

B O H O L  
Tagbilaran City

GONZALO LINGO,  
Petitioner,

versus

GABINO AUDITOR AND  
JIMMY AUDITOR,  
Respondents.

DARAB CASE NO VII-BOH-26-2000

For : CANCELLATION OF TCT NO.  
959, WITH CLOA NO. 09235675

NOTICE OF DECISION

June 26, 2001

TO :

NAME

ADDRESS

Atty. Eliseo C. Boyles

Poblacion, Ubay, Bohol

PLO Saturnino P. Lustorio

DARMO, Ubay, Bohol

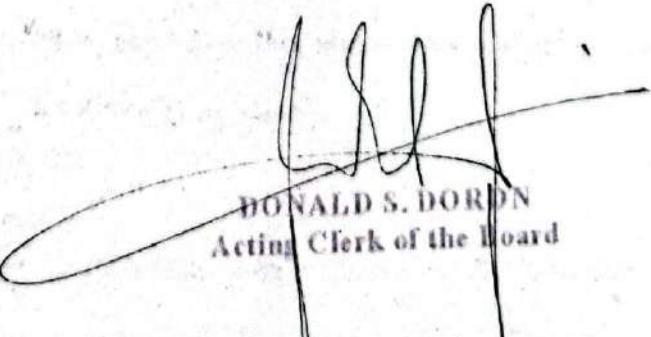
Margie C. Tan-Alvare

Public Attorney's Office  
Department of Justice  
Tagbilaran City

GREETINGS :

Please be notified that a Decision in the above-entitled case has been issued by this Honorable Board, a copy of which is hereto attached for your guidance and information.

WITNESS THE HONORABLE ADJUDICATOR, ATTY. ROMUALDO S. SIPACIO this 25<sup>th</sup> day of July 2001 at Tagbilaran City, Philippines.

  
DONALD S. DORDON  
Acting Clerk of the Board

16

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Lett.

Po

JUDICIAL BOARD

B O H O L

Tagbilaran City

GONZALO LINGO,  
Petitioner,

DARAB CASE NO VII-BOH-26-2000

-VERMIS-

GABINO AUDITOR AND  
JIMMT AUDITOR,  
Respondents.

For : CANCELLATION OF TCT NO.  
959, WITH CLOA NO. 00235675

X-----/

## DECISION

The instant petition for the Cancellation of TCT No. T-959, with CLOA No. 00235675, filed by the herein petitioner, on the following grounds, to wit: That the subject matter is a parcel of agricultural land owned developed, and tilled by the petitioner, but portion therefrom was erroneously issued a Certificate of Land Ownership Award; That ownership of the petitioner was derived from the original allocatee of the subject land in the name of Temestocles Auditor who executed a Deed of Absolute Sale on August 24, 1964, that the petitioner religiously paying the corresponding real property taxes as evidenced by tax receipts; that as an owner thereof, petitioner take actual possession of the subject land, regularly cultivated and introduced valuable improvements there on; that the respondents misrepresented themselves as the owner and actual tiller of the subject land with DAR, and account of the said misrepresentation a TCT No. T-959 with CLOA No. 00235675, covering a portion or an area of 3.6421 hectares of the subject land was erroneously generated, this matter was brought to the PARO, Bohol for possible amicable settlement but to no avail.

In Answer to the said petition, respondents state among others, that this Board has no jurisdiction of the instant case for there is no tenancy relationship; that respondents are long time possessors-cultivators and owners of the subject land covered by TCT No. 595.

Deed of Absolute Sale, Affidavit of Transfer of Real Property,

Declaration of Real Property and other material instrument to declare him as an owner of the subject property.

Respondents in support to his stand also submitted various documents, such as affidavits, Tax Declaration and tax receipts.

Obviously, petitioner based on the evidences and documents thus submitted, acquired the subject property by purchase as shown in the Deed of Absolute Sale while the respondents maintained that they are a long time possessors-cultivators and ownership.

After a painstakingly study of this petition and the annexes as well as the documentary evidences presented, the sole issue is WHETHER this Board has jurisdiction to cancel TCT No. 959 with CLOA No. 00235675.

Under paragraph f, Rule II Jurisdiction of Adjudication Board, expressly states, *Those involving the issuance, correction and cancellation of CLOA and Emancipation Patents xxx*

Cancellation as mentioned, refers to the cancellation of title or CLOA by the Board limited only if the subject land is exempted or excluded from the coverage of the CARP after the final resolution of the Department of Agrarian Reform. In the instant petition being that the subject land is covered by a CLOA, the land therefore is covered by the CARP. The identification of the land to be subjected to the CARP is purely administrative in nature hence, it is within the jurisdiction of the DAR. Petitioner claiming that the subject land was acquired by him through purchase and cannot be subjected to the coverage of the CARP, the initial move is to file for exemption or

Board after favorable resolution by the DAR which is final and executory.

WHEREFORE, judgment is hereby rendered DISMISSING the instant petition for lack of jurisdiction.

SO ORDERED.

Tagbilaran City, Philippines, 26 June 2001.

ATTY. ROMUALDO S. SIPACIO  
Provincial Adjudicator

copy received :

Engracia Lingo  
- Engracia Lingo

GONZALO LINCO,  
Petitioner.

- VERTAUS -

GABINO AUDITOR and  
JIMMY AUDITOR  
Respondents.

DARAB CASE NO. VII-2011-36-2000

For: CANCELLATION OF TCT NO. 959  
WITH CLOA NO. 00235675

## **POSITION PAPER**

PETITIONER, by counsel, unto this Honorable Office, most respectfully states:

**STATEMENT OF FACTS AND OF THE CASE**

The land subject matter of this present action is located at Barangay Sinandigan, Ubay, Bohol. The same land was previously owned by Temestocles Auditor who sold the same to petitioner Gonzalo Lingo, sometime in 1964. (Please see Annex "A" hereof, the Deed of Absolute Sale dated August 24, 1964) covering an area of 6.535 hectares. Since then, Gonzalo Lingo and his family have been in open, public, adverse, peaceful, actual, physical and continuous possession of the property in the concept of an owner, planted the said area with crops and introduced valuable improvements thereon (please see Annex "B") affidavit of Adjoining Owners.

Petitioner also declared the same land for taxation purposes (please see Annex "C", "D", "E", "F" and "G") which are the Affidavit of Transfer of Real Property, dated September 28, 1946; Declaration of Real Property, dated November 19, 1964; Declaration of Real Property with Tax Declaration No. 45-034-0984, dated June 30, 1999; Certification of Bohol Provincial Assessor, dated November 18, 1964; and Certification of Bohol Asst. Provincial Assessor, dated June 30, 1999.

Respondents misrepresented themselves as the owner and actual tiller of the subject land before the Officers of the Department of Agrarian Reform.\* Such misrepresentation resulted to the issuance of a Transfer Certificate of Title (TCT) No. 959, with Certificate of Land Ownership Award (CLOA) No. 00235673, covering an area of 3.6421 hectares. The said TCT-CLOA was issued to the respondents despite the vigorous objection of petitioner.

## ISSUES

- 1. WHETHER OR NOT TCT NO. 959 WITH CLOA NO. 00235675**

2. WHETHER OR NOT PETITIONER IS ENTITLED UNDER THE LAW TO BE AWARDED WITH THE SUBJECT LAND AND THE ISSUANCE OF THE CORRESPONDING TCT-CLOA IN FAVOR OF PETITIONER.

DISCUSSIONS/ARGUMENTS

RESPONDENTS TCT NO. 959 WITH CLOA NO. 00235675 BE CANCELLED

Respondents misrepresented to the Officers of the DAR when they inquired as to who is the actual occupant and tiller of the said property. Respondents were the owners of an adjacent property of the petitioner. When they were asked by the Officers of DAR during inspection as to who is the actual occupant and tiller of said property they included in their declaration the property of petitioner.

Respondents misled the Officers of DAR by claiming to be the owner of the 3.6421 hectares owned and belonging to the petitioner. When in fact petitioner has been the owner of said property since 1964 or for more than 30 years.

By the act itself of respondents in misrepresenting themselves as occupant and tiller of the subject property and in misleading the Officers of DAR constitute bad faith on the part of respondents which would necessitate the cancellation of TCT No. 959 with CLAO No. 00235675 issued to respondents.

There was indeed fraud committed by the respondents when they misrepresented themselves as the actual occupant and tiller of the subject property and mislead the Officers of DAR.

In awarding the said property to the respondents it tantamounted in the deprivation of property without due process of law. It is enshrined in our Constitution that no person shall be deprived of life, liberty and property without due process of law. The act itself of the Officers of the DAR in issuing TCT No. 959 with CLAO No. 00235675 and in awarding the subject property to the respondents is a violation of the constitutional rights of the petitioner.

PETITIONER IS ENTITLED TO THE SUBJECT PROPERTY AND FOR THE ISSUANCE OF TCT WITH CLOA ON THE SAID PROPERTY

Petitioner is the actual occupant and tiller of said property

has been claiming in good faith that the land belongs to him.

He already introduced valuable improvements to the subject property from the time he acquired it. As petitioner has been in actual, adverse and continuous possession of the property in the concept of an owner since 1964 or more than 30 years as shown by Annexes "A", "B", "C" and "D" hereof, petitioner has therefore, in a matter of law, acquired the property by prescription. And for that matter, petitioner is entitled to the subject property for the simple reason that the law recognizes his right and ownership of the property by prescription.

Petitioner belongs to the poor and the underprivileged. A farmer by occupation and who is dependent so much on the disputed land he tills - a qualified farmer beneficiary so to speak. To deny him with this land under litigation is repugnant to the very purpose and intent of the agrarian reform law.

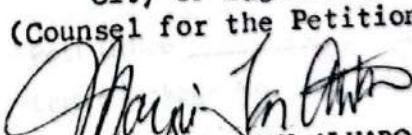
WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Office to consider the herein Position Paper and that TCT No. 959 with CLOA No. 00235675 be cancelled and another TCT with CLOA be issued in the name of petitioner.

Other reliefs consistent with law, justice and equity are also prayed for.

City of Tagbilaran, Philippines, December 6, 2000.

PUBLIC ATTORNEY'S OFFICE  
Department of Justice  
City of Tagbilaran  
(Counsel for the Petitioner)

By:

  
MARGIE C. TAN-ALVARO  
Public Attorney II  
IBP NO. 480958-5/9/2000-Misamis Oriental

(page 4 - Verification)

REPUBLIC OF THE PHILIPPINES )  
PROVINCE OF BOHOL )  
CITY OF TAGBILARAN )

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

I, GONZALO LINGO, Filipino, of legal age, married and a resident of Sinandigan, Ubay, Bohol, after having been duly sworn in accordance with law, depose and say:

1. That I am the Petitioner in the above-entitled case;
2. That I have caused the preparation of the foregoing Position Paper;
3. That I have read and understood the allegations contained herein;
4. That all the allegations herein are true and correct to the best of my own personal knowledge.

IN WITNESS WHEREOF, I have hereunto affixed my signature this — day of December 2000 in the City of Tagbilaran, Philippines.

*Gonzalo Lingo*  
GONZALO LINGO  
(Affiant)

SUBSCRIBED AND SWORN TO before me this 7 day of December 2000 in the City of Tagbilaran, Philippines. Affiant exhibited to me his Comm. Tax Cert. No. 03390758 issued on 05-08-00 at Arg. Sinandigan, Ubay

*Perpetuo G. Macallano*  
PERPETUO G. MACALLANO  
Notary Public  
Until December 31, 2000

Copy furnished:

Atty. Elesio Boyles  
Counsel for the Respondents  
Poblacion, Ubay, Bohol

Municipal Agrarian Reform Officer  
Department of Agrarian Reform  
Ubay, Bohol

REGISTRY RECEIPT

Post Office \_\_\_\_\_  
Letter/Package No. 9631  
Posted on 19 \_\_\_\_\_  
Preserve this receipt for reference in case of inquiry

Postmaster/Teller

REGISTRY RECEIPT

Post Office \_\_\_\_\_  
Letter/Package No. 9632  
Posted on 19 \_\_\_\_\_  
Preserve this receipt for reference in case of inquiry

Postmaster/Teller

the sum of FIVE PESOS (P5,000.00), Philippine Currency, to me in hand by GONZALO LINGO, likewise Filipino, 30 years of age, married to Engracia Auditor, and resident of sitio Sinandigan, barrio of Union, Ubay, Bohol, the receipt of which sum of money is hereby expressly acknowledged, by these presents I do hereby forever sell, transfer and convey unto the said GONZALO LINGO, his heirs, successors and assigns A PARCEL OF AGRICULTURAL LAND TOGETHER WITH ALL IMPROVEMENTS EXISTING THEREON, free from all charges, liens, and encumbrances which it more particularly bounded and described as follows:

(1) A land suitable for rice, corn, canes and coconut plantations; (2) Situated at sitio Sinandigan-Union, Ubay, Bohol; (3) Having an area of 6.535 hectares more or less; (4) Bounded on North, by Agapito Ouyag; on the East, still by Agapito Ouyag; on the South, by Candido Auditor; by the Government Stock Farm; (5) It is covered by Tax Declaration No. R-9998; (6) Assessed to the total value of P1,110.00; (7) With actual improvements consisting of 140 fruit bearing coconut trees, 30 young coconut trees, Nanca, romlon and other plants; (8) With actual occupant in the person of the herein vendor Gonzalo Lingo; and (9) With no visible monuments.

The above-described land with improvements is exclusively and absolutely my own. My possession has been under claim of title, actual, continuous, uninterrupted, open, peaceful and adverse to all others for a period of more than thirty years to date.

That I, for myself, my heirs, successors and assigns do hereby covenant and agree to and with GONZALO LINGO, his heirs, successors and assigns to warrant and defend the title of this sale against whomsoever lawfully claiming or to claim the same.

That previous notices were served to adjoining owners regarding this sale, but they showed no interest to buy the land except the vendee.

The above-described has not been registered under the provisions of Act No. 496 neither under the Cadastre Law nor under the Spanish Mortgagage Law and that it is the agreement of the parties herein to register this Deed if the office of the Register of Deeds for the province of Bohol in accordance with the provisions of Act No. 3344 as amended.

IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of August, 1964, in the Municipality of Ubay, Bohol, Philippines.

SIGNED IN THE PRESENCE OF:

Zambo Auditor

Fernando M. R.

Temestocles Auditor

(Vendor)

With my marital consent:

Pilar Mendez

PILAR MENDEZ

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES  
MUN. OF UBAY, PROV. OF BOHOL

} S.S.

Before me the undersigned Notary Public for the Municipality of Ubay, Bohol, personally appeared Temestocles Auditor with his wife Pilar Mendez both known to me to be the very same persons who signed and executed the foregoing instrument of absolute sale of a parcel of land under Tax No. R-9998, located at Sinandigan-Union, Ubay, Bohol, and they acknowledged to me that the same is their own free will and voluntary act deed. Affiant Temestocles Auditor exhibited to me his Res. Certificate No. A-1236360, issued at Ubay, Bohol, on August 27, 1964.

IN WITNESS WHEREOF, I have hereunto affix my notarial seal and set my hand this 27 day of August, 1964, at Ubay, Bohol, Philippines.

Reg. No. 310  
Page No. 77  
Book No. 13  
Series 1964.

MELQUADES G. REYES

Notary Public

Until December 31, 1964

WE, FERNANDO AUMENTAOC, CLIGARIO MALINAO and EUTINIO CUYAG, all Filipinos, of legal ages, married and residents of Sinandigan, Ubay, Bohol, after being sworn to in accordance with law, hereby depose and say:

1. That we personally know and are acquainted with Mr. Gonzalo Lingo, Sr. as he is a native resident of Sinandigan, Ubay, Bohol;

2. That we also personally know that the said Mr. Gonzalo Lingo, Sr. is an owner of a real property situated at Sinandigan, Ubay, Bohol which is designated as Lot No. 11266 of the Cadastrel Survey-Public Land Survey 554-D which has an area of 16,056 sq. meters;

3. That we hereby declare and confirm that the said person, Mr. Gonzalo Lingo, Sr. has been in possession of the aforesaid property in the concept of an owner, public, peaceful and continuous for more than thirty (30) years already;

4. That we hereby support for his application for the issuance of a certificate of title over the land as he is rightfully entitled as being an absolute owner thereof;

5. That we are executing this affidavit in order to prove the foregoing facts and to support for whatever purposes this may serve especially his intention to apply for a patent title with the Department of Environment and Natural Resources.

IN WITNESS WHEREOF, we have hereunto set our hands this 21st day of July, 1999 at Talibon, Bohol, Philippines.

*Fernando Aumentaoc* *CLIGARIO MALINAO* *Eutinio Cuyag*  
FERNANDO AUMENTAOC CLIGARIO MALINAO EUTINIO CUYAG  
Affiant Affiant Affiant  
CTC No. \_\_\_\_\_ CTC No. \_\_\_\_\_ CTC No. \_\_\_\_\_  
Date: 21 Date: \_\_\_\_\_ Date: \_\_\_\_\_  
Place: \_\_\_\_\_ Place: \_\_\_\_\_ Place: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me this 21st day of July, 1999 at Talibon, Bohol, Philippines.

*J. B. B.*

Issued at ... Ubay, Bohol  
Firmado en ...

Municipality of ... Ubay  
Municipio de ...

Personally appeared before me, the undersigned official,  
Personalmente compareció ante mí, el funcionario que suscribe,  
he, being duly sworn according to law, deposes and says:  
yo, después de prestar el debido juramento, con arreglo a la ley, expreso

GONZALO LINGO  
(Name of transferee—Nombre del cessionario)

That on the 29 day of August , 19 64 , he

bought  
compró  
handed over  
entregó  
received as donation  
recibido como donación

from

Tenestocles Auditor

, a resident of the Municipality of ... Ubay

Province of ... Bohol  
Provincia de ... Bohol

the real property situated in the Barrio  
los bienes inmuebles situados en el Barrio

of Sinandigan

Municipality of ... Ubay

Province of ... Bohol

, and described in the records of the Provincial Treasurer's  
y descrito en el registro de la oficina del Tesorero  
under Tax No. R- 9998 and that he is now the  
bajo el número de impuesto y que él es actualmente el

legal owner of the said real property.  
el legítimo dueño de dichos bienes inmuebles.

In testimony whereof he has hereunto affixed his signature.  
En testimonio de lo cual, firma el presente documento.

[SEAL]  
[Sello]

GONZALO LINGO

(Signature of transferee—Firma del cessionario)

Subscribed and sworn to before me this 29 day of .

August , 19 64

Sac a titulado doc.  
Reg. No. 310  
Page No. 79  
Book No. 3  
Series of 1964

Hobuffy Public Melquiades Reyes Until Dec. 31, 1964

C. B. LARASTILLA

Presidente del Comité de Recaudación, Municipal Treasurer,  
Comisionado de Recaudación, o any other person authorized  
to administer oath—Juezador Provincial, Tasador  
Delegado, Tesorero Municipal, Alcalde Municipal, Notario  
Público, o cualquier otra persona facultada a tomar  
juramentos.

### TRANSFEROR'S AFFIDAVIT DECLARACION JURADA DEL CESIONISTA

Residence Certificate No. ....  
Certificado de Residencia Núm.

Dated ...  
fechado

Issued at ...  
diligenciado en

Province of ...  
Provincia de ...

Municipality of ...  
Municipio de ...

Personally appeared before me, the undersigned official,  
Personalmente compareció ante mí, el funcionario que suscribe,

(Name of transferor—Nombre del cessionista)

who, being duly sworn according to law, deposes and says:  
yo, después de prestar el debido juramento con arreglo a la ley, expreso

That on the

day of

, 19

sold  
vendió  
donated  
donó

to

, a resident of the Municipality of ...  
residente en el Municipio de ...

the real property situated in the Barrio  
los bienes inmuebles situados en el Barrio

Province of ...  
Provincia de ...

of ...  
de ...

Province of ...  
Provincia de ...

office, Province of ...  
de la Provincia de ...

Municipality of ...  
Municipio de ...

and described in the records of the Provincial Treasurer's  
y descrito en el registro de la oficina del Tesorero

under Tax No. .... and that the said  
bajo el número de impuesto y que dicho

is now the legal owner of the above-mentioned real property.

es hoy el legítimo dueño de los bienes inmuebles arriba mencionados.

In testimony whereof he has hereunto affixed his signature.

En testimonio de lo cual, firma el presente documento.

(Signature of transferor—Firma del cessionista)

Subscribed and sworn to before me this ... day of ...

, 19

Suscripto y jurado ante mi hoy día

Presidente, Assesser, Deputy Assessor, Municipal Treasurer,

Presidente

**IMPORTANT**.—Issued for taxation purposes only and should not be considered as title to the property.

Municipality

, Province

**DESCRIPTION AND OTHER PARTICULARS OF PROPERTY**

Location of property **Sinmonigan**, **Ubay**, **Bebot**  
(Barrio) (Municipality) (Province)

Certificate of Title No. , Cadastral Lot No. , Assessor's **Lot No.**  
Boundaries:

North **Agapito Guing**

South **Conillio Auditor**

East **" "**

West **Stock Farm**

(State names or surnames by which bounded, or names of owners of adjoining lands)

**I.—LAND (RURAL)**

**PER OWNER'S DECLARATION**

KIND OF LAND (Agricultural, Past., etc.)	AREA (In Hectares)	ANNUAL PRODUCT (In Hectares)	VALUE
Cocal	2.0000	2-0	₱ 400.00
Paley, low-	.	.	
Pani-Paley,	.6000	1-0	150.00
Pibid	4.0350	1-0	1,008.75
Total	6.5350		₱ 1,558.75

**ASSESSOR'S FINDINGS**

KIND OF LAND	AREA	CLASSIFICATION	VALUE
*4117-4-1	64	590.00	

*Gonzalo Renteria*

**II.—LAND (URBAN)**

**PER OWNER'S DECLARATION**

KIND OF LAND (Residential, Commercial, etc.)	AREA	VALUE
<b>CANCELLED BY</b>		
<b>TAX NO. 7-7732</b>		

**ASSESSOR'S FINDINGS**

KIND OF LAND	AREA	CLASSIFICATION	VALUE

**III.—IMPROVEMENTS, INCLUDING MACHINERY**

(If more space is needed, attach separate statement)

**PLANTS AND TREES**

**PER OWNER'S DECLARATION**

KIND AND NUMBER OF PLANTS AND TREES	ANNUAL PRODUCT (Give quantity, not value)	VALUE (Of improvements)
145 coconut trees	1-0	₱ 580.00
Total		₱ 580.00

**ASSESSOR'S FINDINGS**

KIND AND NUMBER OF PLANTS AND TREES	ANNUAL PRODUCTS	CLASSIFICATION	VALUE

\* Owner may indicate only the valuation of the entire parcel if the value of each portion thereof cannot be determined.

—A140

testimony whereof he has hereunto affixed his signature.

encontrado de lo cual, firmo el presente en la



November 16, 1964

TO WHOM IT MAY CONCERN:

This is to certify that, according to the records of this Office, the following tax declarations have been issued by this Office in lieu sequentially of each other, in whole or in part, viz:

Tax Dec. Number	Year Issued	Declared Owner	Location of Property	Superseded Declaration
11184	1959	Camidre Auditor	Sinangigan, Davao	12229
17259	1961	Timestuelas Auditor	"	R-687
R-9907	1964	Timestuelas Auditor	"	N/A
R-9908	1964	" "	"	( R-857 )
R-14977	1964	Gaspale Linge	"	( R-9907 ) R-9908

\* \* \* \* \*

Issued upon the request of Gaspale Linge, the declared owner.

GETULIO D. CALOPE  
Provincial Assessor

RECEIVED AUGUST TWENTIETH, ONE THOUSAND SIXTY FOUR  
Issued at Davao, Davao, Philippines, on November 16, 1964.  
I have received this original copy and not  
by hand or by mail on the day of August, 1964, at Davao, Philippines.

Received 8/10  
Page No. 8  
Book No. 1564  
Series 1564

RECEIVED  
RECORDED  
NOV 16 1964  
PROVINCIAL ASSESSOR  
DARAGA, DAVAO, PHILIPPINES

Date

TO WHOM IT MAY CONCERN:

This is to certify that according to the records on file in this office, the following Tax Declarations have been issued by this Office in lieu sequentially of each other in whole or part, viz:

Tax Dec. Number	Year Issued	Declared Owner	Location of Property	Superseded Declaration
11134	1973	Sancto Auditor	11010, Bay, Minn.	Tex
45-34-001	-	-do-	-do-	11134
65034	1973	Sancto Auditor	Si pendit, Minn.	1-2-2
A-1267	1973	Sancto Auditor	-do-	Tex
A-1268	1973	-do-	-do-	A-1267
A-1269	1973	Sancto Auditor	-do-	A-1268
A-1270	1973	Sancto Auditor	-do-	A-1269
A-1271	1973	Sancto Auditor	-do-	A-1270
11134-0016	1973	-do-	-do-	A-1271
65034-135	1973	-do-	-do-	A-1271
8-12740	1973	Fins Auditor	-do-	Tex
5-11510	1973	Gonzalo Lingo	-do-	8-12740 part
45-34-0210	-	-do-	-do-	5-11510
65034-134	-	-do-	-do-	45-34-0210
65034-133	-	-do-	-do-	65034-134
65-34-127	1973	-do-	-do-	65034-133
65-34-134	1973	-do-	-do-	65034-133

Issued at the request of Mr. Gonzalo Lingo for record purposes.

*P. Sandoval*  
P. Sandoval  
Asst. Provincial Assessor

0031551457

0031551458

0031551459

CITY OF TAGBILARAN

DATE: 12/8/2001 TIME: 3:00  
NAME: L. L. Sison

GONZALO LINGO,  
Petitioner,

DARAB CASE NO. VII-BON-26-2000

- VERSUS -

GABINO AUDITOR and  
JIMMY AUDITOR  
Respondents.

For: CANCELLATION OF TCT NO. 959  
WITH CLOA NO. 00235675

X -----

POSITION PAPER

PETITIONER, by counsel, unto this Honorable Office, most respectfully states:

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Respondents misrepresented themselves as the owner and actual tiller of the subject land before the Officers of the Department of Agrarian Reform. Such misrepresentation resulted to the issuance of a Transfer Certificate of Title (TCT) No. 959, with Certificate of Land Ownership Award (CLOA) No. 00235673, covering an area of 3.6421 hectares. The said TCT-CLOA was issued to the respondents despite the vigorous objection of petitioner.

I S S U E S

1. WHETHER OR NOT TCT NO. 959 WITH CLOA NO. 00235675

2. WHETHER OR NOT PETITIONER IS ENTITLED UNDER THE LAW TO BE AWARDED WITH THE SUBJECT LAND AND THE ISSUANCE OF THE CORRESPONDING TCT-CLOA IN FAVOR OF PETITIONER.

DISCUSSIONS/ARGUMENTS

RESPONDENTS TCT NO. 959 WITH CLOA NO. 00235675 BE CANCELLED

Respondents misrepresented to the Officers of the DAR when they inquired as to who is the actual occupant and tiller of the said property. Respondents were the owners of an adjacent property of the petitioner. When they were asked by the Officers of DAR during inspection as to who is the actual occupant and tiller of said property they included in their declaration the property of petitioner.

Respondents misled the Officers of DAR by claiming to be the owner of the 3.6421 hectares owned and belonging to the petitioner. When in fact petitioner has been the owner of said property since 1964 or for more than 30 years.

By the act itself of respondents in misrepresenting themselves as occupant and tiller of the subject property and in misleading the Officers of DAR constitute bad faith on the part of respondents which would necessitate the cancellation of TCT No. 959 with CLOA No. 00235675 issued to respondents.

There was indeed fraud committed by the respondents when they misrepresented themselves as the actual occupant and tiller of the subject property and mislead the Officers of DAR.

In awarding the said property to the respondents it tantamounted in the deprivation of property without due process of law. It is enshrined in our Constitution that no person shall be deprived of life, liberty and property without due process of law. The act itself of the Officers of the DAR in issuing TCT No. 959 with CLOA No. 00235675 and in awarding the subject property to the respondents is a violation of the constitutional rights of the petitioner.

PETITIONER IS ENTITLED TO THE SUBJECT PROPERTY AND FOR THE ISSUANCE OF TCT WITH CLOA ON THE SAID PROPERTY

Petitioner is the actual occupant and tiller of said property

REPUBLIC OF THE PHILIPPINES  
PROVINCE OF BOHOL  
CITY OF TAGBILARAN

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

I, GONZALO LINGO, Filipino, of legal age, married and a resident of Sinandigan, Ubay, Bohol, after having been duly sworn in accordance with law, depose and say:

1. That I am the Petitioner in the above-entitled case;
2. That I have caused the preparation of the foregoing Position Paper;
3. That I have read and understood the allegations contained herein;
4. That all the allegations herein are true and correct to the best of my own personal knowledge.

IN WITNESS WHEREOF, I have hereunto affixed my signature this — day of December 2000 in the City of Tagbilaran, Philippines.

*Gonzalo Lingo*  
GONZALO LINGO  
(Affiant)

SUBSCRIBED AND SWORN TO before me this 9 day of December 2000 in the City of Tagbilaran, Philippines. Affiant exhibited to me his Comm. Tax Cert. No. 03390758 issued on 07-08-2000 at Sinandigan, Ubay

*Perpetuo G. Magallano*  
PERPETUO G. MAGALLANO  
Notary Public  
Until December 31, 2000

Copy furnished:

Atty. Elesio Boyles  
Counsel for the Respondents  
Poblacion, Ubay, Bohol

*Ry. Recd # 9631 - 12-8-2000*

Municipal Agrarian Reform Officer  
Department of Agrarian Reform  
Ubay, Bohol

*Ry. Recd # 9632 - 12-8-2000*

THOUSAND FIVE HUNDRED PESOS (\$500.00), 50 years of age, married to ENGRAVIA AUDITOR, LINGO, likewise Filipino, 30 years of age, resident of sitio Sinandigan, barrio of Union, Ubay, Bohol, the re-presents I do hereby forever sell, transfer and convey unto the said GONZALO LINGO, his heirs, successors and assigns A PARCEL OF AGRICULTURAL LAND TOGETHER WITH ALL IMPROVEMENTS EXISTING THEREON, free from all charges, liens, and encumbrances which is more particularly bounded and described as follows:

(1) A land suitable for rice, corn, camote and coconut plantations; (2) situated at sitio Sinandigan-Union, Ubay, Bohol; (3) Having an area of 6.535 hectares more or less; (4) Bounded on North, by Agapito Ouyag; on the East, still by Agapito Ouyag; on the South, by Candido Auditor; by the Government Stock Farm; (5) It is covered by Tax Declaration No. R-9998; (6) Assessed to the total value of P1,110.00; (7) With actual improvements consisting of 140 fruit bearing coconut trees, 30 young coconut trees, Ranca, rambutan and other plants; (8) With actual occupant in the person of the herein vendee Gonzalo Lingo; and (9) With no visible monuments.

The above-described land with improvements is exclusively and absolutely my own. My possession has been under claim of title, actual, continuous, uninterrupted, open, peaceful and adverse to all others for a period of more than thirty years to date.

That I, for myself, my heirs, successors and assigns do hereby covenant and agree to and with GONZALO LINGO, his heirs, successors and assigns to warrant and defend the title of this sale against whomsoever lawfully claiming or to claim the same.

That previous notices were served to adjoining owners regarding this sale, but they showed no interest to buy the land except the vendee.

The above-described has not been registered under the provisions of Act No. 496 neither under the Cadastre Law nor under the Spanish Mortgage Law and that it is the agreement of the parties herein to register this Deed in the office of the Register of Deeds for the province of Bohol in accordance with the provisions of Act No. 3344 as amended.

IN WITNESS WHEREOF, I have hereunto set my hand this 27 day of August, 1964, in the Municipality of Ubay, Bohol, Philippines.

SIGNED IN THE PRESENCE OF:

Gabino Sustiza  
Fernando M. Linge

Candido Auditor  
TEMESTOCLES AUDITOR  
(Vendor)

With my marital consent:

Pilar Mendez  
PILAR MENDEZ

REPUBLIC OF THE PHILIPPINES }  
PROV. OF BOHOL } RUN. OF UBAY, PROV. OF BOHOL } S.S.

Before me the undersigned Notary Public for the Municipality of Ubay, Bohol, personally appeared Temestocles Auditor with his wife Pilar Menendez both known to me to be the very same persons who signed and executed the foregoing instrument of absolute sale of a parcel of land un-nominated to me that the same is their own free will and voluntary act No. A-123626, issued at Ubay, Bohol, on August 27, 1964.

IN WITNESS WHEREOF, I have hereunto affix my notarial seal and set my hand this 27 day of August, 1964, at Ubay, Bohol, Philippines.

Reg. Not. 340  
Page No. 42  
Book No. 73  
Series 1964

HELIQUINAS G. REYES  
Notary Public  
Until December 31, 1964

WE, RUBEN G. AUMENTADO & WILDO VALINAO AND EUTIVIC  
CUYAG, all fully 18, of legal age, married and residents of  
Siangdigan, Bohol, hereby affirm hereby swear to in accordance  
with law, before God, the true and say:

1. That we personally know and are acquainted with  
Mr. Gonzalo Linge, Sr. as a native resident of Siangdigan,  
Bohol, Philippines;
2. That we also personally know that the said Mr. Gonzalo  
Linge, Sr. is the owner of a real property situated at Siangdigan,  
Bohol which is designated as Lot No. 11265 of the Cadastral  
Survey-Public Land Survey 554-D which has an area of 16,066 sq.  
meters;
3. That we hereby declare and confirm that the said person,  
Mr. Gonzalo Linge, Sr. has been in possession of the aforesaid  
property in the capacity of an owner, public, peaceful and contin-  
uous for more than thirty (30) years already;
4. That we hereby support for his application for the  
issuance of a certificate of title over the land as he is right-  
fully entitled as being an absolute owner thereof;
5. That we are executing this affidavit in order to prove  
the foregoing facts and to support for whatever purposes this may  
serve especially his intention to apply for a patent title with  
the Department of Environment and Natural Resources.

IN WITNESS WHEREOF, we have hereunto set our hands this  
21 day of July, 1999 at Talibon, Bohol, Philippines.

<i>Fernando Aumentado</i> FERNANDO AUMENTADO Affiant	<i>Clyde Cuyag</i> CLYDE CUYAG Affiant	<i>Eutivic Cuyag</i> EUTIVIC CUYAG Affiant
CTC No. _____	CTC No. _____	CTC No. _____
Date: 21	Date: _____	Date: _____
Place: _____	Place: _____	Place: _____

SUBSCRIBED AND SWORN to before me this 21 day of July  
1999 at Talibon, Bohol, Philippines.

*Attest*

*Notary Public*

Personally appeared before me, the undersigned official,  
Personalmente compareció ante mí, el funcionario que suscribe,  
who, being duly sworn according to law, deposes and says:  
qui, después de prestar el debido juramento con arreglo a la ley, expone:

That on the 29 day of August,

GONZALO LINCO  
(Name of transferor - Nombre del cessionista)

, 19 64, he bought  
compró  
battered  
batió  
from  
declarado de cláusulas  
notario como dueño

Teresitoles Auditor, a resident of the Municipality of

Province of Bohol, Municipality of Sinandigan

Province of Bohol, Municipality of

Province of Bohol, Municipality of, the real property situated in the Barrio  
de Ubay, los bienes inmuebles situados en el Barrio

legal owner of the said real property.

In testimony whereof he has hereunto affixed his signature.  
En testimonio de lo cual, firma el presente documento.

[SEAL]  
(Sello)

Subscribed and sworn to before me this 29 day of

August, 19 64.

Sac a attched doc.

Reg. No. 310

Page No. 79

Book No. 3

Series of 1964

Notify Public Melquiades Reyes Until Dec. 31, 1964

**TRANSFEROR'S AFFIDAVIT**  
**DECLARACION JURADA DEL CESIONISTA**

Residence Certificate No.

Certificado de Residencia Núm.

Dated

Fechado

Issued at

Expedido en

Province of

Provincia de

Municipality of

Municipio de

Personally appeared before me, the undersigned official,

Personalmente compareció ante mí, el funcionario que suscribe,

who, being duly sworn according to law, deposes and says:

qui, después de prestar el debido juramento con arreglo a la ley, expone:

That on the

day of

, 19 , he sold  
vendió  
donated  
dono

, a resident of the Municipality of

residente en el Municipio de

Province of

Provincia de

of

de

Province of

Provincia de

office, Province of

de la Provincia de

and described in the records of the Provincial Treasurer's  
y descrito en el registro de la oficina del Tesorero

under Tax No. .... and that the said  
bajo el número de impuesto y que dicho

, is now the legal owner of the above-mentioned real property.  
es hoy el legítimo dueño de los bienes inmuebles arriba mencionados.

In testimony whereof he has hereunto affixed his signature.  
En testimonio de lo cual, firma el presente documento.

(Signature of transferor - Firma del cessionista)

Subscribed and sworn to before me this

day of , 19 .

TESTI

Productor, Asesor, Deputy Assessor, Municipal Treasurer,

**IMPORTANT.—Issued for taxation purposes only and should not be considered as title to the property.**

**DESCRIPTION AND OTHER PARTICULARS OF PROPERTY**

Location of property **Sinondigan**

(Barrio)

Ubay

(Municipality)

Bolio

(Province)

Certificate of Title No.

Cadastral Lot No.

Assessor's

Lot No.

Boundaries:

Block No.

North Agapito Guyog

South

Gandlio Auditor

East " "

West

Stock Farm

(State streets or streams by which bounded, or names of owners of adjoining lands)

**I.—LAND (RURAL)**

**PER OWNER'S DECLARATION**

Kind of Land (As tobacco, rice, etc.)	Area (In hectares)	AVERAGE ANNUAL PRODUCT (Per hectare)	Value	ASSESSOR'S FINDINGS			
				Kind of Land	Area	Classification	Value
Cocoal	2.0000	1-a	£ 400.00	Coconut	2.0000	340.00	1-a
Paley, low-				19	64		
Japi	.6000	1-a	150.00	Lingo			
Paley Upsho	4.0350	1-a	1,008.75	factory			
TOTAL	6.5350		£ 1,558.75	Milk	14	447	

**II.—LAND (URBAN)**

**PER OWNER'S DECLARATION**

Kind of Land (As residential, commercial, etc.)	Area	Value	ASSESSOR'S FINDINGS			
			Kind of Land	Area	Classification	Value

**CANCELLED BY**

**TAX NO. 1-7754**

**III.—IMPROVEMENTS, INCLUDING MACHINERY**

(If more space is needed, attach separate statement)

**PLANTS AND TREES**

**PER OWNER'S DECLARATION**

Kind and Number of Plants and Trees	Annual Product (Give quantity, not value)	Value (of improve- ments)	ASSESSOR'S FINDINGS			
			Kind and Number of Plants and Trees	Annual Product	Classifica- tion	Value
145 coconut trees	1-a	£ 580.00				
TOTAL		£ 580.00				

\* Owner may indicate only the valuation of the entire parcel if the value of each portion thereof cannot be determined.

11-198140

In testimony whereof he has hereunto affixed his signature.

En testimonio de lo cual, firma el presente

ento

Date

## TO WHOM IT MAY CONCERN:

This is to certify that according to the records on file on this office, the following Tax Declarations have been issued by this Office in lieu sequentially of each other in whole or part, viz:

Tax Dec. Number	Year Issued	Declared Owner	Location of Property	Superseded Declaration
11134	1973	Gonzalo Auditor	Pinola, May, 1961	New
11135	-do-	-do-	-do-	11134
11136	1973	Mathewson Auditor	Siemidala, Jay	1973
11137	-do-	-do-	-do-	11136
A-11138-1	1973	-do-	-do-	A-11137, 1973
A-11139-1	1973	Gonzalo Lino	-do-	R-12360-part
R-11140	1973	-do-	-do-	R-11137
R-11141-10	1973	-do-	-do-	R-11138
R-11141-15	1973	-do-	-do-	R-11139
R-11141-16	1973	-do-	-do-	R-11140
R-11141-17	1973	-do-	-do-	R-11141
R-11141-18	1973	-do-	-do-	R-11142
R-11141-19	1973	-do-	-do-	R-11143
R-11141-20	1973	-do-	-do-	R-11144
R-11141-21	1973	-do-	-do-	R-11145
R-11141-22	1973	-do-	-do-	R-11146
R-11141-23	1973	-do-	-do-	R-11147
R-11141-24	1973	-do-	-do-	R-11148
R-11141-25	1973	-do-	-do-	R-11149
R-11141-26	1973	-do-	-do-	R-11150
R-11141-27	1973	-do-	-do-	R-11151
R-11141-28	1973	-do-	-do-	R-11152
R-11141-29	1973	-do-	-do-	R-11153
R-11141-30	1973	-do-	-do-	R-11154
R-11141-31	1973	-do-	-do-	R-11155
R-11141-32	1973	-do-	-do-	R-11156
R-11141-33	1973	-do-	-do-	R-11157
R-11141-34	1973	-do-	-do-	R-11158
R-11141-35	1973	-do-	-do-	R-11159

Issued at the request of Mr. Gonzalo Lino for records  
purposes.

*P-11140-17*  
*P-11140-17*  
Ass't, Provincial Assessor  
O.I.

0031551457

0031551458

0031551459

TIME: 0.00  
NAME: J. Jimenez

GONZALO LINGO  
Petitioner,

-versus-

DARAB CASE NO. VII-B-26-2000  
FOR  
CANCELLATION OF  
TCT NO. 959, with  
CLOA NO. 00235675

GABINO AUDITOR,  
JIMMY AUDITOR,  
Respondents.

x x x - - - - - x - - - - - x x x

POSITION OF THE RESPONDENTS

The respondents, to the Honorable DAR Adjudicator for the Province of Bohol, most respectfully state :

1. That respondents question the jurisdiction of this Honorable Office to render Judgment of the issue in the instant case because there is no tenancy relations between the petitioner and the respondents. Cancellation of title pertains to the Jurisdiction of a regular court;

*(P)* 2. That without waiving the jurisdictional question, respondent assert that the land covered by TCT No. 959 was a small portion of a big tract of land that was originally titled for Ubay Stock Farm, (a government property) Ubay, Bohol. Such portion was located at Sinandigan, Ubay, Bohol, covered by T.D. No. 15-034-00315 in the name of Gabino Auditor, et al, having the area of 3.6421 hectares, bounded in the North-W by Road, in the South by Public Land, in the East by Lot-B-271, 272, in the S-West by Lot B-263. And in 1964 Gabino Auditor started his occupation, development, and use and claim ownership of the above-described land. Then in 1980, Jimmy Auditor, son of Gabino, joined his father to farm the .6421 hectare of the aforestated land. Thus, on May 8, 1996, the Department of Agrarian Reform issued TCTC No. 959 to Gabino Auditor, et al (Jimmy Auditor) being the long actual-cultivators of the land (Respondents' long ownership, use and occupation of the land covered by TCT No. 959 are supported by affidavit of Gabino Auditor, affidavit of Jimmy Auditor, affidavit of Casimero

the name of Gabino Auditor, History of the land under T.D. 45-034-0015, Tax Receipt No. 78208993, Please see annexed 1, 2, 3, 4, 5, 6, 7, and 8 of the answer, respectively);

3. On the other hand, Petitioner seeks cancellation of TCT No. 959 in the name of Gabino Auditor, et al because he claims ownership by purchase of the land covered by TCT No. 959. However, in annexed Q" of the Petition, Gonzalo Lingo, bought in 1964 a parcel of land at Sinandigan, Ubay, Bohol covered by T.D. No. R-9998 in the name of Temestocles Auditor, having the area of 6.5350 bounded in the North by Agapito Cuyag; on the East by Agapito Cuyag; on the South by Candido Auditor; on the West by Government Stock Farm. Seller Temestocles Auditor sold his privately owned land which he did not actually occupy for Temestocles resided at Tagbua, Lupon, Davao, Philippines, (Please see annex A of the petition). And Petition Gonzalo Lingo had no actual occupation of his purchased land because he ~~resided~~ resided in Tagbua, Lupon, Davao Oriental from 1967 to 1999 (Please see annexed 9 of the answer);

4. That looking closely the evidences and documents of the instant case, Petitioner Lingo bought a privately owned land at Sinandigan, Ubay, Bohol from Temestocles Auditor, covered by T.D. No. R-9998 with specific bounderies mostly private persons as boundary owners, except that on the West which is Ubay Stock Farm. But respondent Auditor was granted TCT No. 959 due to their actual tilling of a government land (Ubay Stock Farm) at Sinandigan, Ubay, Bohol. The bounderies of his land are different from that of the petitioner. And the area of his titled land is also different. Thus, it is clear that the land of the petitioner is different from the land of the respondents;

5. That the DAR Surveyors, Legal Officers and employees at Ubay, Bohol gave thorough studies of the case before the issuance of TCT No. 959 in the name of the respondents. Their acts are

of the official jurisdictions. And such presumption was not overcome by the evidences of the petitioner.

WHEREFORE, it is most respectfully prayed to dismiss the Petition for lack of Jurisdiction/or the Petition has no merit.

Ubay (for Tagbilaran City), Bohol

November 29, 2000

ATTY. ELYSEO C. BOYLES  
Counsel for the Respondents  
Pob., Ubay, Bohol  
IBP NO. 466744  
PTR NO. 9318044K  
TIN 1282 14-709

The Clerk of  
Adjudication Board  
Bohol, Tagbilaran City

Greetings:

Please submit upon receipt the foregoing pleading to the Honorable Adjudication for consideration.

Thank you.

  
ATTY. ELYSEO C. BOYLES

Copy Furnished by

Registered Mail due to distance, to  
Atty. Dionesio A. Galido  
Rose Building, Tagbilaran City

Post Office Receipt, hereto attached.

ATTY. ELYSEO C. BOYLES

REGISTRY RECEIPT

WPAO

Post Office \_\_\_\_\_  
Letter/Package No. 1432  
Posted on 12-4 10 00  
Preserve this receipt for reference in case of inquiry

R  
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ADJUDICATION BOARD  
B O H O L  
Tagbilaran City

GONZALO LINGO,  
Petitioner,

DARAB CASE NO VII-BOH-26-2000

-versus-

GABINO AUDITOR AND  
JIMMT AUDITOR,  
Respondents.

X-----/

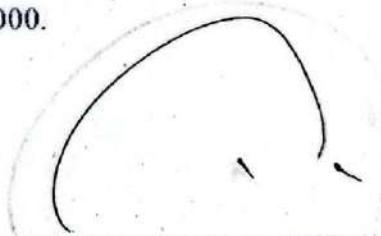
***ORDER***

When this case was called for hearing, petitioner with counsel appeared. However, Respondent Gabino Auditor appeared and manifested that his counsel cannot appear in today's hearing. The undersigned Adjudicator after going over the Petition and Answer concluded that there is a need for the parties to submit position paper.

To expedite early resolution of this case, the parties are directed to submit simultaneously their respective position papers within twenty (20) days from today, after which, with or without said position paper, this case is hereby deemed submitted for resolution.

SO ORDERED.

Tagbilaran City, Philippines, 20 November 2000.



ROMUALDO S. SIPACIO  
Provincial Adjudicator

RSS/lfs

ADJUDICATION BOARD  
BOHOL  
Tagbilaran City

GONZALO LINGO,  
Petitioner,

DARAB CASE NO VII-BOH-26-2000

-versus-

GABINO AUDITOR AND  
JIMMT AUDITOR,  
Respondents.

For : CANCELLATION OF TCT NO.  
959, WITH CLOA NO. 00235675

x-----/

NOTICE OF HEARING

To : Gonzalo Lingo	Sinandingan, Ubay, Bohol
Municipal Agrarian Reform Officer	DARMO, Ubay, Bohol
Gabino Auditor and Jimmy Auditor	Both from Sinandigan, Ubay, Bohol
Atty. Elesio Boyles	Poblacion, Ubay, Bohol
PLO Saturnino Lusterio	DARMO, Ubay, Bohol

G R E E T I N G S .

Please be informed that the hearing of the above-entitled case is scheduled on November 20, 2000 at 9:50 O'clock in the morning, at the DAR Adjudication Board Office, 4<sup>th</sup> floor, FCB Building, CPG Avenue, Tagbilaran City.

On the said date, parties are advised to submit their respective Sworn statements/affidavits or any supporting documentary/testimonial evidence that they may produced, including that of their witnesses if any, in order to expedite the proceeding. This will take as their direct testimony, in compliance with the DARAB New Rules of Procedure.

WITNESS THE HONORABLE ADJUDICATOR, ATTY. ROMUALDO S. SIPACIO, at Tagbilaran City, Philippines, this 10<sup>th</sup> day of November 2000.

DONALD S. DORON  
Acting Clerk of the Board/ Sheriff III

Republic of the Philippines  
DEPARTMENT OF AGRARIAN REFORM  
ADJUDICATION BOARD  
BOHOL  
Tagbilaran City

Lingo

Petitioner/s,

DARAB CASE NO. VII-BoH-26-2004

- VERSUS -

For:

And for, et al.

Respondent/s

X-----/

**MINUTES OF PROCEEDING**

DATE : 11/6/2004

Time : \_\_\_\_\_

I. APPEARANCES OF PARTIES/COUNSELS:

Counsel for Complainant/s

\_\_\_\_\_  
\_\_\_\_\_

Counsel for Respondent/s

Atty. Vilfredo Roque  
\_\_\_\_\_

II. EVIDENCE/S PRESENTED:

Complainants/s:

\_\_\_\_\_  
\_\_\_\_\_

Respondents/s

\_\_\_\_\_  
\_\_\_\_\_

III. ACTIONS AND/OR PROCEEDINGS BEFORE THE ADJUDICATOR:

\_\_\_\_\_  
\_\_\_\_\_

IV. RESETTING OF TRIAL OR HEARING:

\_\_\_\_\_  
\_\_\_\_\_

V. SIGNATURES OF COUNSEL/S AND/OR PARTIES:

Goncalo Lingo

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

CERTIFIED TRUE AND CORRECT:

GONZALO LINGO  
Petitioner.

- versus -

GABINO AUDITOR and  
JIMMY AUDITOR  
Respondent.

x ----- /

DARAB Case No. VII-BOH-26-2000

For:

CANCELLATION OF TCT  
NO. 959 WITH CLOA NO.  
00235675

NOTICE OF APPEARANCE  
AND  
MOTION FOR RESETTING

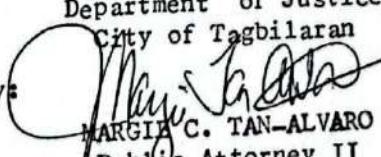
PETITIONER, by Counsel, unto this Honorable Board, most respectfully moves:

1. That the undersigned counsel is formally entering her appearance as counsel for the petitioner;
2. That the hearing of the above-entitled case is set on November 6, 2000 at 9:15 o'clock in the morning at DAR Adjudication Board Office, 4th Floor, FCB Building, CPG North Avenue, Tagbilaran City;
3. That however, undersigned counsel has a hearing on the said date in the cases of PP vs. Ariel Uy, et al; PP vs. Norbert Ingking; PP vs. Edgar Aral, et al; PP vs. Rogelio Cabanilla, et al, all at RTC Branch 1, Tagbilaran City in the morning which were previously set and involves detention prisoners;
4. That the undersigned counsel moves that the hearing on November 6, 2000 at 9:15 o'clock in the morning will be reset to December 7, 2000 at 9:00 o'clock in the morning;
5. That this motion is not intended for delay but solely for the reasons above-stated.

WHEREFORE, in view of the foregoing, it is respectfully prayed that the above-entitled case be reset from November 6, 2000 ato December 7, 2000 at 9:00 o'clock in the morning.

City of Tagbilaran, Philippines, October 24, 2000.

PUBLIC ATTORNEY'S OFFICE  
Department of Justice

By:   
MARGIE C. TAN-ALVARO  
Public Attorney II

The Clerk of the Board  
DAR, Tagbilaran City

Sir/Madam:

Please submit the foregoing motion to the Honorable Board for due consideration and resolution immediately upon receipt hereof.

  
MARGIE C. TAN-ALVARO

MOTION FOR RESETTING  
LINGO VS. AUDITOR, ET AL  
DARAB CASE NO. VII-BOH-26-2000/

- page 2 -

Copy furnished:

Mr. Gonzalo Lingo  
Sinandigan, Ubay, Bohol

Municipal Agrarian Reform Officer  
DARMO, Ubay Bohol

Gabino Auditor and Jimmy Auditor  
Sinandigan, Ubay, Bohol

Provincial Agrarian Reform Officer  
FCB Building, Tagbilaran City

zfpmp 11/31/2000  
9:10 A.M.

REGISTRY RECEIPT

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Postmaster/Teller

REGISTRY RECEIPT

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Posted on *NOV 1 2000* 19 *19*  
Preserve this receipt for reference in case of inquiry *✓*  
Postmaster/Teller

BUNUL  
Tagbilaran City

DATE: MARCH, 2000 TIME: 10:30 A.M.  
NAME: MARL

GONZALO LINGO  
Petitioner,

DARAB CASE NO. VII-BOH-26-2000

-versus-

GABINO AUDITOR, JIMMY  
AUDITOR.  
Defendants.

X X X - - - - - x - - - - - - - - - x x x

For:  
CANCELLATION OF TCT NO. 959  
WITH CLOA NO. 0023675

A N S W E R

The respondents, through the undersigned counsel, to the Honorable Provincial Adjudicator most respectfully state:

1. The DARAB has no Jurisdiction of the instant case for there is no tenancy relation between petitioner and respondents;
2. That averments on personal circumstances as on paragraph 1 are admitted;
3. That respondents have no complete knowledge and information on the alleged petitioner's ownership of the land in question, his payment of taxes, his alleged actual, possession over the same as stated in paragraph 2, 3, 4, and 5 of Petition because petitioner and his family lived at Tagbua, Lupon, Davao Oriental since 1967 to May 1999, And petitioner has no actual occupation of the land subject to CLOA since the creation of time until at present. Thus, respondent specifically deny the petitioner allegations on occupation and ownership of the land subject to TCT No. 959;
4. The allegations on "respondents misrepresentation" in paragraphs 6 and 7 of the petition are specifically denied for <sup>of</sup> respondents are long time, possessor-cultivators and owners/the land subject to TCT No.595. And they annexed the following as part of this answer, to wit:

annexed 1 Affidavit of Gabino Auditor  
" 2 Affidavit of Jimmy Auditor

annexed 6-History  
annexed 7-Tax Receipt No.7820893  
annexed 8-TCT No.959  
annexed 9-Kasabutan

5. Respondents objects the prayers of the respondents for being contrary to facts and laws.

BY WAY OF COUNTERCLAIM

1. Respondents replead the allegations found on 1 to 5 of this answer;

2. Petitioner only allegedly bought the land covered by T.D. No. 9998. It did not include the land of the respondents, annexed "A" for petitioner/hereby adopted by respondents as annexed 10 and the sentence "5. It is covered by Tax Declaration No. R-9998" is adopted as annexed 10-A;

3. That petitioner has no occupation of the land in question but respondent has all the occupation and use of the land. In fact, TCT No. 595 was issued upon the proper verification of the DAR that the respondents are the actual tillers of the soil.

WHEREFORE, it is most respectfully prayed:

1. To dismiss the petition for lack of merits;
2. To protect the legal effects of TCT No. 595;
3. To issue orders that are equitable in the premise.  
Ubay (for Tagbilaran City), Bohol

October 17, 2000

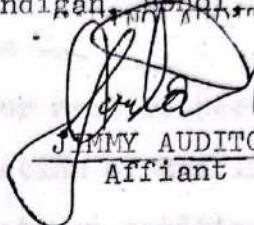
  
ATTY. ELYSEO C. BOYLES  
Pob., Ubay, Bohol  
Counsel for the Respondents  
IBP NO. 466744  
PTR NO. 9318044K  
TIN 128-214-709

Republic of the Philippines  
Province of Bohol } S.S.  
Municipality of Ubay }

We, Gabino Auditor and Jimmy Auditor, Filipinos, of legal ages, married, residing at Sinandigan, Ubay, Bohol, after being duly sworn to in accordance with law depose and say:

1. That we are the respondents of the aforecacioned case and we caused the preparation of this answer;
2. That all facts stated thereat are true and correct to the best of our knowledge.
3. That personal service of this answer was not done because petitioner or other person was not present at his house when respondent Jimmy Auditor went to the home of Gonzalo Lingo at Sinandigan, Bohol, to give a copy.

  
GABINO AUDITOR  
Affiant

  
JIMMY AUDITOR  
Affiant

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of October 2000 at Ubay, Bohol, Philippines.

  
ATTY. ELISEO C. BOYLES  
Notary Public

The Clerk of DARAB  
Tagbilaran City

Greetings:

Please submit upon receipt the foregoing answer to the Honorable Adjudicator for consideration.

  
ATTY. ELISEO C. BOYLES  
Pob., Ubay, Bohol

Republic of the Philippines  
Province of Bohol  
Municipality of Ubay

Volume 1

AFFIDAVIT.

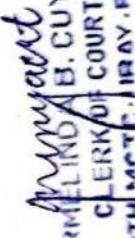
I, GABINO AUDITOR, Filipino, 68 years of age, married, residing at Sinandigan, Ubay, Bohol, after being duly sworn to in accordance with law, depose and say:

1. That I am an occupant and owner of a parcel of land, located at Sinandigan, Ubay, Bohol, covered by T.D. No. 45-034-00375, in the name of Gabino Auditor, having the area of 3.6365 hectares, bounded in the North-W by Road; South by Public Land, East by Lot-B-271-272, West by Lot B-263;
2. That I began in 1964 working, occupying, planting trees planting coconuts, mango, caymito, jackfruit, banana, and guava, of the said land. I also constructed rice paddies over the same;
3. That in 1973 the Government issued to me Tax Declaration. I paid all the taxes. and in May 8, 1996 the government issued to me TCT No. 959 over the said land;
4. That Gonzalo Lingo, his heirs and workers have no occupation nor development on the above-described land because they went to Mindanao since 1967 and returned in May 1999 at Sinandigan, Ubay, Bohol; In fact, they lived at Tagbunga, Lupon, Davao Oriental when they were in Mindanao;
5. That the land which Gonxalo Lingo allegedly bought from Timestocles Auditor was covered by T.D. 9998 but my; and was not covered by T.D.No. 9998;
6. That I object the cancellation of TCT No. 959 for being contrary to Law and facts.

IN WITNESS WHEREOF, I set my signature this 23 day of October 2000 at Ubay, Bohol, Philippines.

  
GABINO AUDITOR  
Affiant

SUBSCRIBED AND SWORN to before me this 23 day of October 2000 at Ubay, Bohol, Philippines.

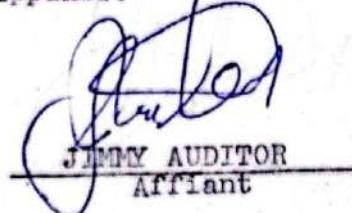
  
ARNOLD B. CUYACO  
CLERK OF COURT II  
THE MUNICIPAL COURT OF UBAY, BOHOL

AFFIDAVIT

I, JIMMY AUDITOR, Filipino, 31 years of age, married, residing at Sinandigan, Ubay, Bohol, after being duly sworn to in accordance with law depose and say:

1. That the DAR issued in my favor as part owner with my father Gabino Auditor of TCT No. 959 over a land located at Sinandigan, Ubay, Bohol;
2. That the area of my ownership is only .6365 hectares which I actually occupy and cultivate since 1980 up to the present;
3. That my father occupy the land since 1964 up to the present because the same was released by the government in his favor;
4. I object the cancellation of TCT No. 959 for it affects the rights of the actual tiller of the soil.

IN WITNESS WHEREOF, I set my signature this 23 day of October 2000 at Ubay, Bohol, Philippines.

  
\_\_\_\_\_  
JIMMY AUDITOR  
Affiant

SUBSCRIBED AND SWORN to before me this 23 day of October 2000 at Ubay, Bohol, Philippines.

  
\_\_\_\_\_  
LINDA B. CUYACOT  
CLERK OF COURT II  
8TH MTC, UBay, Bohol

AFFIDAVIT

I, CASIMERO AUMENTADO, Filipino, 56 years of age, married, residing at Sinandigan, Ubay, Bohol, after being duly sworn to in accordance with law depose and say:

1. That I personally know Gabino Auditor and Jimmy Auditor for we are close neighbors for more than ~~thirty~~ years in case of Gabino Auditor and more than thirty years in case of Jimmy Auditor;
2. That Gabino Auditor owns a parcel of land located at Sinandigan, Ubay, Bohol having the area of 3.6365 hectares, more or less, bounded in the North-W-Road; South by Public Land; East by Lot-B-271,272; West by Lot-B-263;
3. That Gabino Auditor developed and cultivated the said land since 1964 up to the present. And in 1980 Jimmy Auditor, his son, helped him until at present;
4. That Gonzalo Lingo was his heirs, or tenants, workers did not work nor occupy the land used by Gabino and Jimmy Auditor since time immemorial.

IN WITNESS WHEREOF, I set my signature this 28 day of October 2000 at Ubay, Bohol, Philippines.

*Casimero Aumentado*  
CASIMERO AUMENTADO  
Affiant

SUBSCRIBED AND SWORN to before me this 28 day of October 2000 at Ubay, Bohol, Philippines.

*Monyact*  
ERMELINDA B. CUYACON  
CLERK OF COURT II  
8TH MTC, UBay, BOHOL

AFFIDAVIT

I, ERNESTO CUYAG, Filipino, 47 years of age, married, residing at Sinandigan, Ubay, Bohol, after being duly sworn to in accordance with law depose and say:

1. That I personally know Gabino Auditor and Jimmy Auditor for we are close neighbors for more than forty years in case of Gabino Auditor and more than thirty years in case of Jimmy Auditor;
2. That Gabino Auditor owns a parcel of land, located at Sinandigan, Ubay, Bohol having the area of 3.6365 hectares, more or less, bounded in the Nort-W -Road ; South by Public Land; East Lot-B-271, 272; West by Lot B-263;
3. That Gabino Auditor developed and cultivated the said land since 1964 up to the present. And in 1980 Jimmy Auditor, his son, helped him until at present;
4. That Gonzalo Lingo was his heirs, or tenants.workers did not work nor occupy the land used by Gabino and Jimmy Auditor since time immemorial.

IN WITNESS WHEREOF, I set my signature this 23 day of October 2000 at Ubay, Bohol, Philippines.

*Ernesto Cuyag*  
ERNESTO CUYAG  
Affiant

SUBSCRIBED AND SWORN to before me this 23 day of October 2000 at Ubay, Bohol, Philippines.

*Ernesto Cuyag*  
ERMELINDA B. CUYACO  
CLERK OF COURT II  
4TH MCTC, UBAY, BOHOL

AFFIDAVIT

I, ERNESTO CUYAG, Filipino, 47 years of age, married, residing at Sinandigan, Ubay, Bohol, after being duly sworn to in accordance with law depose and say:

1. That I personally know Gabino Auditor and Jimmy Auditor for we are close neighbors for more than forty years in case of Gabino Auditor and more than thirty years in case of Jimmy Auditor;
2. That Gabino Auditor owns a parcel of land, located at Sinandigan, UBAY, Bohol having the area of 3.6365 hectares, more or less, bounded in the Nort-W -Road ; South by Public Land; East Lot-B-271, 272; West by Lot B-263;
3. That Gabino Auditor developed and cultivated the said land since 1964 up to the present. And in 1980 Jimmy Auditor, his son, helped him until at present;
4. That Gonzalo Lingo was his heirs, or tenants.workers did not work nor occupy the land used by Gabino and Jimmy Auditor since time immemorial.

IN WITNESS WHEREOF, I set my signature this 23 day of October 2000 at Ubay, Bohol, Philippines.

Sinisa  
ERNESTO CUYAG  
Affiant

SUBSCRIBED AND SWORN to before me this 23 day of October 2000 at Ubay, Bohol, Philippines.

guyacat  
ERMELINDA B. CUYACO  
CLERK OF COURT II  
ITH MCTC, UBAY, BOHO

GABINO AUDITOR et al.

### Sindigan, Vicky, 1961-

1844

### **Administrator**

卷之三

**DESCRIPTION AND OTHER PARTICULARS OF PROPERTY**

**Location of Property** \_\_\_\_\_ **Sinandigan, Ubay, Bohol**  
(Number and Street) **(Barangay/District)** **(Municipality/City/Province)**

Certificate of Title No. 959 Cadastral Lot No. 1st B-264 Assessor's Lot No. 1

**Block No.**

North -W- Road

### South Public land

East 3rd St = 221, 222

Volume 1, No. 1 — 261

East 101.1 - 4  
(State 2)

**Block No.**

ISSUE STREETS, 1998.

S. West. lot 1 - 25

ESTATE OF JOHN, 1898.

West lot 1 - 25

(State streets, lots, or streams by which bounded or names of owners of adjoining lands)

**I (a) LAND (AGRICULTURAL/MINERAL)**

OWNER'S DECLARATION AND

#### **II LAND (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, SPECIAL)**

OWNER'S DECLARATION			ASSESSOR'S FINDINGS				
Kind	Area	Value	Kind	Area	Unit Values	Adjustments	Market Value
Res'l.	56 sq.m.	2800.00			50	5th	
Total	56 sq.m.	P 2800.00	Total				P

## PROVINCE OF BOHOL

City of Tagbilaran

## OFFICE OF THE PROVINCIAL ASSESSOR

October 18, 2000

TO WHOM IT MAY CONCERN:

This is to certify that according to the records on file on this office, the following Tax Declarations have been issued by this Office in lieu sequentially of each other in whole in part, viz;

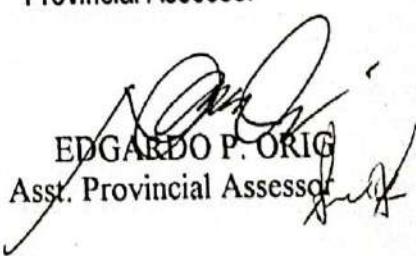
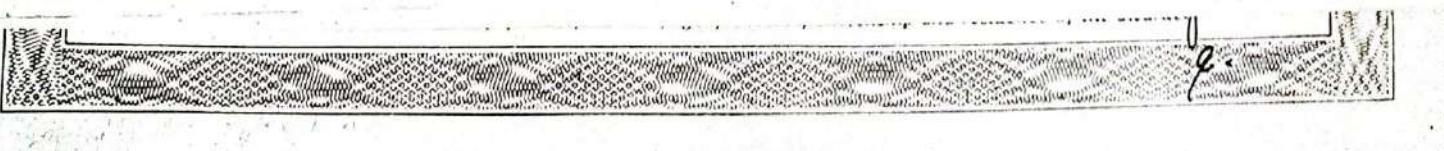
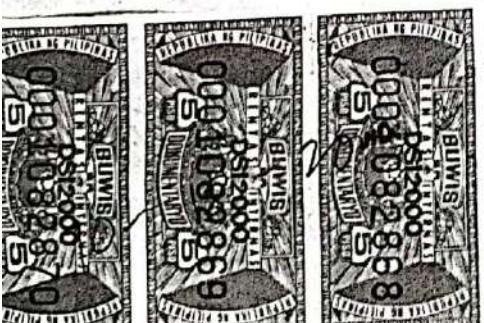
Tax Dec. Number	Year Issued	Declared Owner	Location of Property	Superseded Declaration
R-12560	1960	TOMAS AUDITOR	SINANDIGAN, UBAY, BOHOL	NEW
D-11509	1973	GABINO AUDITOR	SINANDIGAN, UBAY, BOHOL	R-12560 PART
45-34-0041	1979	GABINO AUDITOR	SINANDIGAN, UBAY, BOHOL	D-11509
45C34-225	1984	GABINO AUDITOR	SINANDIGAN, UBAY, BOHOL	45-34-0041
45B34-271	1993	GABINO AUDITOR	SINANDIGAN, UBAY, BOHOL	45C34-225
45-034-00037	1997	GABINO AUDITOR	SINANDIGAN, UBAY, BOHOL	45B34-271
45-034-00314	1999	GABINO AUDITOR ET. AL	SINANDIGAN, UBAY, BOHOL	NEW
45-034-00315	1999	GABINO AUDITOR ET. AL	SINANDIGAN, UBAY, BOHOL	45-034-00037 & 45-034-00314

Issued upon the request of MR. GABINO AUDITOR for whatever legal purposes it may serve.

BIENVENIDA H. CHIU  
Provincial Assessor

BY:

EDGARDO P. ORIG  
Asst. Provincial Assessor

Annealed 7

Form No. 56  
ed 1992

Previous Tax Receipt No. \_\_\_\_\_ dated \_\_\_\_\_

for the year 20

Nº 7820893 T

OFFICIAL RECEIPT OF THE REPUBLIC OF THE PHILIPPINES

Provincial or City Treasurer's Real Property Tax Receipt

MUNICIPALITY/PROVINCE	CITY	Date						
MJD	ubay	9-15, 20 707						
Received from	Babind Auditor	the sum of Three hundred fifty <del>140</del> pesos 350.90						
Philippine Currency, in full or as installment payment of REAL PROPERTY TAX for the Calendar Year 20	upon property described							
in the Assessment Rolls as follows:	2077	as Basic Tax      as Special Education Fund						
LOCATION NUMBER AND STREET OR BARANGAY	LOT AND BLOCK NUMBER	TAX DECLARATION NUMBER	ASSESSED VALUE	TAX DUE	INSTALLMENT*	FULL PAYMENT	PENALTY PER CENT	TOTAL
			LAND IMPROVEMENT Total	148.70	2077	148.70 26.71	175.45	
					SEF			175.45
								350.90

was paid by Money Order, Treasury Warrant or Check No. \_\_\_\_\_ dated 20

\* without penalty may be made within the periods stated below if by installment:

1st Installment—January 1 to March 31, of the year

2nd Installment—April 1 to June 30, of the year

3rd Installment—July 1 to Sept. 30, of the year

4th Installment—October 1 to Dec. 31, of the year

N. M. Balatero

Provincial or City Treasurer

M. M. Parcell

Deputy

REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF JUSTICE  
LAND REGISTRATION AUTHORITY  
REGISTRY OF DEEDS FOR THE PROVINCE OF BOHOL

Transfer Certificate of Title  
No. 959

Entered in accordance with Republic Act No. 6657, dated June 10, 1988, pursuant to a Certificate of Land Ownership Award issued by the Department of Agrarian Reform, at Quezon City, and spread in the records of the said Department of Agrarian Reform, as follows:

"REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF AGRARIAN REFORM  
CERTIFICATE OF LAND OWNERSHIP AWARD NO. 00235675

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, pursuant to the provisions of Republic Act No. 6657, dated June 10, 1988, INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION AND PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, there is hereby awarded unto GABINO AUDITOR et. al.

Sinandigan, a parcel of agricultural land situated in Barangay Ubay, Municipality of Bohol, Province of Bohol, Island of Bohol, Philippines, containing an area of THIRTY SIX THOUSAND FOUR HUNDRED TWENTY ONE ( 36,421 ) square meters, more or less, which is now more particularly bounded and described at the back hereof.

WHEREAS, it has been established that the herein awardee has fully complied with the requirements for the grant of title under Republic Act No. 6657.

NOW, THEREFORE, KNOW YE, That by authority of the provisions of Republic Act No. 6657, there is hereby awarded unto the said\* Please see page A

this Certificate of Land Ownership Award covering the parcel of agricultural land herein described.

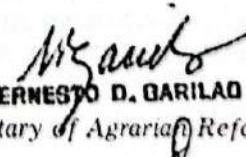
TO HAVE AND TO HOLD IN OWNERSHIP AND TO USE PRODUCTIVELY said parcel of agricultural land with all the rights and privileges appurtenant thereto, subject to the condition that it shall not be sold, transferred or conveyed except through hereditary succession, or to the Government, or to the Land Bank of the Philippines, or to the other qualified beneficiaries for a period of ten (10) years. Provided, however, that the children or the spouse of the transferor shall have a right to repurchase the land from the Government or the Land Bank of the Philippines within a period of two (2) years from the date of transfer.

FIDEL V. RAMOS

IN TESTIMONY WHEREOF, and by authority vested upon me by law, I, FIDEL V. RAMOS, President of the Philippines, hereby cause these letters to be made patent and the seal of the Republic of the Philippines to be hereunto affixed.

Given at Quezon City, Philippines on this ninety six day of May, in the year of Our Lord nineteen hundred and ninety six.

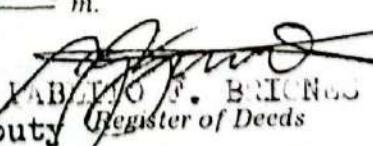
BY AUTHORITY OF THE PRESIDENT  
OF THE PHILIPPINES:

  
ERNESTO D. GARILAO

Secretary of Agrarian Reform

Bohol

Entered in the Registry of Deeds of Bohol pursuant to Section 24 of Republic Act No. 6657 on this 20th day of June, nineteen hundred and ninety six at 10:25 a.m.

  
FABELLIO F. BRIONES  
Deputy Register of Deeds

REFERENCE:

This certificate is a transfer from Transfer Certificate of Title No. 22599 - Rep. of the Phlils.

Sinandigan, Ubay, Bohol

(Owner's postal address)

\*State the civil status, name of spouse if married, age if a minor, citizenship and residence of the awardee

Alang sa kassayoran sa tahan :

Nga skof GONZALO LINGO, hingkod sa panuigon, minyo kung ENGRACIA AUDITOR Lingo, ug molupyo sa TAGBUA, Lupon, Davao Oriental, negmatuod nga nadawat ko ang kantidad nga NAPULO KA LIBO ka pesos (P 10,000.00) salapin Pilipinhan, gikan kung LURABELO DACU'AN, hingkod sa panuigon, minyo kung Victorina Neggarantiyas sa auditor, ug olupyo sa Tugas Pardo, Cebu City, pineagui sa paggarantiyas sa among yute O' sa duha ka parosia nga yute nga nagsusunod meo ang magpahimulos sa abot sa naaoyong mga parosila nga yute.

Nga miestras dili pa sko ug engak ng mga sumusood makasuli sa naaoyong kantidad si Lurabelo Daculan ug ang iyang mga sumusunod meo ang magpahimulos sa abot sa naaoyong mga parosila nga yute.

Kining kassabutan gihimo sa walay tagal nga panahon.

Aron pigmetuod akong permahan sa ubos ning ika 15 sa Octobre, 1989, dinihi sa Sinandigan, Ubay Bohol, Pilipinas.

*Gonzalo Lingo*

GONZALO LINGO

Neggarantiyas

Ubos sa sko ig pagtugot:

*Engracia A. Lingo*  
ENGRACIA A. LINGO

Mga Testigos:

1. *Gabito Auditor*
2. *Carmel Dumalib*
3. *Dionisia Cayag*

(GIMATUD-AH)

*Bernardo Duyno*  
BERNARDO DUYNO  
DR. BY CAPITAN  
SINANDIGAN

GONZALO LINGO,  
Petitioner.

DARAB CASE NO. VII-BOH-26-2000

-versus-

GABINO AUDITOR AND  
JIMMY AUDITOR,  
Respondent.  
X ----- /

For: CANCELLATION OF TCT NO.  
959, WITH CLOA NO. 00235675

### NOTICE OF HEARING

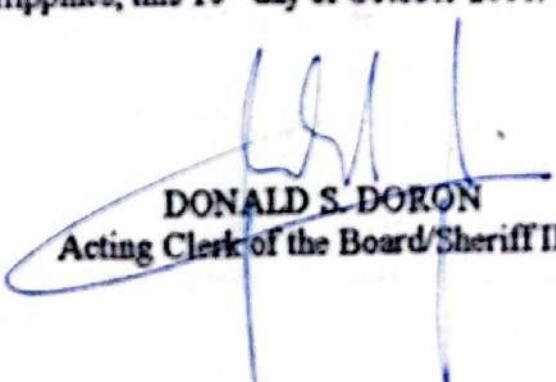
TO: Gonzalo Lingo	• Sinandingan, Ubay, Bohol
Municipal Agrarian Reform Officer	• DARMO, Ubay, Bohol
Gabino Auditor and Jimmy Auditor	• Both from Sinandingan, Ubay, Bohol
Provincial Agrarian Reform Officer	• FCB Building, Tagbilaran City

#### Greetings:

Please be informed that the hearing of the above-entitled case is scheduled on November 6, 2000 at 9:15 O'clock in the morning, at the DAR Adjudication Board Office, 4<sup>th</sup> floor, FCB Building, CPO North Avenue, Tagbilaran City.

On the said date, parties are advised to submit their respective Sworn Statement/Affidavits or any supporting documentary/testimonial evidence that they may produce, including that of their witnesses if any, in order to expedite the proceeding. This will take as their direct testimony, in compliance with the DARAB New Rules of Procedure.

WITNESS THE HONORABLE ADJUDICATOR, ATTY. ROMUALDO S. SIPACIO, at Tagbilaran City, Philippines, this 10<sup>th</sup> day of October 2000.

  
DONALD S. DORON  
Acting Clerk of the Board/Sheriff III

BOHOL  
Tagbilaran City

GONZALO LINGO,  
*Petitioner*

DARAB CASE NO. VII-BOH-26-2000

- VERSUS -

GABINO AUDITOR, JIMMY  
AUDITOR,  
*Respondents.*

For:

CANCELLATION OF TCT NO. 959,  
WITH CLOA NO. 00235675

**SUMMONS AND NOTICE OF HEARING**

TO: Gabino Auditor  
Sinandigan, Ubay, Bohol

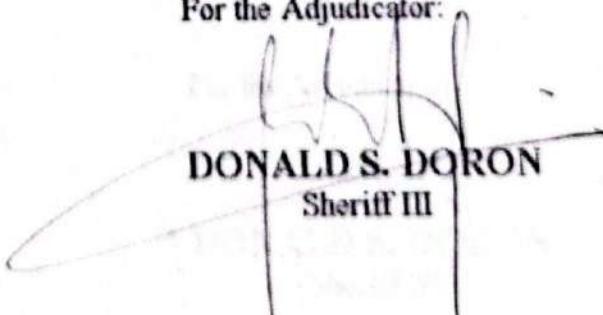
Jimmy Auditor  
Sinandigan, Ubay, Bohol

**G R E E T I N G S:**

Pursuant to Rule VI, Section 3 of the DARAB New Rules of Procedure, you are hereby summoned and required to file an Answer attaching therewith your sworn statement, affidavits and documentary evidence, if any, to the complaint or petition, copy of which is herewith served upon you, within a non-extendible period of ten (10) days from receipt, furnishing a copy to the Petitioner. Failure to do so as herein directed will be interpreted by the Adjudicator as a waiver to present evidence.

Petitioner and Respondents are hereby directed to attend the pre-trial and hearing of the case on **September 11, 2000 at 10:00 a.m. at the DARAB Office, 4<sup>th</sup> floor, FCB building, CPG Avenue, Tagbilaran City, Philippines.**

For the Adjudicator:

  
DONALD S. DORON  
Sheriff III

Copy furnished:  
Gonzalo Lingo  
Sinandigan, Ubay, Bohol

DAR PARO of Bohol

Pos. Po  
Letter L

**DEPARTMENT OF AGRARIAN REFORM  
ADJUDICATION BOARD  
Province of Bohol**



**GONZALO LINGO,  
Petitioner,**

**-Versus -**

**GABINO AUDITOR,  
JIMMY AUDITOR,  
Respondents.**

**x ----- x**

**DARAB CASE NO. VII-B-92678-000  
FOR**

**CANCELLATION OF  
TCT NO. 959, with  
CLOA NO. 00235675**

**P E T I T I O N**

**COMES NOW**, the petitioner, in the above-entitled case, to the Honorable Provincial Adjudicator, most respectfully manifest:

That petitioner is of legal age, filipino, married, resident of Barangay Sinandigan, Ubay, Bohol, while respondents are likewise of legal ages, filipino, married, residents of Barangay Sinandigan, Ubay, Bohol, where they may be served with summons and other notices of this Honorable Adjudicator;

That the subject matter of this petitioner is a parcel of agricultural land owned, developed and tilled by petitioner, but a portion therefrom was erroneously issued a Certificate of Land Ownership Award (CLOA) to the respondents;

That as aforesaid, the petitioner is the owner of the subject agricultural land containing an area of 6.535 hectares, situated at Barangay. Sinandigan, Ubay, Bohol. Said ownership of petitioner was derived from the original allocatee of the subject land, in the name of Temestocles Auditor who executed a Deed of Absolute Sale on 24 August

~~Sworn Deed of Assurance~~ is hereto attached and marked as annex "A";

That the petitioner religiously pay the corresponding Real Property Taxes, being the declared owner of the subject land as evidenced by the following: Affidavit of Transfer of Real Property, dated September 28, 1964; Declaration of Real Property, dated November 19, 1964; Declaration of Real Property with Tax Declaration No. 45-034-0984, dated June 30, 1999, issued by the Bohol Provincial Assessor; Certification of Bohol Provincial Assessor, dated November 18, 1964; and Certification of Bohol Asst. Provincial Assessor, dated June 30, 1999. Photocopies of these mentioned documents are hereto attached and marked as annexes "B", "C", "D", "E" and "F", respectively;

That as owner thereof, petitioner take actual possession of the subject land, regularly cultivate and introduced valuable improvements thereon to enhance the agricultural productivity level thereof, as evidenced by hereto attached photocopy of Joint Affidavit of Adjoining Owners, marked as annex "G";

That the herein respondents misrepresented themselves as the owner and actual tiller of the subject land before the concerned field officers of the Department of Agrarian Reform. On account of the said misrepresentation, a Transfer Certificate of Title (TCT) No. 959, with Certificate of Land Ownership Award (CLOA) No. 00235675, covering a portion or an area of 3.6421 hectares of the subject land, was erroneously generated in the name of the herein respondents. The said TCT-CLOA was consequently issued to the respondents despite vigorous objection of the petitioner; photocopy of TCT-CLOA is hereto attached and marked as annex "H";

That this matter was brought before the attention of the Provincial Agrarian Reform Office of Bohol, Tagbilaran City, hoping for a possible amicable settlement of the issue, but to no avail. Hence, the petitioner has no other option but to file this instant petition. Photocopy of Ist Indorsement dated February 28, 2000 is hereto attached and marked as annex "I".

prayed of this Honorable Provincial Adjudicator that a Decision be rendered:

Directing the Register of Deeds for the Province of Bohol to cancell the erroneously issued TCT No. 959 with CLOA No. 00235675 .

Ordering the Municipal Agrarian Reform Officer concerned to undertake the necessary process for the issuance of another TCT-CLOA in the name of the herein petitioner;

Ordering the respondents to cease and desist from further committing any acts which are prejudical to the interest of petitioner.

Other reliefs which may be just and equitable under the premises are likewise prayed for .

Respectfully prayed.

May 3, 2000, Tagbilaran City

*Gonzalo Lingo*  
**GONZALO LINGO**  
Petitioner

### VERIFICATION

That I, Gonzalo Lingo, of legal age, filipino, married, resident of Sinandigan, Ubay, Bohol, under oath deposes and say:

preparation and filing thereof;

That the statements and allegations contained therein are true and correct to the best of my knowledge and belief;

That there is no pending action involving the same cause of action, parties and subject matter, in any forum. If it came to petitioner's knowledge of any pending action, the same shall be reported immediately.

**IN WITNESS WHEREOF**, I have hereunto affixed my signature this MAY 08 2000 day of May \_\_\_\_\_, 2000, CITY OF TAGBILARAN.

*Gonzalo Lingo*  
**GONZALO LINGO**  
Affiant

SUBSCRIBED AND SWORN to before me this MAY 08, 2000 day of May \_\_\_\_\_, 2000 at  
CITY OF TAGBILARAN, affiant presented his Community Tax Certificate No.  
03390758, issued at Ubay, Bohol, issued on May 8, 2000.

Doc. No. 344

Page No. 06

Book No. XVII

Series of 2000.

*Dionisio Galido*  
**ATTY. DIONISIO A. GALIDO**  
NOTARY PUBLIC  
COMMISSION EXPIRES DEC. 31, 2000  
PTR # 925X951K 1/6/2000 TAGB. CITY  
IBP # 466743 1/6/2000  
TAGBILARAN CITY/BOHOL CHAPTER  
TIN 168-304-455

with residence \_\_\_\_\_ of Lopon, Davao, Philippines, for and in consideration of the sum of FIVE THOUSAND PESOS (P5,000.00), Philippine Currency, to me in hand by GONZALO LINGO, likewise Filipino, 30 years of age, married to Engracia Auditor, and resident of sitio Sibandigan, barrio of Union, Ubay, Bohol, the receipt of which sum of money is hereby expressly acknowledged, by these presents I do hereby forever sell, transfer and convey unto the said GONZALO LINGO, his heirs, successors and assigns A PARCEL OF AGRICULTURAL LAND TOGETHER WITH ALL IMPROVEMENTS EXISTING THEREON, free from all charges, liens, and encumbrances which is more particularly bounded and described as follows:

(1) A land suitable for rice, corn, canes and coconut plantations; (2) Situated at sitio Sibandigan-Union, Ubay, Bohol; (3) Having an area of 6.535 Hectares more or less; (4) Bounded on North, by Agapito Ouyag; on the East, still by Agapito Ouyag; on the South, by Candido Auditor; by the Government Stock Farm; (5) It is covered by Tax Declaration No. R-9998; (6) Assessed to the total value of P1,110.00; (7) With actual improvements consisting of 140 fruit bearing coconut trees, 30 young coconut trees, banana, rambutan and other plants; (8) With actual occupant in the person of the herein vendee Gonzalo Lingo; and (9) With no visible monuments.

The above-described land with improvements is exclusively and absolutely my own. My possession has been under claim of title, actual, continuous, uninterrupted, open, peaceful and adverse to all others for a period of more than thirty years to date.

That I, for myself, my heirs, successors and assigns do hereby covenant and agree to and with GONZALO LINGO, his heirs, successors and assigns to warrant and defend the title of this sale against whomsoever lawfully claiming or to claim the same.

That previous notices were served to adjoining owners regarding this sale, but they showed no interest to buy the land except the vendee.

The above-described has not been registered under the provisions of Act No. 496 neither under the Cadastral Law nor under the Spanish Mortgage Law and that it is the agr act of the parties herein to register this deed if the office of the Register of Deeds for the province of Bohol in accordance with the provisions of Act No. 3344 as amended.

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of August, 1964, in the Municipality of Ubay, Bohol, Philippines.

SIGNED IN THE PRESENCE OF:

Tenestocles Auditor  
Gonzalo M. Lingo

Tenestocles Auditor  
TENESTOCLES AUDITOR  
(Vendor)  
With my marital consent:  
Pilar Mendez

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES  
MUN. OF UDAY, PROV. OF BOHOL } S.S.

Before me the undersigned Notary Public for the Municipality of Ubay, Bohol, personally appeared Tenestocles Auditor with his wife Pilar Mendez both known to me to be the very same persons who signed and executed the foregoing instrument of absolute sale of a parcel of land under Tax No. R-9998, located at Sibandigan-Union, Ubay, Bohol, and they acknowledged to me that the same is their own free will and voluntary act No. A-134694, issued at Ubay, Bohol, on August 24, 1964.

IN WITNESS WHEREOF, I have hereunto affix my notarial seal and set my hand this 24 day of August, 1964, at Ubay, Bohol, Philippines.

Reg. No. 340  
Page No. 72  
Book No. 72  
Series 1964.

*m*

REQUIRADAS G. REYES  
Notary Public  
Until December 31, 1964.

1987年1月1日-1988年1月1日

Municipality of ... 0 1 6 9

Personally appeared before me, the undersigned official, GENEVA LIND, on the \_\_\_\_\_ day of January, 19\_\_\_\_\_, at Louisville, Ky., and was then and there duly sworn according to law, deposes and says:

That on the 27 day of May, 1914, I do hereby make my last will and testament.

### Tennessee statute

Province of Sinbadigan Municipality of Bato the real property situated in the Barrio  
 Province of Bato Municipality of Bato and described in the records of the Provincial Treasurer's  
 Office, Province of Sinbadigan under Tax No. 2- 9708 and that he is now the  
 legal owner of the said real property.

In testimony whereof he has hereunto affixed his signature,

2000

Subscribed and sworn to before me this 29 day of August 19<sup>th</sup> 64.

See & Co. v. See,  
See, No. 310  
See No. 79  
See No.  
See & Co.,  
See & Co. v. See,

Family Practice Hospitalization Survey (1981-82), p. 10.

**TRANSFEROR'S AFFIDAVIT**  
DECLARACION JURADA DEL TRANSFEROR

Standard Certificate No.  
10000000000000000000

Page footer  
Page number

Mannigfaltigkeiten

Personally appeared before me, the undersigned official,  
who, being duly sworn according to law, deposes and says:

That on the day of 10, 1913, be sold or otherwise disposed of as follows:

*Province of* \_\_\_\_\_, a resident of the Municipality of \_\_\_\_\_, the real property situated in the Barrio \_\_\_\_\_.

Municipality of \_\_\_\_\_, and described in the records of the Provincial Treasurer's  
Office, Province of \_\_\_\_\_, under Tax No. \_\_\_\_\_ and that the said  
is now the legal owner of the above-mentioned real property.

In testimony whereof he has hereunto affixed his signature,  
in presence of me, this 11th day of October, 1906.

#### **REFERENCES AND NOTES**

Subscribed and sworn to before me this day of September, 1919.

Journal of Applied French Studies, March 2000, Volume 31, Number 1

**IMPORTANT.**—Issued for taxation purposes only and should not be considered as title to the property.

Municipality

, Province

DESCRIPTION AND OTHER PARTICULARS OF PROPERTY

Location of property Sinndigan (Barrio), Ubay (Municipality), Bohol (Province)

Certificate of Title No. , Cadastral Lot No. , Assessor's { Lot No. , Block No. }

Boundaries:

North Agnito Guyog

South

Canliso Auditor

East " "

West

Stock Farm

(State streets or streams by which bounded, or names of owners of adjoining lands)

I.—LAND (RURAL)

PER OWNER'S DECLARATION				ASSESSOR'S FINDINGS			
KIND OF LAND (As tobacco, rice, etc.)	AREA (In hectares)	AVERAGE ANNUAL PRODUCT (Per hectare)	VALUE	KIND OF LAND	AREA	CLASSIFICATION	VALUE
Cocoi	2.0000	1-8	P 400.00	1-17	Nov 19 64	340 03	P 800.00
Paley, Low	.	.	.	Lingo		Gonzalo	
Toni	.5000	1-8	150.00	dictory		Renato	
Paley, Upland	4.0350	1-8	1,008.75	Nov 19 64	64		
TOTAL	5.5350		P 1,558.75				

II.—LAND (URBAN)

PER OWNER'S DECLARATION			ASSESSOR'S FINDINGS		
KIND OF LAND (As residential, commercial, etc.)	AREA (In square meters)	VALUE	KIND OF LAND	AREA	CLASSIFICATION
<b>CANCELLED BY</b>					
TOTAL		P 775.00			

III.—IMPROVEMENTS, INCLUDING MACHINERY

(If more space is needed, attach separate statement)

PLANTS AND TREES

PER OWNER'S DECLARATION			ASSESSOR'S FINDINGS			
KIND AND NUMBER OF PLANTS AND TREES	ANNUAL PRODUCT (Give quantity, not value)	VALUE (Of improvements)	KIND AND NUMBER OF PLANTS AND TREES	ANNUAL PRODUCTS	CLASSIFICATION	VALUE
145 coconut trees	1-0	P 580.00				
TOTAL		P 580.00				

\* (Owner may indicate only the valuation of the entire parcel if the value of each portion thereof cannot be determined)

O-008140

In testimony whereof he has hereunto affixed his signature.

En testimonio de lo cual, firma el presente ento.

Binandigan, Ubay, Bohol

Location of Property	NUMBER AND STREET NO.	BARANGAY/DISTRICT	(MUNICIPALITY/CITY/PROVINCE)
Certificate of Title No.	Cadastral Lot No.		Assessor's Lot No.
Boundaries			Block No. Auditor,
North Agapita Cuyag new Getine Cuyag	South Resita Auditor before Candide		
East Fernando Aumentado, Oligario Malinag, Prev'l. Read ubay Stock Farm			
Candelaria Magsaysay before Arisian Auditor			
Agapita Cuyag			

#### I (a) LAND (AGRICULTURAL/MINERAL)

OWNER'S DECLARATION			ASSESSOR'S FINDINGS				
KIND	AREA	VALUE	KIND	AREA	CLASS	UNIT VALUE	MARKET VALUE
P.No. Reg.	.5000		5	50800		25400.00	
cacao	2.0000		5	18600		37200.00	
Upland	1.0010		5	12400		12417.40	
Total			Total	3.5010			P 80017.40

#### ADJUSTED MARKET VALUE

I (b) PLANTS & TREES

75216.36

#### OWNER'S DECLARATION

#### ASSESSOR'S FINDINGS

KIND	NO./AREA	VALUE	KIND	NO./AREA	UNIT VALUE	MARKET VALUE
Market Value	100% excess	Pr. 10-5	80	800.00		
Adjustments:						
(a) Along _____ road or no road outlet _____	0	%				
(b) _____ kms to all weather rd _____	0	%				
(c) _____ kms to all market (pop) _____	-6	%				
Total Adjustments	-6	%				
Adjusted Market Value	94	%				
Total						
Adjusted Market Value						P 800.00

#### II LAND (RESIDENTIAL, COMMERCIAL, INDUSTRIAL, SPECIAL)

#### OWNER'S DECLARATION

THIS IS TO CERTIFY ASSESSOR'S FINDINGS

TRUE / XEROX COPY FROM THE ASSESSOR'S OFFICE  
FILE IN THIS OFFICE.

ISSUED ON AUGUST OF 1992.  
TAGBILARAN CITY, BOHOL, PHILIPPINES.

PROVINCIAL ASSESSOR

Total	P	Tax	P	I	R

Attn: 10366

TO WHOM IT MAY CONCERN:

This is to certify that, according to the records of this office, the following tax declarations have been issued by this office to them respectively of each other, in whole or in part, viz:

<u>Tax Stmt.</u> <u>Number</u>	<u>Date Issued</u>	<u>Declarant Name</u>	<u>Location of Property</u>	<u>Superseded Declaration</u>
11124	1950	Desidio Andino	Bonifacio, Que	1-5929
11125	1951	Timoteo Andino		1-5937
1-5937	1954	Timoteo Andino		1-5937
1-5938	1954	*	*	(1-5937)
1-5939	1954	Gaspal Tingo	*	1-5938

Issued upon the request of Gaspal Tingo, the declarant above,

*James S. Calore*  
Provincial Assessor

~~11124~~ Issued at Manila, Philippines, on the 27th day of August, 1954, to James S. Calore, Provincial Assessor, by James S. Calore, Provincial Assessor, at Manila, Philippines.

Amount: \$10  
Date: 1954  
Year: 1954  
Place: Manila

*James S. Calore*

## TO WHOM IT MAY CONCERN

This is to certify that according to the records on file on this office, the following Tax Declarations have been issued by this Office in lieu sequentially of each other in whole or part, viz:

Tax Dec. Number	Year Issued	Declared Owner	Location of Property	Superseded Declaration
11134	1973	Santiago Auditor	Hinalin, Ubay, Bohol	New 11134
11135	1973	-do-	-do-	11134
11136	1973	Westcoast Auditor	Siangdilao, Iloilo	11135
A-9097	1973	Timestech's Auditor	-do-	New
B-9098	1973	-do-	-do-	A-9097, B-937
B-9099	1973	-do-	-do-	B-9098
B-11077	1973	Manzalo Lingo	-do-	B-11077
B-7734	1973	-do-	-do-	B-11077
13-3140-16	1973	-do-	-do-	A-7734
13-3140-17	1973	-do-	-do-	13-3140-17A
B-12560	1973	Faro Auditor	-do-	New
2-11513	1973	Manzalo Lingo	-do-	B-12560 part
4-344-0215	1973	-do-	-do-	2-11513
4-344-0216	1973	-do-	-do-	4-344-0215
4-344-0217	1973	-do-	-do-	4-344-0216
4-344-0218	1973	-do-	-do-	4-344-0217
4-344-0219	1973	-do-	-do-	4-344-0218
4-344-0220	1973	-do-	-do-	4-344-0219
4-344-0221	1973	-do-	-do-	4-344-0220
4-344-0222	1973	-do-	-do-	4-344-0221
4-344-0223	1973	-do-	-do-	4-344-0222
4-344-0224	1973	-do-	-do-	4-344-0223
4-344-0225	1973	-do-	-do-	4-344-0224
4-344-0226	1973	-do-	-do-	4-344-0225
4-344-0227	1973	-do-	-do-	4-344-0226
4-344-0228	1973	-do-	-do-	4-344-0227
4-344-0229	1973	-do-	-do-	4-344-0228
4-344-0230	1973	-do-	-do-	4-344-0229
4-344-0231	1973	-do-	-do-	4-344-0230
4-344-0232	1973	-do-	-do-	4-344-0231
4-344-0233	1973	-do-	-do-	4-344-0232
4-344-0234	1973	-do-	-do-	4-344-0233
4-344-0235	1973	-do-	-do-	4-344-0234

Issued upon the request of Mr. Gonzalo Lingo for records.

0031551457

0031551458

0031551459

*P. S. Santos*  
0031551457 P. Santos  
Asst. Provincial Treasurer  
O.I.T.

JOINT-AFFIDAVIT OF ADJAILING MEMBERS

WE, FERNANDO AUMENTADO, OLIGARIO MALINAC and EUTIUIO CUYAC, all Filipinos, of legal ages, married and residents of Sinandigan, Ubay, Bohol, after being sworn to in accordance with law, hereby depose and say:

1. That we personally know and are acquainted with Mr. Gonzalo Lingo, Sr. as he is a native resident of Sinandigan, Ubay, Bohol;
2. That we also personally know that the said Mr. Gonzalo Lingo, Sr. is an owner of a real property situated at Sinandigan, Ubay, Bohol which is designated as Lot No. 11266 of the Cadastral Survey-Public Land Survey 554-D which has an area of 16,066 sq. meters;
3. That we hereby declare and confirm that the said person, Mr. Gonzalo Lingo, Sr. has been in possession of the aforesaid property in the concept of an owner, public, peaceful and continuous for more than thirty (30) years already;
4. That we hereby support for his application for the issuance of a certificate of title over the land as he is rightfully entitled as being an absolute owner thereof;
5. That we are executing this affidavit in order to prove the foregoing facts and to support for whatever purposes this may serve especially his intention to apply for a patent title with the Department of Environment and Natural Resources.

IN WITNESS WHEREOF, we have hereunto set our hands this 21st day of July, 1999 at Talibon, Bohol, Philippines.

<i>Fernando Aumentado</i> FERNANDO AUMENTADO Affiant	<i>Oligario Malinac</i> OLIGARIO MALINAC Affiant	<i>Eutuio Cuyac</i> EUTUIO CUYAC Affiant
CTC No. _____	CTC No. _____	CTC No. _____
Date: <u>7</u>	Date: _____	Date: _____
Place: _____	Place: _____	Place: _____

SUBSCRIBED AND SWEORN to before me this 21st day of July, 1999 at Talibon, Bohol, Philippines.

DEPARTMENT OF LAND REGISTRATION AUTHORITY  
REGISTRY OF DEEDS FOR THE PROVINCE OF BOHOL

Transfer Certificate of Title  
No. 959

ATTY. JAMES S. P. E. WIMALALOAN  
DEPUTY REGISTER OF DEEDS III

Entered in accordance with Republic Act No. 6657, dated June 10, 1988, pursuant to a Certificate of Land Ownership Award issued by the Department of Agrarian Reform, at Quezon City, and spread in the records of the said Department of Agrarian Reform, as follows:

"REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF AGRARIAN REFORM  
CERTIFICATE OF LAND OWNERSHIP AWARD NO. 00235675

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

WHEREAS, pursuant to the provisions of Republic Act No. 6657, dated June 10, 1988, INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION AND PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, there is hereby awarded unto GABINO AUDITOR et. al.

Sinandigan, Municipality of Ubay, Province of Bohol, Island of Bohol, Philippines, containing an area of THIRTY SIX THOUSAND FOUR HUNDRED TWENTY ONE ( 36,421 ) square meters, more or less, which is now more particularly bounded and described at the back hereof.

WHEREAS, it has been established that the herein awardee has fully complied with the requirements for the grant of title under Republic Act No. 6657.

NOW, THEREFORE, KNOW YE, That by authority of the provisions of Republic Act No. 6657, there is hereby awarded unto the said\* Please see page A.

this Certificate of Land Ownership Award covering the parcel of agricultural land herein described.  
TO HAVE AND TO HOLD IN OWNERSHIP AND TO USE PRODUCTIVELY said parcel of agricultural land with all the rights and privileges appurtenant thereto, subject to the condition that it shall not be sold, transferred or conveyed except through hereditary succession, or to the Government, or to the Land Bank of the Philippines, or to the other qualified beneficiaries for a period of ten (10) years. Provided, however, that the children or the spouse of the transferor shall have a right to repurchase the land from the Government or the Land Bank of the Philippines within a period of two (2) years from the date of transfer.

IN TESTIMONY WHEREOF, and by authority vested upon me by law, I, FIDEL V. RAMOS, President of the Philippines, hereby cause these letters to be made patent and the seal of the Republic of the Philippines to be hereunto affixed.

Given at Quezon City, Philippines, on this 8th day of May, in the year of Our Lord nineteen hundred and ninety six.

BY AUTHORITY OF THE PRESIDENT  
OF THE PHILIPPINES:

ERNESTO D. GARILAO  
Secretary of Agrarian Reform

Entered in the Registry of Deeds of Bohol  
pursuant to Section 24 of Republic  
Act No. 6657 on this 26th day of June  
nineteen hundred and ninety six  
at 10:20 a.m.

REFERENCE:  
This certificate is a transfer  
from Transfer Certificate of  
Title No. 22599 - Rep. of the Phlils.

Sinandigan, Ubay, Bohol  
(Owner's postal address)

PABLO F. BRIONES  
Deputy Register of Deeds

\*State the civil status, name of spouse if married, age if a minor, citizenship and residence of the awardee.

(Legal - 0203900)

1st Indorsement  
February 28, 2000

Respectfully referred to : Atty. Johnson A. Simco  
PARO, Tagbilaran City

The herein : Memorandum from the Office of the Undersecretary,  
Field Operations and Support Services, subject of  
which is the attached letter of Gonzalo Lingo of  
Barangay Sinandigan, Ubay, Bohol requesting for the  
cancellation of the EP awarded to a certain Mr. Gavino  
Auditor, Mr. Lingo alleged that Mr. Auditor is an  
illegal squatter and has no legal identity as a  
farmer beneficiary.

For : His investigation and submission of report and  
recommendation within ten (10) days from receipt  
hereof.

ROGELIO E. TAMIN, CESO III  
Regional Director

Copy furnished:

- Mr. Gonzalo Lingo  
Barangay Sinandigan  
Ubay, Bohol
- Office of the Secretary  
Diliman, Quezon City
- Percival C. Dalugdug  
Executive Director/FOSSO, USEC  
DAR, Diliman, Quezon City