



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN  
Caraga Region  
PENRO SURIGAO DEL NORTE SATELLITE OFFICE



MEMORANDUM

07-31-2025  
DAPA SATELLITE OFFICE  
TIME: 2:00 PM  
SIGNATURE: L-Manalo

FOR : **THE HEAD, PENRO SATELLITE OFFICE**  
PENRO Satellite Office  
Catabaan, Brgy. 12 , Dapa, Surigao del Norte

FROM : **FR MARC KAVEN D. CASTAÑARES**  
Lumber Dealer Focal/SIPLAS FUU

SUBJECT : **VERIFICATION REPORT IN RELATION TO THE APPLICATION FOR REGISTRATION AS LUMBER DEALER PERMIT (RENEW) OF ROPSTON HARDWARE AND LUMBER TRADING LOCATED AT BRGY. MALINAO, GENERAL LUNA, SURIGAO DEL NORTE**

DATE : **July 31, 2025**

In compliance with the instructions to conduct verification of the aforementioned subject, the undersigned conducted geo-tagging/checking of the uploaded documents of Ropston Hardware and Lumber Trading in relation to their Application for Registration as Lumber Dealer (Renew) located at Malinao Road, Brgy. Malinao, General Luna, Surigao del Norte.

**FACTS/REFERENCE:**

1. The application of Ropston Hardware and Lumber Trading was filed by its Proprietor, Mr. Ropston Paul N. Pahit which was received by this office last July 30, 2025 duly notarized by a Notary Public, Atty. Sherlaine Ann L. Antepasado dated July 24, 2025;
2. The source of raw materials will be taken from the registered plantation whose registration is under the name of the **supplier Ms. Maria Liza T. Custodio authorized representative of Mr. Ebay S. Mabido holding a Private Land Timber Permit (PLTP) No. RXIII-02-2025** date July 8, 2025 to supply chainsaw-cut lumber with at total volume of **100.0 cubic meters/33, 920.0 board feet: 45.17 cubic meters/15,321.66 board feet of Philippine Mahogany Group** (27.86 cu.m/9,450.11 bd.ft. of Mayapis, 17.31 cu.m/5,871.55 bd.ft. of White Lauan); **6.49 cu.m./2,201.41 bd.ft. of Premium Species (Kamagong); 48.35 cu.m./16,400.32 bd.ft. of Lesser Used Species** (0.18 cu.m./61.06 bd.ft. of Anangilan; 0.43 cu.m./145.86 bd.ft. of Balsa Tree; 0.22 cu.m./74.62 bd.ft. of Bangkal; 4.09 cu.m./1,387.33 bd.ft. of Bok-bok; 1.83 cu.m./620.74 bd.ft. of Cabcao; 2.89 cu.m./980.29 bd.ft. of Daha; 2.25 cu.m./776.77 bd.ft. of Duguan; 0.78 cu.m./264.58 bd.ft. of Hagimit; 0.11 cu.m./37.31 bd.ft. of Himbabalod; 8.06 cu.m./2,733.95 bd.ft. of Hindang; 3.07 cu.m./1,041.34 bd.ft. of Lanipga; 4.94 cu.m./1,675.65 bd.ft. of Magotambis; 0.18 cu.m./61.06 bd.ft. of Malamala; 0.2 cu.m./67.84 bd.ft. of Miscellaneous; 11.01 cu.m./3,734.59 bd. ft. of Pili pili; 1.17 cu.m./396.86 bd.ft. of Saguimsim; 0.33 cu.m./111.94 bd. ft. of Tibig; 2.89 cu.m./980.29 bd.ft. of Togop; 3.54 cu.m./1,200.77 bd.ft. of Wakatan; 0.17 cu.m./57.66 bd.ft. of Wild Rambutan) and **Mr. Roselito Pahit authorized representative of Mr. Floro Abarico holder of Private Tree Plantation Registration (PTPR) No. SDS13-23-12-0017** dated July 14, 2025 to supply flitches/chainsaw-cut lumber with at total volume of **29,279.32 bd.ft./138.11 cu.m. of Planted Species: 20,578.84 bd.ft./97.07 cu.m. of Mangium and 8,700.48 bd.ft./41.04 cu.m. of Mahogany;**
3. Mayor's Permit was issued by to the proponent duly approved by the Municipal Mayor Sol F. Matugas, Municipality of General Luna on January 27, 2025 under O.R. No. 8003056/8003057;
4. Business Plan was prepared by the Ropston Hardware and Lumber Trading under the supervision of the proprietor, indicated therein that the proponent provides employment to



residents of this municipality and its adjacent vicinities in order to contributeon the upliftment of the socio-economic of the urban poor. To generate revenue to the government and establish a functional lumber dealer business to cater the lumber needs of the growing economic activities of the municipality and other neighboring localities;

5. A copy of owner's BIR latest income tax return for the year 2024 was submitted;
6. Agreement entered between the land owner and the applicant (Contract of Lease, Tax Declaration, Deed of Donation, Affidavit of Correction, and Affidavit of Ownership) was duly submitted as proof of ownership of the lumberyard.

#### **FINDINGS/OBSERVATIONS:**

1. Upon the verification of the documents authenticity it was found out that the proprietor kept all of the original copies of the documents, including a certified true copy of all the documents uploaded;
2. During the verification, it was discovered that the proposed lumberyard has an area of approximately Two Hundred (200) square meters only;
3. The attached GIS map shows that applicant's area falls within the Alienable and Disposable Lands and in the tax declaration identified as lot no. 2146 situated at Malinao Road, Brgy. Malinao, General Luna, SDN as verified and projected by PENRO Satellite Office, also attached DENR Decision and Resolution denying lot no. 2147-P as to support the Contract of Lease and tax declaration;
4. As stipulated in the Annual Business Plan, the proprietor has adequate capital, which is enough to run the business. If the demand of the lumber increase thus requiring more capital investment for expansion, a loan maybe considered to apply to any financial institution;
5. The applicant had religously complied all the documentary requirements pursuant to MNR Memorandum Order No. 13, series of 1996 including payment of the required forestry administrative fees in the amount of 2,116 in accordance DENR Administrative Order (DAO) No. 16 series of 2004.
6. The undersigned properly checked all the original copies of the documents submitted by the applicant.

#### **RECOMMENDATION:**

In view of the foregoing, the undersigned recommends for the approval of the herein application and issuance of Certificate of Registration as Lumber Dealer of Ropston Hardware and Lumber Trading based on the guidelines set forth under DAO 2022-10, Revised Manual of Authorities on Technical Matters.

Attached are the certification and GIS generated map during the conduct of activity.

For information, perusal and record.



**MARC KAVEN D. CASTAÑARES**  
Forest Ranger/ Lumber Dealer Focal/SIPLAS FUU



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN  
Caraga Region  
PENRO SURIGAO DEL NORTE SATELLITE OFFICE



GEO-TAGGED PHOTOS DURING THE CONDUCT OF VERIFICATION ACTIVITY



C E R T I F I C A T I O N

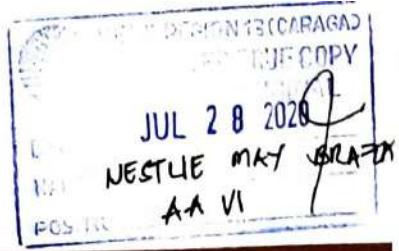
TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the pictures shown above are the actual verification in relation to the application for registration as Lumber Dealer Permit (Renew) of **Ropston Hardware and Lumber Trading** located at Brgy. Malinao, General Luna, Surigao del Norte.

**MARC KAVEN D. CASTAÑARES**  
Forest Ranger/Lumber Dealer Focal/SIPLAS FUU

SUBSCRIBE AND SWORN to before me this 31<sup>st</sup> day of July 2025 at DENR PENRO Satellite Office, Pob.12, Dapa, Surigao del Norte.

**MARJU P. DE JESUS**  
DMO III/Head, DENR Satellite Office



HEIRS OF MANSUETO Lot No. 2146  
ESCOSURA rep. by Edna Oraliza Located in Canladong, Brgy.  
Eliot Malinao, General Luna, Surigao del  
*Protestant,* Norte

-versus-

HEIRS OF JOSEFINA  
CAMINGUE rep. by Fabian  
Camingue and Franklin  
Camingue,  
*Protestees,*

X-----/

## DECISION

### FACTS OF THE CASE

The controversy involves the claim of ownership over Lot No. 2146, Cad 789-D located in Canladong, Brgy. Malinao, General Luna, Surigao del Norte

The Heirs of Mansueto Escosura represented by Elna Oraliza Eliot filed their protest and alleged as follows:

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3. That, Protestant is the granddaughter and one of the legitimate direct heirs of the late MANSUETO ESCOSURA. Her late mother, Eustolia Escosura Oraliza, is one of the children of the late Mansueto Escosura;

4. That, during his lifetime, Mansueto Escosura owned and occupied a parcel of land located in Canladong, Brgy. Malinao, Gen. Luna, SDN originally containing an area of 2.5000 hectares;

5. That, in 1948, Mansueto Escosura was able to declare the same for taxation purposes under Tax Declaration No. 3702 containing an area of 2.5000 hectares. To prove this fact, copy of Certification of Chronological History of Tax Declaration No. 3702 is hereto attached as Annex "A";

6. That, since 1948, the land was never conveyed to anybody and the same was inherited by the heirs of Mansueto Escosura. At present, they remain in possession of the same and continue to be its possessor for more than 100 years already. This fact is shown in the attached Certification issued by the Barangay Captain of barangay Malinao, General Luna, SDN hereto attached as Annex "B" and Affidavit of Adjoining Owners hereto attached as Annex



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TRUE COPY  
FOR WA  
DATE: JUL 28 2020  
NAME: MESTUE MAY BRIZA  
POSITION: AT VI

"C";

7. That, recently the heirs discovered that the land they are in possession of was now covered by two Lot Numbers which are Lot No. 2147-P and Lot No. 2146. Copy of the sketchplan from the Office of the Municipal Assessor is hereto attached and marked as Annex "D";

8. That, they were also surprised when they discovered that a portion of 6,869 square meters which comprises Lot No. 2146 was erroneously declared for taxation purposes in the name of Josefina Camingue;

9. That, as shown in the attached Certificate of Chronological History, the Tax Declaration covering Lot No. 2147-P originated from Tax Declaration No. 3702 of Mansueto Escosura;

10. However, for reasons unknown, Lot No. 1126 and 1129 was indicated in the said Chronological History and was indicated to have originated from Tax Dec. No. 3702 of Mansueto Escosura. The entry however was erroneous as Lot No. 1126 and 1129 do not adjoin Lot No. 2147-P. In fact, they are located hundreds of meters away from Lot No. 2147-P;

11. That, Lot No. 2147-P only contains an area of 12,214 square meters. This area apparently is less than the area owned and occupied by Mansueto Escosura;

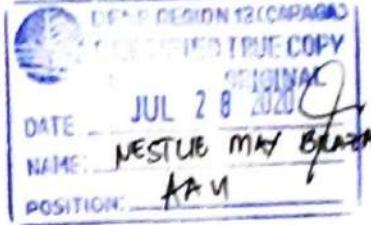
12. That, Lot No. 2146 which is attached to Lot No. 2147-P is part of the land that comprises the original 2.5 hectares of land owned by Mansueto Escosura and his heirs who has been in possession of the same for more than 100 years;

13. That, in fact, the house of the Protestant has been on the land for more than 18 years already. Moreover, the house of their Tenant, Jose Rebuyon was likewise been sitting on Lot No. 2146 for more than 70 years since the house was constructed by his father;

14. That, these structures were apparent, open and seen by the public and never was there any objection or opposition to its construction or existence up to the present;

14. That, the declaration of Lot No. 2146 in the name of Josefina Camingue is erroneous and invalid because the latter and his heirs was never in possession of the same and it was Mansueto Escosura and his heirs who has been in open, public adverse, peaceful and continuous or uninterrupted possession in the concept of an owner since 1948 up to present;

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FOREGOING PREMISES GIVEN, it is most earnestly pleaded of the Honorable Office that judgment be rendered:

1. Ordering the dropping of the name Pedro Camingue as the survey claimant of Lot No. 2146;
2. Declaring the Heirs of Mansueto Escosura as the qualified applicant in the application of Original Certificate of Title over Lot No. 2146 and;
3. Denying any Title application of the protestees or other heirs of Josefina Camingue over Lot No. 2146.

XXX

Respondents submitted their answer and alleged thus:

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"1. Paragraphs 1 and 3 as to the personal circumstances of the Protestant are denied for lack of sufficient knowledge sufficient to form a belief as to the truth thereof;

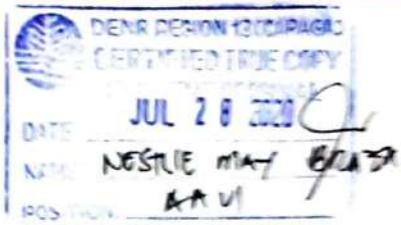
2. Paragraph 2 is admitted in so far as the personal circumstances of named respondents are concerned but deny that they are sole and authorized representatives of all the Heirs of Josefina Camingue. Nonetheless they are filing and verifying this Answer by virtue of the fact they are the ones named as representatives by the Protestant; In so far as ownership of the subject parcel of land is concerned, the same is owned presently by Marilyn Dalocanog by virtue of a valid assignment and partition of the properties previously owned by Josefina Camingue agreed upon and confirmed by all the Heirs.

3. The allegations in paragraphs 4, 5, 6 are denied for being false and misleading the truth being that the said parcel of land was owned by Josefina Camingue and by operation of law, presently by her heirs;

4. We hereto attach as Annex 1 the **Certification of the chronological history** Assessor of Surigao City. As can be perused from the said Certification, way back in 1946, said parcel of land has been declared for taxation purposes under Tax Declaration No. 398;

5. Paragraph 7 is denied for being false and misleading as the protestant could not have just recently discovered such fact. As can be shown in Annex 1, as early as 1997, as per the LDAP-RPTA tax mapping project, said parcel of land owned by herein respondents has already been denominated as Lot No. 2146;

6. The allegations in paragraphs 9, 10 11, and 12 are denied the truth being that no fault can be ascribed to herein respondents for any alleged errors or



discrepancies that have been committed in the issuance of tax declarations and denominations of the area in the records of the Office of the Assessor;

7. If any, Protestant's remedy here is with the Office of the City Assessor for any errors perceived to have been committed. As far as the said records are concerned they enjoy the presumption of regularity being public documents;

8. As far as herein respondents are concerned, they are the owners of Lot 2146 and the documents supporting such ownership are incontrovertible;

9. The allegations in paragraphs 13, 14 are denied for lack of knowledge to support a belief as to the truth thereof. Assuming that to be true without admitting such fact, it only means that protestants are erroneously occupying a parcel of land which is not theirs;

10. The allegations in paragraphs 15 and 16 are denied for being false and misleading the truth being that the owners of the subject parcel of land are the Heirs of Josefina Camingue;

11. We hereto attach as additional evidence to prove such ownership:

Annex 2- Tax Declaration No. 2013-10-015-00294 showing that the said parcel of land is declared for taxation purposes under Josefina Camingue;

Annex 3- Certification from the PENRO, Surigao Del Norte dated Dec. 11, 2017 showing that Lot No. 2146 Case -10, Cad 789-D, General Luna and Pilar Cadastre with an area of 6, 869 sq. meters is registered in the name of Pedro Camingue, as the survey claimant in the Cadastral Survey conducted on Sept. 13 to Oct. 17, 1984 and approved on Feb. 16, 1994;

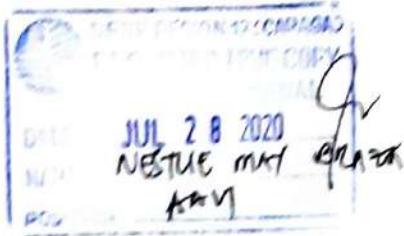
Annex 4- Sketch Plan for Lot 2146 showing its actual and exact location duly noted by Provincial Assessor Victoria O. Eder;

Annex 5- Tax clearance issued by the Office of the Municipal Treasurer showing that all real estate taxes for the subject parcel of land have all been paid;"

### **Conduct of Ocular Inspection**

Special Investigator I Chandro G. Tiu conducted an ocular inspection of the subject parcel of land. He had the following findings and observation, thus:

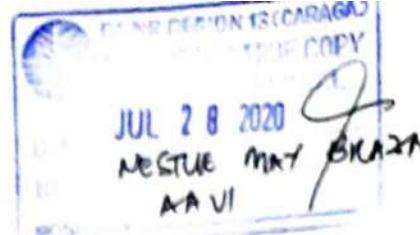
*"The ocular inspection is attended by the heirs of Mansueto Escosura, the care taker of the subject parcel of land, and the children of Marilyn Dalocanog named Maybelle and Ronald Dalocanog. Franklin and Fabian Camingue refused to attend the ocular inspection being not the proper party-in-interest since the subject parcel of land is now under the ownership of Marilyn Dalocanog through executed Extra Judicial Partition. The protestants identified*



the histories, the boundaries and the coconuts planted thereon being the one who's in possession and cultivation for so long. The respondents on the other hand could not determine the actual boundaries of the subject land since they did not had the chance to initiate an actual ground survey and they were barred to enter on the subject by the protestant land because of the land dispute they have.

xxx

1. That the lot no. 2146, Case 10, CAD 789-D located at Sitio Candalong Brgy. Malinao, General Luna Surigao del Norte is registered in the name of Pedro Camingue during the cadastral survey conducted in the area on September 13 to October 17, 1984 with certification duly issued by the DENR SIPLAS, Dapa, Surigao del Norte.
2. The subject lot is splitted into two (2) as the eastern side is fronting the coastal road and Pacific Ocean while the western side is traversed by a new national road.
3. Sketch map of the current position of the lot is hereby attached showing the western portion of lot which was traversed by the road.
4. The lot is within Alienable and Disposable Area as certified on October 21, 1960.
5. Certification of the chronological history from the office of the Provincial Assessor of Surigao City certifies that way back 1948, said parcel of land has been declared in the name of Mansueto Escosura for taxation purposes under Tax Declaration No. 3702 containing an area of 2.50000 hectares. The area stated on tax declaration no. 3702 that were used as basis for claim of Protestant includes the contested lot 2146 and portion of lot 2147-P.
6. A certification of the chronological history from the office of the Provincial Assessor of Surigao City certifies also that way back 1948, said parcel of land has been declared under the name of Josefina Camingue for taxation purposes under Tax Declaration No. 398. That Josefina Camingue is the wife of the registered survey claimant Pedro Camingue.
7. The house of the protestant heirs has been erected/build on the subject land for more than eighteen (18) years already.
8. The house of Protestant's tenant Jose Rebuyon has been sitting on lot no. 2146 for more than seventy (70) years since the house was constructed by his father and never was there any objection or opposition to its construction or existence up to the present.
9. The parcel of land, lot 2146, Case 10, CAD 789-D is presently owned by Marilyn Dalocanog by virtue of a valid assignment and notarized extra judicial partition of properties by the heirs of Josefina Camingue agreed upon and confirmed by all the Heirs.
10. That during our preliminary conference and ocular inspection, it was verified that the actual occupants of the lot subject of the protest are the heirs of Mansueto Escosura who is presently in possession and cultivation. The lot was subjected to application for title by Marilyn



*Dalocanog in 2015 but was not processed.*

*11. Position papers by the parties were duly submitted and formed part of records of the proceedings."*

The parties were required to submit simultaneous position papers. Protestants submitted their position paper but merely reiterated their arguments in their Protest. While Protestees submitted a Manifestation adopting the arguments raised in their answer.

### ISSUE:

Who has preferential right over Lot No. 2146, Case 10, Cad 789-D located at Candalong, Brgy. Malinao, General Luna, Surigao del Norte?

### RULING

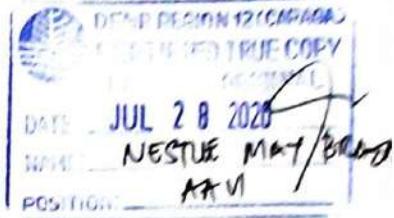
1. Conduct of survey in 1984 was erroneous, Protestee being not in possession

After careful perusal of all the available records, we find for the Protestants.

Under the Public Land Act, Free Patent Application requires cultivation by the occupant of the land for at least thirty (30) years prior to the effectivity of the amendatory law. However, the famous book of Atty. Ed Vincent A. Albano III on Land Titles and Deeds, 2015 Edition, has simplify the requisites in the application for free patent by collating the different existing laws. They are the following:

1. He must be a natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares of land;
2. At least 30 years of prior to the effectivity of the amendatory Act (R.A. No. 6940), he has continuously occupied and cultivated, either by himself or through his predecessors-in-interest a tract or tracts of agricultural public land subject to disposition;
3. He has paid the real estate tax thereon while the same has not been occupied by any person;
4. The applications shall not extend beyond December 31, 2020 (as amended by R.A. No. 9176);
5. Notice thereof has been published in the municipality and barrio in which the land is located and adverse claimants have had opportunity to present their claim (Sec. 44, C.A. No. 141).

From the above requirements, the law puts emphasis on the actual possession of the applicant over the land subject of application.



In the case of *Yu vs. Pacleb*<sup>1</sup>, the Honorable Supreme had the occasioned to define and discuss possession, thus:

*The Civil Code states that possession is the holding of a thing or the enjoyment of a right. In the grammatical sense, to possess means to have, to actually and physically occupy a thing, with or without right. Possession always includes the idea of occupation x x x. It is not necessary that the person in possession should himself be the occupant. The occupancy can be held by another in his name. Without occupancy, there is no possession.*

*Two things are paramount in possession. First, there must be occupancy, apprehension or taking. Second, there must be intent to possess (*animus possidendi*). (Emphasis ours)*

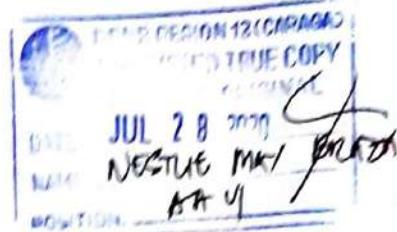
Also, in the case of *Heirs of Marcelina Arzadon-Crisologo v. Raon*<sup>2</sup>, it elucidates that in acquisitive prescription, possession is not the only controlling requirement. It is concerned with lapse of time in the manner and under conditions laid down by law, namely, that the possession should be *in the concept of an owner, public, peaceful, uninterrupted and adverse*. Possession is open when it is patent, visible, apparent, notorious and not clandestine. It is continuous when uninterrupted, unbroken and not intermittent or occasional; exclusive when the adverse possessor can show exclusive dominion over the land and an appropriation of it to his own use and benefit; and notorious when it is so conspicuous that it is generally known and talked of by the public or the people in the neighborhood. The party who asserts ownership by adverse possession must prove the presence of the essential elements of acquisitive prescription.

In the case at bar, Protestants alleged that they were in possession of the subject lot for more than 100 years evidenced by their house that has been on the subject land for 18 years while their tenant's (Jose Rebuyon) house had been there for 70 years. This allegation was not rebutted by Protestees in their answer under paragraph 3 and 9 but merely denied the same as being false and misleading and alleged that Protestants only possessed the wrong lot but without proof to support the same.

The possession of Protestant was even corroborated by the sworn statement of Leonor Escamillan and Tomasita Salvaloza, who are adjacent owners of the subject land. They stated that Protestants are in possession of the subject land for more than 100 years. Being adjacent owners, they knew fully-well the status, history, and possessors of the lands adjacent to them. Even the Barangay Captain Noelito S. Berol of Barangay Malinao certified that Protestants were in possession of the subject land for a very long period of time. These sworn statement and certification were not again rebutted by Protestees in their answer and manifestation.

<sup>1</sup> G.R. No. 130316, January 24, 2007.

<sup>2</sup> G.R. No. 171068, September 5, 2007, 391 SCRA 411, 404.



To further buttress Protestants' possession and occupation, during the ocular inspection, the investigator ascertained that Protestants were in possession and occupation of the subject land. They can even trace the history and boundaries of the subject land as well as the coconuts planted. On the other hand, Protestees cannot determine the actual boundaries of the land because they were prohibited from entering the same. This proves the more that Protestants were in possession and occupation of the subject land to the exclusion of Protestees. The report states in part, thus:

*"The protestants identified the histories, the boundaries and the coconuts planted thereon being the one who's in possession and cultivation for so long. The respondents on the other hand could not determine the actual boundaries of the subject land since they did not had the chance to initiate an actual ground survey and they were barred to enter on the subject by the protestant land because of the land dispute they have."*

xxx

*That during our preliminary conference and ocular inspection, it was verified that the actual occupants of the lot subject of the protest are the heirs of Mansueto Escosura who is presently in possession and cultivation. The lot was subjected to application for title by Marilyn Dalocanog in 2015 but was not processed." (Emphasis ours)*

We are constrained to believe the investigation report of our field officer being public employee who enjoys presumption of regularity.

Public officers had in their favor the presumption of regularity in the performance of official duties xxx. The presumption of regularity of official acts may be rebutted by affirmative evidence of irregularity or failure to perform a duty. The presumption, however, prevails until it is overcome by no less than clear and convincing evidence to the contrary. Thus, unless the presumption is rebutted, it becomes conclusive. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer's act being lawful or unlawful, construction should be in favor of its lawfulness.<sup>3</sup>

In the same vein, the Supreme Court gave an enlightening explanation in the case of *Cequena and Lirio vs. Bolante*<sup>4</sup> as penned by former Chief Justice Artemio Panganiban, regarding possession which stated:

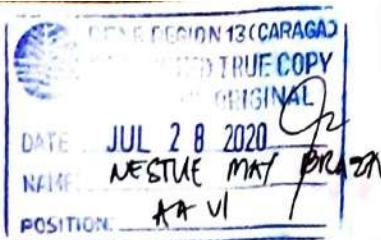
*"Tax receipts and declarations are *prima facie* proofs of ownership or possession of the property for which such taxes have been paid. Coupled with proof of actual possession of the property, they may become the basis of a claim for ownership. By acquisitive prescription, possession in the concept of owner — public, adverse,*

<sup>3</sup>

*People v. De Guzman*, G.R. No. 106025, February 9, 1994, 299 SCRA 795, 799.

<sup>4</sup>

GR 137944, April 6, 2000.



*peaceful and uninterrupted — may be converted to ownership.*"  
(Emphasis ours)

The same had been reiterated in the case of *Palali vs. Awisan*<sup>5</sup>, where the Supreme Court, through Associate Justice Mariano del Castillo, stated:

*"Thus, respondent having failed to prove possession, her claim rests solely on her tax declaration. But tax declarations, by themselves, are not conclusive evidence of ownership of real property. In the absence of actual, public, and adverse possession, the declaration of the land for tax purposes does not prove ownership. Respondent's tax declaration, therefore, cannot serve as basis to oust petitioner who has been in possession (by himself and his predecessors) of the subject property since before the war."* (Emphasis ours)

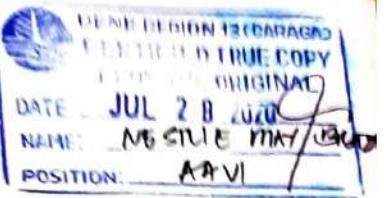
In the case at bar, Protestees cannot rely on the public instruments dealing with the subject land covered by its tax declaration and chronological history. Such public documents merely show its tax history of the property covered by said documents. They do not conclusively prove that the Spouses Josefina and Pedro Camingue actually owned the property purportedly being transferred to Marilyn Dalocanog, especially as far as third parties are concerned. For it may very well be that Spouses Josefina and Pedro Camingue, though name as survey claimant, do not actually own the property they transferred, in which case they transfer no better right to Marilyn Dalocanog. No one can give what he does not have — *nemo dat quod non habet*.

We hold that as between Protestants and Protestees, the Protestants had the better claim or title to the subject property. While Protestees merely relied on the tax declaration, Protestants were able to prove actual possession of the subject property coupled with their tax declaration. Protestants' possession and occupation were public, peaceful, uninterrupted and adverse and in the concept of an owner. It is also a jurisprudential principle that possession, when coupled with a tax declaration, is a weighty evidence of ownership. It certainly is more weighty and preponderant than a tax declaration alone.

**WHEREFORE**, premises considered, having been convinced that Protestants' possession and occupation were public, peaceful, uninterrupted and adverse and in the concept of an owner for a long period of time over Lot No. 2146, Cad 789-D located in Canladong, Brgy. Malinao, General Luna, Surigao del Norte, it is hereby ordered as follows:

1. Dropping the name of Pedro Camingue as the survey claimant of Lot No. 2146, Cad 789-D located in Canladong, Brgy. Malinao, General Luna, Surigao del Norte;
2. Declaring the Heirs of Mansueto Escosura as the qualified applicant in the application of patent;

<sup>5</sup> GR 158385, Feb. 12, 2010.



3. Denying the land application of Protestees and their successors-in-interest including the application of Marilyn Dalocanog over Lot No. 2146, Cad 789-D located in Canladong, Brgy. Malinao, General Luna, Surigao del Norte for lack of merit.

SO ORDERED.

Ambago, Butuan City JUL 28 2020

*HADJA DIDAW D. PIANG-BRAHIM, CESO IV*  
OIC-Regional Executive Director

Copy Furnished:

**EDNA ORALIZA ELIOT**  
Brgy. 2, General Luna, Surigao del Norte

**FABIAN CAMINGUE and FRANKLIN CAMINGUE**  
Brgy. 2, General Luna, Surigao del Norte

**MAYBELLE ANN C. DALOCANOOG**  
Brgy. Malinao, General Luna, Surigao del Norte

**PASU-SIPLAS**  
Dapa, Surigao del Norte

File.....



**Department of Environment and Natural Resources  
Regional Office No. 13**

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DATE	JUN 06 2023
NAME:	NESTLIE MAY G. BRAZA
POSITION:	Admin. Asst.I

**HRS. OF MANSUETO ESCOSURA**  
Rep. by EDNA ORALIZA ELIOT  
**Protestant**

-versus-

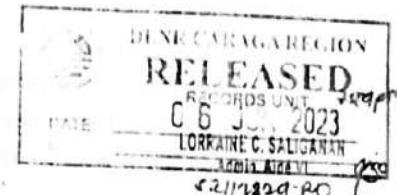
**HEIRS OF JOSEFINA CAMINGUE**  
Rep. by FABIAN CAMINGUE and  
**FRANKLIN CAMINGUE**

**Protestees**

X-----/

**Lot No. 2146**

Candalong, Brgy. Malinao,  
General Luna, Surigao del Norte



**RESOLUTION**

This Office resolves the Motion for Reconsideration filed within the reglementary period by Ms. Marilyn Camingue Dalucanog, thru counsel, on the Decision rendered by this Office on July 28, 2020.

This case arose from the claim of ownership over Lot No. 2146, Cad 789-D, located at Canladong, Brgy. Malinao, General Luna, Surigao del Norte filed by the Heirs of Mansueto Escosura represented by Edna Oraliza Eliot against the Heirs of Josefina Camingue represented by Fabian Camingue and Franklin Camingue.

On July 28, 2020, a Decision was made by this Office, the dispositive portion of which state:

*"WHEREFORE, premises considered, having been convinced that Protestants' possession and occupation were public, peaceful, uninterrupted and adverse and in the concept of an owner for a long period of time over Lot No. 2146, Cad 789-D located in Candalong, Brgy. Malinao, General Luna, Surigao del Norte, it is hereby ordered as follows:*

1. *Dropping the name of Pedro Camingue as the survey claimant of Lot No. 2146, Cad 789-D located in Candalong, Brgy. Malinao, General Luna;*
2. *Declaring the Heirs of Mansueto Escosura as the qualified applicant in the application of patent;*
3. *Denying the land application of Protestees and their successors-in-interest including the application of Marilyn Dalocanog over Lot No. 2146, Cad 789-D located in Candalong, Brgy. Malinao, General Luna, Surigao del Norte for lack of merit."*

The Registry Return Receipts RE 282305568ZZ and RE 282305554ZZ show that Fabian Camingue and Franklin Camingue, and Maybelle Ann C. Dalocanog, received the said Decision on August 28, 2020. While Registry Return Receipt No. 282305571ZZ shows that said Decision which was addressed to Marilyn Camingue Dalocanong c/o Engr. Dennis Dalocanong and received on September 15, 2020 by Vina Dalocanog.



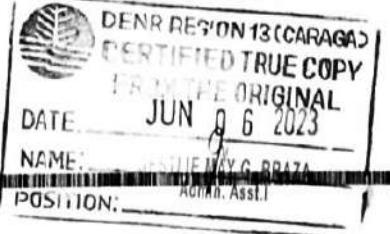
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POSITION:	ADM. ASST.

On September 22, 2020, ~~the Plaintiff filed a Motion for Reconsideration, filed and verified by Marilyn C. Dalocanog, thru counsel Atty. Froilan M. Quijano Jr. of Zosa & Quijano Law Office, Cebu City. The Registered Mail Acceptance Counter showed that it was posted on September 18, 2020. Said Motion cited the following, to wit:~~

1. The protestants herewith have not proven and established a superior right to the subject property based on alleged possession. As admitted by Protestants themselves, they erected their house only eighteen years ago. It is error for the alleged possession of their tenant Jose Rebuyon to be tacked on their right of possession as Rebuyon's possession is not the concept of an owner and the right to a Free Patent application, is personal and cannot be assigned to another. Thus, this runs counter to their bare-faced claim that they have been in possession for allegedly more than 100 years;
2. This coupled with the fact that there are clear and obvious discrepancies in the issuance of tax declarations by the Office of the Assessor creates a strong cloud of doubt over the Protestant's claim;
3. We respectfully reiterate that as per the Certification of the chronological history from the Office of the Provincial Assessor of Surigao City, as early as 1946, the parcel of land has already been declared for taxation purposes under Tax Declaration No. 398, thus, the allegation that protestant only recently discovered that the land was denominated as Lot No. 2146 is false considering that as early as 1997, as per LDAP-RPTA tax mapping project, said parcel of land owned by herein respondents has already been denominated as Lot No. 2146;
4. The allegation of Protestant that Lot No. 2146 is part of the land that comprises the original 2.5 hectares purportedly owned by Mansueto Escosura is only speculative and protestant has not submitted any evidence to that effect;
5. This is clearly a case where the protestant is unsure of the identity of the property owned by them, but one thing is sure – it is definitely not the land owned by herein Protestees;
6. As admitted by Protestants, they only purportedly recently discovered that the lot owned by Mansueto Escosura which as per the old tax declaration approximately totals 2.5 hectares, is now covered allegedly by two lot numbers;
7. We hereto attached as Annex "1" of this Motion for Reconsideration, the Sketch Plan for Lot No. 2147-P "as prepared by Mansueto Escosura".

As can be clearly seen, the surrounding lots are Lots 2146 and 2144. The latter lot - which has also been subdivided, is also owned by Escosura family. If we add the areas of the subdivided lots of Lot 2144, and Lot 2147 (to which herein Protestees are not claiming), these total 24,958 sq. meters, which approximates the 2.5 total land area claimed by the Protestants. These two lots combined consist of the property owned by Mansueto Escosura and NOT Lot 2146 owned by herein Protestees;



8. It is apparent from the evidence submitted by the Protestees that back in 1994, Tax Declaration No. 3558 was cancelled by Tax Declaration No. 2393 and the area became 1.2214 hectares from the original area of 2.5 hectares. Clearly, the logical explanation therefore is that the predecessor of the protestant either sold or subdivided their property and that the portion either sold or subdivided is now Lot 2144. This has nothing to do with Lot 2146 owned by Heirs of Josefina Camingue subject matter of the instant case;
9. This scenario is more in harmony with the situation obtaining at bar because it does not deprive herein protestees of their own parcel of land and explains the designation of the lot numbers. It is also in harmony with the Certification from the PENRO, Surigao del Norte dated December 11, 2017 showing that Lot No. 2146 Case-10, Cad 789-D, General Luna and Pilar Cadastre with an area of 6,869 sq. meters is registered in the name of Pedro Camingue, as the survey claimant in the Cadastral Survey as well as the Sketch Plan for Lot 2146 showing its actual and exact location duly noted by Provincial Assessor Victoria O. Eder.
10. This Motion is being filed by Marilyn C. Dalocanog because she is the real party in interest for the instant case, being one of the heirs of Josefina Camingue, and said parcel being assigned to her as per the Extrajudicial Partition of Heirs of Josefina Camingue.

On November 20, 2020, Comments on the Motion for Reconsideration, thru the Public Attorneys' Office pursuant to RA 9406, was filed by herein Protestant, Edna Oraliza Eliot, stating that:

1. The DENR is correct in finding protestants to be the rightful possessor and therefore owner of the subject property. Tenant Jose Rebuyon's possession was not tacked to complete the period necessary for prescription but was merely to emphasize MASUETO ESCOSURA's exclusive control and possession over Lot No. 2146 for more or less 100 years. While it is true that Jose Rebuyon's occupation was not in the concept of an owner as he himself never claimed to be the owner of the land but merely as a tenant of Mansueto Escosura. Jose Rebuyon and his father before him were only tenants of Mansueto Escosura who were allowed by Mansueto to take up residence on a portion of Lot No. 2146 so that they can easily attend and oversee their duties to the land as tenants. Their appointment as tenants to Mansueto Escosura and eventual occupation and residence of the land as caretakers has only bolster Mansueto's claim as owner of the same. Their house was apparent, open and were seen by the public and never was there any objection or opposition to its construction or existence up to the present;
2. The DENR is likewise correct in declaring that Tax declaration by themselves is not conclusive evidence of ownership of real property. In the absence of actual, public and adverse possession, the declaration of the land for tax purposes does not prove ownership. While protestants admit the existence of the tax declaration and certificate of chronological history of Lot No. 2146 in the name of Josefina



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POSITION:

Camingue, the issuance of the same however has no basis in fact and in law as Josefina Camingue or her predecessors-in-interest does not own the subject land and they have never been in actual and open possession of the same as it was Mansueto Escosura and successors-in-interest who continuously occupied and cultivated the land for more or less 100 years;

3. This is more than the required 30 years of uninterrupted adverse possession without just title and good faith. Such possession was public, adverse and in the concept of an owner. Mansueto appointed Rebuyon's family to oversee this land and to reside thereon for more or less 70 years. His tenant's act of cultivating and reaping the fruits of the land was manifested and visible to all. In 1948, Mansueto likewise declared the land for taxation purposes and religiously paid the realty taxes thereon. Together with his actual possession of the land, these tax declarations constitute strong evidence of ownership of the land occupied by him;
4. The arguments and points proffered by the Protestees in their Motion for Reconsideration were matters that are already disposed of by the Honorable Director of the DENR. xxx;
5. Such being the case, the instant Motion for Reconsideration is a pro forma motion, a repetition of grounds already disposed of and is therefore considered as merely for purposes of delay. xxx;

On October 29, 2021, an Urgent Motion to Intervene with Motion to Conduct a Resurvey was filed by Protestee-Intervenor, Marilyn Camingue-Dalocanog through counsel, Atty. Victor F. Bernal. The same is hereby reproduced, thus:

"xxx

4. That pursuant to the cited deed of extrajudicial settlement, intervenor-protestee should have been directly impleaded as a principal party because she is directly affected by any ruling of this Honorable Office which unfortunately has proceeded without her knowledge and direct participation;
5. That intervenor-protestee is presently residing in #9 Pisces St., Guadalupe Osmena Village, Punta Princesa, Cebu City for medical reasons. She is likewise, under strict travel restrictions in Cebu City. Hence, she has authorized her Attorney-in-fact Sonny Ranier B. Rivas by Special Power of Attorney to appear and sign any pleading as well as to secure any and all pertinent papers and records before this Honorable Court;
6. That intervenor-protestee in the meantime for lack of verifiable records, hereby notes the Motion for Reconsideration filed by the named protestees Fabian Camingue and Franklin Camingue, thru their counsel, Atty. Froilan M. Quijano, Jr. dated September 18, 2020 but reserves her right to submit separately her position paper;



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POSITION:	Admin. Asst.I

7. That intervenor-protestee therefore prays that this Honorable Court grant the herein motion to intervene as protestee and be given reasonable time to secure pertinent records and documents of the case, and be allowed to submit her position paper in the instant case within 30 days from the filing hereof, in the interest of justice;
8. However, browsing on available but limited records, it appears that during the conduct of the ocular inspection by Special Investigator Chandro G. Tiu, the herein protestee-intervenor was not informed and not represented. In fact, it was lopsided gathering of information and ocular inspection since none of the other named protestees were present in the ground as they were physically prevented by the protestant. The report of Chandro G. Tiu clearly shows only unrebutted and self-serving information coming from the protestant.
9. In the spirit of fairness and in the interest of justice, it is respectfully prayed that another relocation survey and/or ocular inspection of the contested area be conducted."

On May 4, 2022, Comments and Objection to the Urgent Ex Parte Motion to Intervene with Motion to Conduct Resurvey, was received DENR-Legal Division, wherein Protestant states that:

1. The Decision on this case was rendered on July 28, 2020 or more than 16 months today;
2. The right to intervene is not an absolute right. The procedure to secure the right to intervene is fixed by the statute or rule, and intervention can be secured only in accordance with the terms of the applicable provision. Under our Rule on intervention, the allowance or disallowance of a motion to intervene is addressed to the sound discretion of the court;
3. Sec. 19 of the Rules of Court provides that "The motion to intervene may be filed at any time before rendition of judgment by the trial court. A copy of the pleading-in-intervention shall be attached to the motion and served on the original parties;"
4. It's already too late in a day for the Protestee Intervenor to intervene as the decision was already rendered and it was rendered more than a year ago;
5. The instant Protest was filed against the heirs of Josefina Camingue. Fabian Camingue and Franklin Camingue were impleaded as the Protestees because they are the only heirs whose whereabouts are known to the Protestant. They and the herein intervenor have the same equal right and interest over this case being children of the late Josefina Camingue. Fabian Camingue and Franklin Camingue filed their Answer for and in behalf of the heirs of Josefina Camingue. They have alluded in their Answer the name of Marilyn Dalocanog - intervenor as the assignee of this property in their Partition agreement. Thus, the intervenor was



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already aware of the existence of the instant Protest since day one and the issue raised in her Motion were already disposed of by the Honorable Director of the DENR in his Decision;

6. Such being the case, the proposed intervention will achieve nothing for the proposed intervenor, it will however be productive of delay and complexity of proceedings in this case, making it all the more improper, not to mention unnecessary. Like the Protestees previously filed Motion for Reconsideration, this new Motion to Intervene is merely a pro forma motion, a repetition of grounds already disposed of and is therefore considered merely for purposes of delay. A pro forma motion does not deserve valuable time and effort of the Honorable Executive Director, and must therefore be denied.

#### ISSUES

1. Whether or not the Motion to Intervene with Motion to Conduct a Resurvey be granted.
2. Whether or not the Motion for Reconsideration filed by Protestee be granted.

#### RESOLUTION

**I. Whether or not the Motion to Intervene with Motion to Conduct a Resurvey be granted.**

As its first submission, Protestee-Intervenor Marilyn Camingue-Dalocanog thru counsel argues that she should have been impleaded as the party by this Office and that this case proceeded without her knowledge and direct participation.

Protestee-Intervenor also submits that the ocular inspection conducted by Special Investigator Chandro G. Tiu was a lopsided gathering of information as she was not informed and not represented and that the other named protestees were physically prevented by the protestant to be present in the ground.

Finally, Ms. Marilyn Camingue-Dalocanog manifest that in the spirit of fairness and in the interest of justice, a relocation survey and/or ocular inspection of the contested area be conducted.

This Office finds the submissions of Protestee-Intervenor unmneritorious.

Applying Section 2, Rule 19 of the Rules of Court which provide:

*"The motion to intervene may be filed at any time before rendition of judgment by the trial court. A copy of the pleading-in-intervention shall be attached to the motion to serve on the original parties." (Emphasis supplied)*



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Admin. Asst.I

The Motion to Intervene was filed on October 29, 2020 or more than one year from the Decision concerning Lot No. 2146. Applying the "plain meaning rule" or *verbal legis* in statutory construction, the said Motion to Intervene should be denied for having filed beyond the time when the judgment, or in this case, the decision was rendered. The "plain meaning rule" or *verba legis* enjoins that if the statute is clear, plain and free from ambiguity, it must be given its literal meaning and applied without interpretation.<sup>1</sup>

A cardinal rule in statutory construction is that when the law is clear and free from any doubt or ambiguity, there is no room for construction or interpretation. There is only room for application.<sup>2</sup> As the statute is clear, plain, and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation. This is what is known as the plain-meaning rule or *verba legis*. It is expressed in the maxim, *index animi sermo*, or "speech is the index of intention." Furthermore, there is the maxim *verba legis non est recedendum*, or "from the words of a statute there should be no departure."<sup>3</sup>

On the substantial aspect, Intervention under Rule 19 of the Rules of Court is a remedy by which a third party, not originally impleaded in the proceedings, becomes a litigant therein for a certain purpose: to enable the third party to protect or preserve a right or interest that may be affected by those proceedings.<sup>4</sup>

The Supreme Court explained the rationale of this remedy (intervention), in this wise: *xxx Under the Rules of Court, what qualifies a person to intervene is his possession of a legal interest in the matter in litigation or in the success of either of the parties, or an interest against both; or when he is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or an officer thereof.*<sup>5</sup>

In the case at bar, it can be gleaned from the records that Protestee-Intervenor Marilyn Camingue – Dalocanog was given the opportunity to protect her interest from the very beginning. Although her name did not appear in the title of this case, she was duly aware and took active part in the entire proceeding through her children Ronald Dalocanog and Maybelle Ann Dalocanog, and her co-heirs Fabian Camingue and Franklin Camingue.

Further perusal of the records substantiate that Protestee-Intervenor was properly impleaded as an Heir of Josefina Camingue and she indeed took part of this case, to wit:

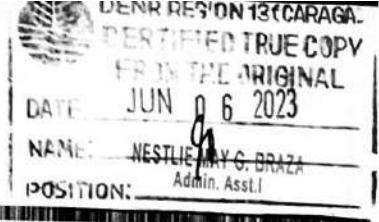
1. PENRO-SDN Certification showed that Lot No. 2146 C-10, CAD. 789-D was surveyed in the name of Pedro Camingue, who was the husband of Josefina Camingue. It is undisputed also that Lot No. 2146 was also declared in the name of Josefina N. de Camingue. Hence, the fact that this case was filed against and in the name of the Heirs of Josefina Camingue represented by Fabian Camingue and Franklin Camingue is in order. The Extra-Judicial Settlement of the Estate of the late Josefina N. Camingue mentioned her heirs, namely: Pedro N. Camingue, Jr., Marilyn N. Camingue-Dalocalog, Fabian N. Camingue, Dwight N. Camingue, Jose

<sup>1</sup> H. Villarica Pawnshop, Inc. vs. Social Security Commission, 853 SCRA 175

<sup>2</sup> Padua v. People, G.R. No. 168346, July 23, 2008, 559 SCRA 519, 531, citing R. Agpalo, Statutory Construction 124 (5th ed., 2003)

<sup>3</sup> Maricalum Mining Corporation v. Florentino, 872 SCRA 276

<sup>4</sup> Hon. Executive Secretary, Commissioner of Customs and the District Collector of Customs of the Port of Subic v. Northeast Freight Forwarders, Inc. 581 SCRA 737 (2009)



Franklin N. Camingue, Ma. Aileen B. Tiu, Jopee Camingue Grist. All the heirs of Josefina Camingue have the same and equal right and interest over the disputed property. The designation of Fabian Camingue and Franklin Camingue was only in representation of all heirs of Josefina N. Camingue.

2. A letter dated June 28, 2018 were sent to Marilyn C. Dalocanog/Ronald Camingue (Dalocanog) informing that their land application for Lot No. 2146 was temporarily pending due to the protest filed by the Heirs of Mansueto Escosura represented by Edna Oraliza Eliot, and thereby requesting them to attend for a preliminary conference. Said letter was marked received and signed by Roland Dalocanog on July 2, 2018.
3. Another communication was sent addressed to Fabian Camingue, and Franklin Camingue, Attn: Maybelle Ann C. Dalocanog, was marked and signed received by Maybelle Ann C. Dalocanog on October 10, 2018, requiring them to submit a notarized answer to the protest.
4. As reflected in their Answer on October 10, 2018, item 2 thereof states:

*"2. Paragraph 2 is admitted in so far as the personal circumstances of named respondents are concerned but deny that they are sole and authorized representatives of all the Heirs of Josefina Camingue. Nonetheless they are filing and verifying this Answer by virtue of the fact that they are the ones named as representatives by the Protestant;*

*In so far as ownership of the subject parcel of land is concerned, the same is owned presently by Marilyn Dalocanog by virtue of a valid assignment and partition of the properties previously owned by Josefina Camingue agreed upon and confirmed by all the heirs."*

Therefore, it is only during this time that this Office was apprised that Marilyn Dalocanog has claimed ownership over Lot No. 2146 by virtue of assignment and partition of rights, although no such document was attached in their Answer.

5. The Preliminary Hearing held on November 7, 2018, as shown in the Attendance Sheet, was attended by two of Protestee-Intervenor's children, namely Maybelle Ann Dalocanog and Ronald Dalocanog, another relative named Shiela Dalocanog, and Franklin Camingue who is one of the named representatives in this case.
6. The Ocular Inspection held on November 8, 2018 was likewise attended by Maybelle Ann Dalocanog and Ronald Dalocanog as shown in the Attendance Sheet signed by them.
7. On December 11, 2018, this Office received a written Manifestation of Respondents, filed thru counsel Atty. Froilan Quijano Jr. of Zosa & Quijano Law Office, Don Mariano Cui St., Cebu City.
8. Noteworthy is the Motion for Reconsideration received on September 18, 2020 which was filed by Respondents also thru counsel Atty. Froilan M. Quijano Jr. of



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Zosa & Quijano Law Office which Verification was made and signed by Marilyn C. Dalocanog.

The fact that the Manifestation and the Motion for Reconsideration were filed by the same counsel from the city where she presently resides, bolster the fact that Ms. Dalocanog has knowledge and participation in the proceeding.

9. Item No. 9 (10) of said Motion for Reconsideration is clear that it is filed by Marilyn C. Dalocanog, being one of the heirs of Josefina Camingue, and said parcel being assigned to her as per the Extrajudicial Partition of Heirs of Josefina Camingue.
10. Finally, the Extra-Judicial Settlement of Estate of the Late Josefina N. Camingue attached in the Urgent Motion to Intervene was executed and notarized only on August 5, 2021 or way after this case was decided.

Considering the above-mentioned facts as a whole, it is clear that Protestee-Intervenor was given all the opportunity to preserve and protect her right. The issues of this case may be finally tackled in the resolution of their Motion for Reconsideration and not in their Motion to Intervene. It is therefore clear that Intervention in this case serves no more purpose other than to cause further delay.

Consequently, the request for relocation survey and/or ocular inspection of the contested area is also denied for failure of herein Protestee-Intervenor to overturn the presumption of regularity in the performance of duty by public officer, Special Investigator Chandro Tiu.

As held, the Supreme Court is mindful of the presumption of regularity in the performance of duties by public officers, but it must be emphasized that the presumption can be overturned if evidence is presented to prove either of two things, namely: (1) that they were not properly performing their duty, or (2) that they were inspired by any improper motive.<sup>5</sup>

In this case, the records show that there was no affirmative proof of irregularity made during the ocular inspection other than the mere allegation of herein Protestee-Intervenor that said ocular inspection was lopsided. Her claim that the other named protestees were physically prevented is self-serving absent any proof to that effect. Nonetheless, she was properly represented by her own children, Maybelle Ann Dalocanog and Ronald Dalocanog during the said ocular inspection.

## II. Whether or not the Motion for Reconsideration filed by Protestee be granted.

Protestant raised that the Motion for Reconsideration is a pro forma motion which deserves denial.

<sup>5</sup> People v. Alboka, 856 SCRA 252



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Admin. Asst.I	
POSITION:	

This Office, however, finds that said Motion for Reconsideration is not a pro forma motion. We are guided by the rulings in Coquilla v. Commission on Elections, to wit:

**x x x The mere reiteration in a motion for reconsideration of the issues raised by the parties and passed upon by the court does not make a motion pro forma; otherwise, the movant's remedy would not be a reconsideration of the decision but a new trial or some other remedy. But, as we have held in another case:**

**Among the ends to which a motion for reconsideration is addressed, one is precisely to convince the court that its ruling is erroneous and improper, contrary to the law or the evidence; and in doing so, the movant has to dwell of necessity upon the issues passed upon by the court. If a motion for reconsideration may not discuss these issues, the consequence would be that after a decision is rendered, the losing party would be confined to filing only motions for reopening and new trial. ....**

**Where the circumstances of a case do not show an intent on the part of the pleader to merely delay the proceedings, and his motion reveals a bona fide effort to present additional matters or to reiterate his arguments in a different light, the courts should be slow to declare the same outright as pro forma. (Emphasis supplied)**

In the case at bar, there is no showing that there is an intent on the part of Protestees to delay the proceedings thru its Motion for Reconsiceration.

The Motion for Reconsideration attempts to substantiate the alleged errors of this Office and reveals a bona fide effort to present their evidence on a different light through their new averment which this Office finds worthy to be looked upon: That it was an error that tenant Jose Rebuyon's possession be tacked onto the right of possession of herein Protestants in order to comply with the 30 year prior continuous cultivation and occupation.

Notwithstanding such new averment, this Office hold that Protestants' claim over said property remains. It is bolstered by the fact that a tenant had actually occupied and cultivated the land on their behalf which dates back from the time of the late Mansueto Escosura and the father of Jose Rebuyon until present. Such appointment merely emphasized that Mansueto Escosura and his heirs have exclusive control and possession over the disputed lot in the concept of an owner.

The averments concerning Tax Declarations are hereby forgone in this Resolution as this matter was already duly ruled upon in our Decision.

Lastly, Rule 37 of the Rules of Court set the grounds for a motion for reconsideration: that the damages awarded are excessive, that the evidence is insufficient to justify the decision or final order, or that the decision or final order is contrary to law. The Protestees hereof failed to establish any of the grounds mentioned. They failed to show that the evidence presented in our Decision are insufficient and that it is contrary to law.

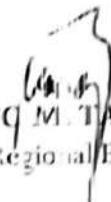
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**WHEREFORE**, considering all the facts aforementioned, it is hereby RESOLVED that the Motion for Reconsideration and the subsequent Motion to Intervene with Motion to Conduct Resurvey be DENIED.

SO ORDERED.

Ambago, Butuan City, JUN 06 2023

  
**MONTECO M. TAMAYO, CESO III**  
Regional Executive Director

**Copy furnished:**

**Edna Oraliza Eliot** File....  
Brgy. 2, General Luna, Surigao del Norte

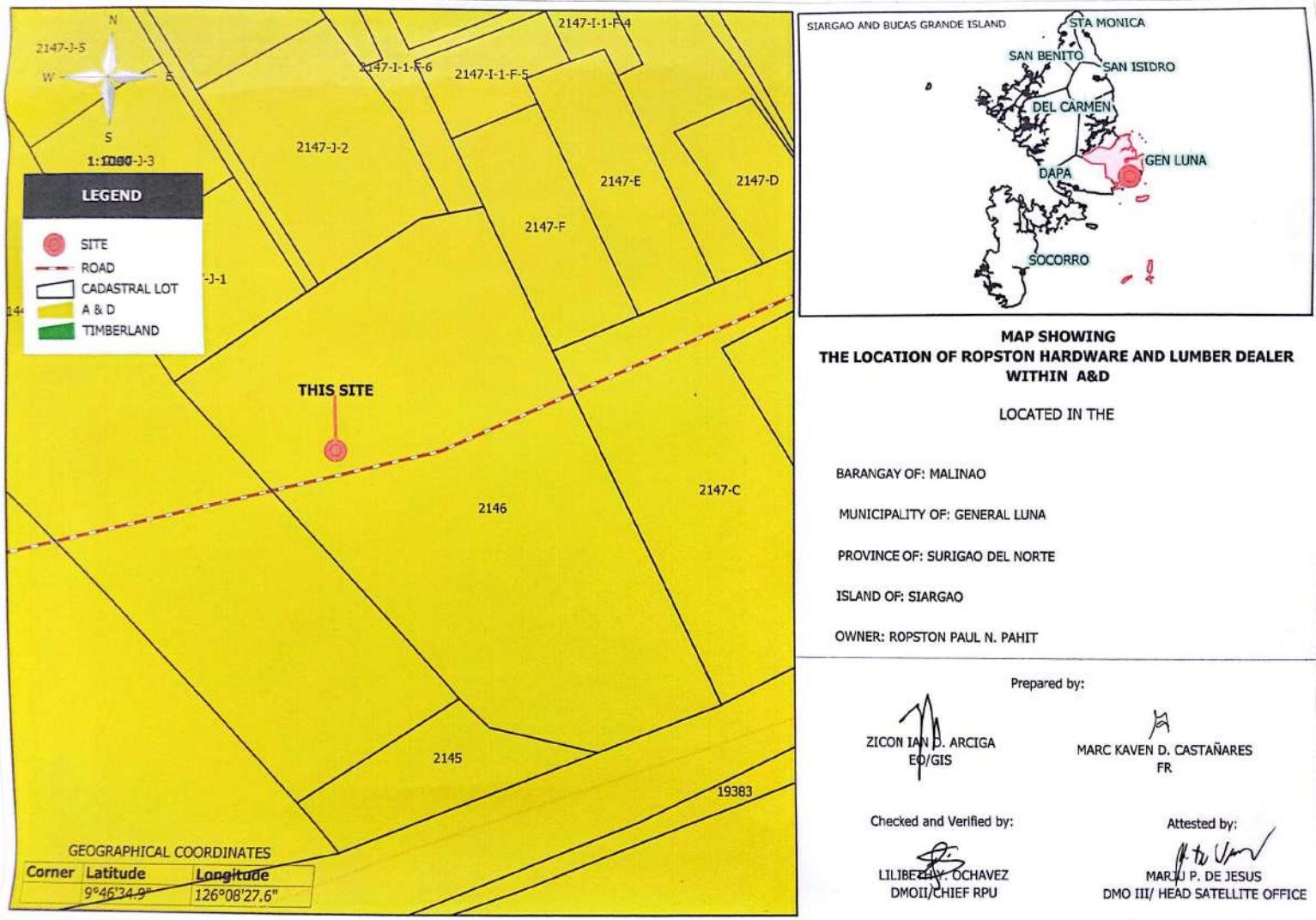
**Fabian Camingue and Franklin Camingue**  
Brgy. 2, General Luna, Surigao del Norte

**Maybelle Ann C. Dalocanog**  
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Don Mariano Cui St., Cebu City

**PAMO-SIPLAS**  
Dapa, Surigao del Norte



# ONLINE LUMBER DEALER PERMITTING AND MONITORING SYSTEM

X

## Payment Confirmation

### "Payment Details"

Transaction Number

799

Client Name

Ropston Paul Pahit

Business Name

ROPSTON HARDWARE AND LUMBE

Reference Number

073025-2489-123

Contact Number:

09553493509

### Payment Details:

# Paid

Registration Fee	P600.00
Permit Fee	P480.00
Oath Fee	P36.00
Cash Bond	P1,000.00
Total	P 2116.00

Confirm

Capture Screenshot

# Payment Summary

Transaction Number: **073025-2489-123**

Status: **Paid**

Details	Amount
Registration Fee	P600.00
Permit Fee	P480.00
Oath Fee	P36.00
Cash Bond	P1000.00
<b>TOTAL</b>	<b>P2116.00</b>

## Note:

- a. Future-dated and partial payments are not allowed.
- b. Cancellation and reversal of transactions are not allowed.
- c. LANDBANK Link.BizPortal shall accept transactions during weekends and holidays; however, it will be reflected as transactions for the next banking day.