration of Puerto Princesa City, Palawan

Q13: Based on available records, what can you tell us about the land subject of this case?

A13: The land subject of this case – identified as Lot No, 2450-A, Csd-04-0139919-D, containing as an area of one thousand (1,000) square meters, situated in Bgy. San Jose, Puerto

²⁰ Exhibit "M" – Record, p. 125

²¹ Exhibit "K" – Record, p. 116

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Princesa City, Palawan, covered by Original Certificate of Title (OCT) No. 3753 – is within LC Map No. 203, Project 1, Sir.

Q14: *And what is its land classification?*

A14: *It is classified as Timberland/Forest Zone, Sir.*

This Court would have wanted to study the position of defendant Roxas on the matter and gives her opportunity to defend her property rights over the subject land. However, she forfeited her right to adduce evidence in her defense due to her refusal to accept the summons served on her.

Apparently, in the case at bar, a mistake or oversight was committed on the part of the Government, resulting in the grant of a free patent over inalienable timberland. Hence, it can be concluded that the subject property covered by FP No. 045316-96-6563 and OCT No. 3753 was unlawfully issued in the name of defendant Roxas. Thus, it entitles plaintiff Republic to the cancellation of said patent and certificate of title, and the reversion of the subject parcel of land to the public domain.

WHEREFORE, premises considered, judgment is hereby rendered:

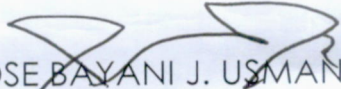
- (1) Declaring FP No. 045316-96-6563 and OCT No. 3753 issued in the name of defendant Marites Roxas and its derivative titles, if any, null and void;
- (2) Ordering defendant Roxas to surrender to defendant Register of Deeds of Puerto Princesa City the owner's duplicate of OCT No. 3753 and its derivative titles, if any;
- (3) Ordering defendant Register of Deeds of Puerto Princesa City to cancel the original and owner's duplicate of OCT No. 3753 and its derivative titles, if any;
- (4) Ordering the reversion of the parcel of land covered by OCT No. 3753 to the mass of lands of the public domain; and
- (5) Directing defendant Roxas, his agent, assignees and those acting on his behalf to desist from exercising acts of possession or ownership in the premises and to vacate the same, if in possession.

SO ORDERED.

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GIVEN this 20th day of February 2023 at the Hall of Justice, Sta. Monica Heights, Barangay Sta. Monica, Puerto Princesa City.


JOSE BAYANI J. USMAN
Acting Presiding Judge

JBJU/Abby

COPY FURNISHED:

1. ☒ DENR Legal Affairs Service-
Atty. Donald Dwight Omega
2. Office of the Solicitor General
3. CPP-Pros. Expedito Anigan
4. Registry of Deeds of Palawan
5. Marites Roxas
6. File