



Republic of the Philippines

Department of Environment and Natural Resources

MIMAROPA REGION

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

DENR MIMAROPA  
RECORDS SECTION  
**RECEIVED**

**MAY 09 2023**

☐ INCOMING ☐ OUTGOING  
BY: \_\_\_\_\_ DATE NO. \_\_\_\_\_  
TIME: \_\_\_\_\_

April 24, 2023

**MEMORANDUM**

**FOR** : The Regional Executive Director  
DENR-R4, MIMAROPA, 1515 L&S Building  
Roxas, Blvd., Ermita, Manila

**FROM** : The Provincial Environment and  
Natural Resources Officer

**SUBJECT** : **SERVICE OF COPY OF THE DECISION DATED DECEMBER 14, 2017 IN THE CASE ENTITLED CAROLINA C. ENRIQUEZ VERSUS MICHAEL GEORGE QUIPANES INVOLVING LOT PLAN MSI 045316-2219-D IDEN TO LOT 35636, CAD 800-D SITUATED IN BGY SAN PEDRO, PUERTO PRINCESA CITY**

Forwarded is the memorandum of CENRO Puerto Princesa dated April 14, 2023 informing that the Decision of December 17, 2017 was personally served and received by Ms. Carolina C. Enriquez.

Attached is the copy of the subject Decision bearing the signature of Ms. Enriquez as proof of service and or compliance to that Office instruction per memorandum dated January 4, 2023.

  
**FELIZARDO B. CAYATOC**

Copy furnished:

**The CENRO Puerto Princesa**

TSD-RPS DRN 2023-3520/lmo

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**  
By: phen  
Date: 27 APR 2023 CN 2023-1145



Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
**PUERTO PRINCESA CITY**  
South National Highway, Bgy. Sta. Monica Puerto Princesa City  
Email Address: [cenropuertoprincesa@denr.gov.ph](mailto:cenropuertoprincesa@denr.gov.ph)  
Tel. Fax No.: (048) 717-0702

April 14, 2023

**MEMORANDUM**

**FOR :** PENRO Palawan  
Sta. Monica, Puerto Princesa City

**FROM :** The OIC-CENRO Puerto Princesa  
Sta. Monica, Puerto Princesa City

**SUBJECT :** **SERVICE COPY OF THE DECISION DATED DECEMBER 14, 2017 IN THE CASE ENTITLED CAROLINA C. ENRIQUEZ VERSUS MICHAEL GEORGE QUIPANES INVOLVING LOT PLAN MSI-045316-2219-D IDEN. TO LOT 35635, CAD 800-D SITUATED IN BRGY. SAN PEDRO, PUERTO PRINCESA CITY**

**DENR PENRO  
PALAWAN RECORDS  
RECEIVED**

**BY:** *[Signature]*  
**DATE:** 4/18/2023 **CN** 13-2520

This pertains to your memorandum dated January 4, 2023 which was received by this Office on March 14, 2023 regarding service to the party, Carolina C. Enriquez, by registered mail of the copy of the Decision dated December 14, 2017 in the above case mentioned.

Please be informed that a copy of the said Decision was personally served and received by Mrs. Carolina C. Enriquez on even date. Attached is a copy the same Decision wherein Mrs. Enriquez has affixed her signature opposite her name, which serves as proof of service to Mrs. Carolina C. Enriquez.

For information and record.

*[Signature]*  
**PEDRO A. VELASCO**

Cc: CENRO/File  
DRN-2023-1802/RPS/\*mmp

**DENR MIMAROPA REGION  
CENRO PUERTO PRINCESA  
RECEIVED**  
**NO**  
**DATE:** 4-17-23  
**BY:** *[Signature]*

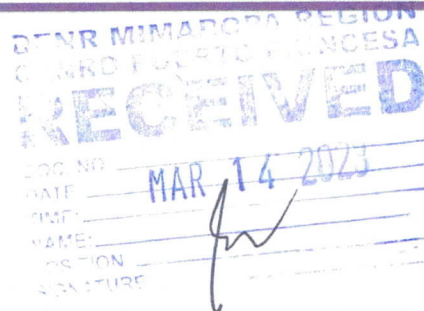


Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region

MEMORANDUM

FOR : The CENR OFFICER  
Puerto Princesa City

FROM : The Chief, Legal Division



SUBJECT : SERVICE OF COPY OF THE DECISION DATED DECEMBER 14, 2017 IN THE CASE ENTITLED CAROLINA C. ENRIQUEZ VERSUS MICHAEL GEORGE QUIPANES INVOLVING LOT PLAN MSI-045316-2219-D IDEN. TO LOT 35635, CAD 800-D SITUATED IN BRGY. SAN PEDRO, PUERTO PRINCESA CITY

DATE : JAN 04 2023

This has reference to the service to the party, Carolina C. Enriquez, by registered mail, of the copy of the Decision dated December 14, 2017 in the above-cited case, which was returned to sender (RTS) with the notation **House Closed**.

Relative thereto, may we respectfully request for your Office to cause the delivery of the certified true copy of the Decision, hereto attached, to the party or her representative for the case to consequently attain finality. Further, please furnish this Office of the proof of service or acknowledgment immediately upon receipt thereof by the party.

ATTY. GANDHI G. FLORES

Copy furnished:

PENRO Palawan

ARD-MS/LD

1515 DENR by the Bay Building, Roxas Boulevard, Barangay 668, Ermita, Manila 1000  
Telephone Number: (632) 84050046  
Website: <https://mimaropa.denr.gov.ph/>  
Email: [denr4blegal@gmail.com](mailto:denr4blegal@gmail.com)





**CAROLINA C. ENRIQUEZ,**  
Protestant,

**DENR Case No. M-12-17-L**

- versus -

**MICHAEL GEORGE QUIPANES,**  
Protestee.

Plan MSI-045316-2219-D  
Identical to Lot 35635, Cad 800-D  
Brgy. San Pedro, Puerto Princesa City

X ----- X

### **DECISION**

For resolution is the Protest dated February 28, 2011 filed by Carolina C. Enriquez (hereafter Protestant) against the Miscellaneous Sales Application of Michael George C. Quipanes (hereafter Protestee), involving approved Plan MSI 045316-2219, identical to Lot 35635, Cad 800-D, situated at Brgy. San Pedro, Puerto Princesa City, covering an area of 221 square meters.

An Order of Investigation was issued on May 4, 2012 by then PENR Officer Juan C. Dela Cruz for the conduct of a formal investigation by LMO III/Hearing Officer Hilario V. Regondola.

### **Antecedent Facts**

Prior to the investigation, the father of the Protestant, Eugenio Enriquez (now deceased) requested for a Survey Authority for the subject lot in 1992. For some reason, the request was not acted upon. Several years later, the parties before this case executed a notarized *Kasunduan* in August 22, 2005 wherein they agreed that they will share the occupation and possession of the 'abandoned' road right of way located at Barangay San Pedro, Puerto Princesa City and in turn, the Protestee will give the Protestant 163 square meters from Lot 2 (LRC) PSD-79939.

On March 10, 2010, the Protestee filed a Miscellaneous Sales Application before the CENRO Puerto Princesa City over the subject lot.

### **Allegations of the Parties**

#### **Protestant**

The Protestant alleges that by virtue of the notarized "*Kasunduan*" on August 22, 2005, the Protestee, Michael Quipanes, agreed by way of exchange to let her occupy his property under Lot 2-B with an area of 163 square meters in exchange of a parcel of abandoned road right of way. However, Quipanes did not turn over to her



the said parcel of land subject of the exchange so she did not turn over the possession of the road right of way. She further alleges that she is the original occupant of the subject lot since 1992 up to the present with a house erected thereon and other improvements.

#### Protestee

The Protestee alleges that he is the actual occupant and claimant of the portion of the abandoned road located at BM Road, Barangay San Pedro, Puerto Princesa City. On August 2, 2005, he and Protestant entered into a "*Kasunduan*" involving a portion of the abandoned road and property of the Protestee identified as Lot 2 (LRC) Psd-79939, also located in the same barangay.

During the time of the "*Kasunduan*," the Protestant made a misrepresentation to the Protestee that she is the actual occupant and claimant of the aforesaid abandoned road lot. Due to the misrepresentation made by the Protestant, the Protestee agreed to exchange the portion of his lot known as Lot 2 (LRC) Psd-79939. If not because of the said misrepresentation done by the Protestant, the Protestee would not have agreed to enter into the "*Kasunduan*."

Protestee further alleges that Protestant has no right over the subject property that she exchanged and that the "*Kasunduan*" is not legally binding.

#### FINDINGS/OBSERVATIONS:

The land involved is within alienable and disposable area being inside per LC Map No. 203, Project No. 1, Block A, certified on December 29, 1923, identified as Lot No. Portion of Land Abandoned Road, adjacent to Lot No. 2 (LRC) Psd-79939, Barangay San Pedro, Puerto Princesa City with an area of 221 square meters.<sup>1</sup>

An Indorsement dated November 18, 2010 was issued by the Department of Public Works and Highways (DPWH) Region IV-B, Office of the District Engineer, favorably indorsing the application by Michael George C. Quipanes for the 221 sq. m. parcel of land with certain conditions. Thus, Michael Quipanes pursued his Miscellaneous Sales Application for the subject lot.

However, the records show that the lot with an area of 221 square meters is under the name and is the property of the City Government of Puerto Princesa. A Certification dated July 12, 2012 issued by the City Planning and Development Coordinator Jovenee C. Sagun states the following:

**"THIS IS TO CERTIFY** that under the Official Zoning Map of the City of Puerto Princesa, the land particularly identified as Abandoned Road adjacent to Lot 2, (LRC) Psd-

<sup>1</sup> Lot Verification dated March 24, 2010 verified by Noel V. Sumido, OIC-Forest Engineering Unit and attested by Conrado M. Corpuz, Chief-Forest Management Services, and concurred by CENR Officer Diosdado L. Ocampo.



79939, situated in Barangay San Pedro, Puerto Princesa City is under the name of the City Government of Puerto Princesa.

**This certifies further** that while subject access road is called "abandoned", it does not necessarily follows [sic] that it ceases to become a public dominion and is no longer intended for public use or service. The subject road is still being used by the public and is the only access road available for the residents within the vicinity of the area and decreasing its width will greatly affect its public purpose/use."

LMO III Hearing Officer Regondola, in ruling in favor of the Protestant, made the following qualifications in his Final Investigation Report:

"WHEREFORE, viewed in the light of the foregoing premises, it is the findings and observations of this Office that indeed, Carolina C. Enriquez, the herein Protestant, has a prior and preferential right over the contested portion of abandoned road area. Further recommended for the processing of his application, ***if no objection will be made by the City Government of Puerto Princesa*** (emphasis supplied)."

With such pronouncement by the City Government of Puerto Princesa, and no other statement on its release from being a property of public dominion, this Office is constrained to rule in favor of neither of parties.

Article 420 and Article 421 of the New Civil Code of the Philippines state those properties that come under public dominion.<sup>2</sup>

The Supreme Court also stated that a property of public dominion cannot be the object of prescription or be the subject of commerce of man. Thus, it cannot be susceptible to acquisition by prescription. The following pronouncement by the Supreme Court is instructive in the present case:

For as long as the property belongs to the State, although already classified as alienable or disposable, it remains property of the public dominion if when it is "intended for some public service or for the development of the national wealth".

**Accordingly, there must be an express declaration by the State that the public dominion property is no longer intended for public service or the development of the national wealth or that the property has been converted into patrimonial.** Without such express declaration, the property,

<sup>2</sup> Art. 420. The following things are property of public dominion:

(1) Those intended for public use, such as roads, canals, rivers, torrents, ports and bridges constructed by the State, banks, shores, roadsteads, and others of similar character;

(2) Those which belong to the State, without being for public use, and are intended for some public service or for the development of the national wealth.

Art. 421. All other property of the State, which is not of the character stated in the preceding article, is patrimonial property.

even if classified as alienable or disposable, remains property of the public dominion, pursuant to Article 420(2), and thus incapable of acquisition by prescription. It is only when such alienable and disposable lands are expressly declared by the State to be no longer intended for public service or for the development of the national wealth that the period of acquisitive prescription can begin to run. Such declaration shall be in the form of a law duly enacted by Congress or a Presidential Proclamation in cases where the President is duly authorized by law (emphasis supplied).<sup>3</sup>

**WHEREFORE**, premises considered, the Protest is **DISMISSED**. The Protestee's Miscellaneous Sales Application No. 045316-2219-D with approved Plan MSI 045316-2219, identical to Lot 35635, Cad 800-D, at Brgy. San Pedro, Puerto Princesa City, Palawan covering an area of 221 square meters under the name of the City Government of Puerto Princesa is **CANCELLED**, forfeiting in favor of the government whatever fees have been paid thereon.

**SO ORDERED.**

Manila, Philippines, DEC 14 2017.

  
**NATIVIDAD Y. BERNARDINO, CESE**  
OIC, Regional Director 

Copy furnished:

Michael George Quipanes	-	Brgy. San Pedro, Puerto Princesa City
Carolina C. Enriquez	-	Brgy. San Pedro, Puerto Princesa City
PENRO Palawan	-	Sta. Monica, Puerto Princesa City
CENRO	-	Sta. Monica, Puerto Princesa City

 1/11/23



Department of Environment  
and Natural Resources  
**REGION 4B**



CERTIFIED TRUE / PHOTO COPY

SAV 1-11-2018

**MARLENE M. BADILLA**  
Admin. Asst. III/ Records Officer-Designate  
Legal Division, DENR MIMAROPA Region

<sup>3</sup> Heirs of Mario Malabanan vs. Republic of the Philippines, G.R. No. 179987, April 29, 2009.