

Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
ADJUDICATION BOARD
E E F E I
City of Tagbilaran

IMELITA APAO,
Petitioner,

-versus-

REGISTER OF DEEDS OF BOHOL ET AL.,
Respondents,

x-----/

AIREEN A. COYOCA,
Petitioner,

-versus-

REGISTER OF DEEDS OF BOHOL ET AL.,
Respondents,

x-----/

MIGUEL DOBLAS,
Petitioner,

-versus-

REGISTER OF DEEDS OF BOHOL ET AL.,
Respondents,

x-----/

CIRILO AVERGONZADO,
Petitioner,

-versus-

REGISTER OF DEEDS OF BOHOL ET AL.,
Respondents,

x-----/

DARAB CASE NO. VII-BOH-215-2001
For CANCELLATION OF TCT NO. 405/
CLOA NO. 00147990

DARAB CASE NO. VII-BOH-214-2001
For CANCELLATION OF TCT NO. 405/
CLOA NO. 00147990

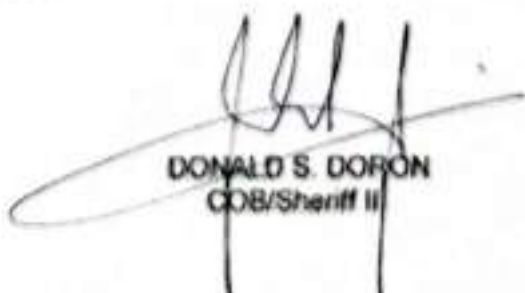
DARAB CASE NO. VII-BOH-216-2001
For CANCELLATION OF TCT NO. 405/
CLOA NO. 00147990

DARAB CASE NO. VII-BOH-213-2001
For CANCELLATION OF TCT NO. 405/
CLOA NO. 00147990

CERTIFICATION
(FINALITY OF JUDGMENT)

THIS IS TO CERTIFY that the ORDER/DECISION of the above-entitled case has become FINAL and EXECUTORY there being NO APPEAL taken or any MOTION FOR RECONSIDERATION filed within the reglementary period provided for by the RULES.

This certification is issued this 4th day of December 2003 at the DAR-Adjudication Board Office, City of Tagbilaran, Philippines


DONALD S. DORON
COB/Sheriff II

received
Judy T. ...
12/12

ARLITO MUMAR, THE REGISTER
DEEDS OF BOHOL, and the
DEPARTMENT OF AGRARIAN REFORM
op. by ATTY. JOHNSON A. SINGO.
10, PARO II.
respondents.

IN TOT. 00147990 BY SIGLA-
CLOA NO. 00147990 BY SIGLA-
SIGN OF FE CARLITO MUMAH
AS AWARDED IN LOT NOS. 27-
70 and 27-71 AND IN LIEU
THEREOF THE INCLUSION OF
PETITIONER'S NAME IN SUB-
JECT CLOA AS NEW BENEFICIARY
OF SAME LANDHOLDING

PETITIONER, thru undersigned counsel, unto this Honorable
R Adjudication Board, most respectfully alleges:

1. That on 27 May 2002, a Resolution/Order has been rendered in this case the dispositive portion reads as follows:

WHEREFORE, premises considered, Order is hereby issued:

1. Finding private respondent Carlito Numar to have committed a breach of his obligation as Agrarian Reform beneficiary;
2. Declaring herein petitioner qualified to become a beneficiary of subject landholding in lieu of private respondent;
3. Ordering the public respondents to effect the cancellation/correction of entry on TCT No. 405/CLOA No. 00147990 by substituting the name of private respondent with the name of Airen Coyoca, married, and a resident of Parab-an, Trinidad, Bohol.

SO ORDERED."

2. That a copy of said Resolution/Order has been received by undersigned counsel on 21 June 2002;

3. That the 15-day Reglementary period within which to file an appeal in view of foregoing resolution has already lapsed without any appeal filed to this effect by Respondents;

4. That said Resolution in view of foregoing is now final and executory, hence, there is need for the execution of the same;

WHEREFORE, in view of foregoing premises, it is most respectfully prayed unto this Honorable Board that an Order be please issued for the execution of said resolution/Order.

Tagbilaran City, Philippines, 16 September 2002.

Department of Agrarian Reform
BUREAU OF AGRARIAN LEGAL ASSISTANCE

By: JOSE SIMPLICIO A. MONDISTA
Para Legal Officer

The Clerk of the Board (Counsel for the Petitioner)
DAR Adjudication Board, Tagb. City

Greetings:

Please submit the foregoing Motion for Execution of Judgment to the Honorable Adjudicator immediately upon receipt hereof for her consideration and resolution.

Copy furnished:

JOSE SIMPLICIO A. HORDISTA

Carlito Mumar
San Vicente, Trinidad, Bohol

AIREN A. COYOCA,
Petitioner,

-versus-

CARLITO MUMAR, THE REGISTER
OF DEEDS OF BOHOL, and the
DEPARTMENT OF AGRARIAN REFORM
Rep. by ATTY. JOHNSON A. SINCO,
OIC, PARO II,
Respondents.

x - - - - -

DARAB CASE NO. VII-214-BOH-01

FOR: CANCELLATION OF ENTRY
IN TCT NO. 405 EMBRACED IN
CLOA NO. 00147990 BY EXCLU-
SION OF FB CARLITO MUMAR
AS AWARDER IN LOT NOS. 27-
70 and 27-71 AND IN LIEU
THEREOF THE INCLUSION OF
PETITIONER'S NAME IN SUB-
JECT CLOA AS NEW BENEFICIARY
OF SAME LANDHOLDING

MOTION FOR EXECUTION OF JUDGMENT

PETITIONER, thru undersigned counsel, unto this Honorable
DAR Adjudication Board, most respectfully alleges:

1. That on 27 May 2002, a Resolution/Order has been ren-
dered in this case the dispositive portion reads as follows:

"WHEREFORE, premises considered, Order is hereby issued:

1. Finding private respondent Carlito Mumar to have com-
mitted a breach of his obligation as Agrarian Reform
beneficiary;
2. Declaring herein petitioner qualified to become a be-
neficiary of subject landholding in lieu of private
respondent;
3. Ordering the public respondents to effect the cancel-
lation/correction of entry on TCT No. 405/CLOA No.
00147990 by substituting the name of private respon-
dent with the name of Airen Coyoca, married, and a re-
sident of Parab-an, Trinidad, Bohol.

SO ORDERED."

2. That a copy of said Resolution/Order has been received
by undersigned counsel on 21 June 2002;

3. That the 15-day reglamentary period within which to file
an appeal in view of foregoing resolution has already lapsed
without any appeal filed to this effect by Respondents;

4. That said Resolution in view of foregoing is now final
and executory, hence, there is need for the execution of the same;

WHEREFORE, in view of foregoing premises, it is most res-
pectfully prayed unto this Honorable Board that an Order be
please issued for the execution of said resolution/Order.

Tagbilaran City, Philippines, 16 September 2002.

Department of Agrarian Reform
BUREAU OF AGRARIAN LEGAL ASSISTANCE

By: JOSE SIMPLICIO A. HORDISTA
Para Legal Officer
(Counsel for the Petitioner)

The Clerk of the Board
DAR Adjudication Board, Tagb. City

Greetings:

Please submit the foregoing Motion for Execution of Judg-
ment to the Honorable Adjudicator immediately upon receipt here-
of for her consideration and resolution.

Copy furnished:

JOSE SIMPLICIO A. HORDISTA

Carlito Mumar
San Vicente, Trinidad, Bohol

Register of Deeds Reg. Receipt # 5157
Province of Bohol, Tagb. City

DAR Provincial Office
Tagbilaran City

REGISTRY RECEIPT

Post Office

Letter/Package No. 5160

Posted on 20

Preserve this receipt for reference in case of inqu

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

AIREN A. COYOCA,
Petitioner,

DARAB CASE NO. VII-BOH-214-2001

-versus-

For:

CARLITO MUMAR, ET. AL.,
Respondents.

X-----/

NOTICE OF ORDER
May 27, 2002

TO :

Simplicio A. Hordista

DARMO, Trinidad, Bohol

Airen Coyoca

Pamb-an, Pob., Trinidad, Bohol

Carlito Mumar

San Vicente, Trinidad, Bohol

Register of Deeds

Tagbilaran City

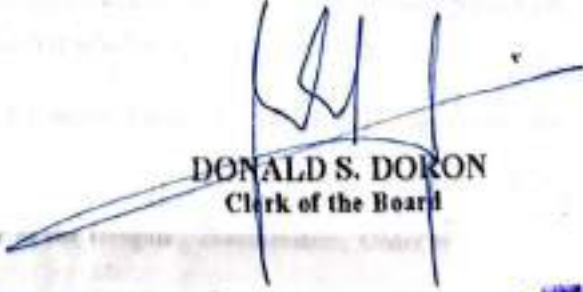
PARO of Bohol

DAR, Tagbilaran City

GREETINGS :

Please be notified that an Order 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. VIVIAN-OLIS
MAQUILING this 14th day of June 2002 at Tagbilaran City, Philippines.


DONALD S. DORON
Clerk of the Board

REGISTRY RECEIPT

Post Office C. Mumar
Letter/Package No. 10102
Posted on 20 JUN 17 2002
Preserve this receipt for reference in case of inquiry

Postmaster/Teller

REGISTRY RECEIPT

Post Office A. Coyoca
Letter/Package No. 10100
Posted on 20 JUN 17 2002
Preserve this receipt for reference in case of inquiry

Postmaster/Teller

Office of the Provincial Adjudicator
Region VII, Province of Bohol
Tagbilaran City

AIREN A. COYOCA,
Petitioner,

-versus -

DARAB CASE NO. VII-214-BOH-01

FOR: Cancellation of Entry in TCT No. 405
embraced in CLOA No. 00147990 by exclusion
of FB Carlito Mumar as awardee in Lot
Nos. 27-70 and 27-71 and in lieu thereof the
inclusion of petitioner's name in subject CLOA
as new beneficiary of same landholding.

CARLITO MUMAR, THE REGISTER
OF DEEDS OF BOHOL, and the
DEPARTMENT OF AGRARIAN
REFORM Rep. by ATTY. JOHNSON
A. SINCO, OIC-PARO II,
Respondents.

X----- /

ORDER

For resolution is a case for Cancellation of Entry in Transfer Certificate of Title No. 405, embraced in Certificate of Land Ownership Award (CLOA) No. 00147990, by the Exclusion of farmer beneficiary Carlito Mumar as awardee in Lot Nos. 27-70, 27-71, and in lieu thereof the inclusion of petitioner's name as new farmer beneficiary of the subject lots.

The Department of Agrarian Reform placed under the coverage of the Comprehensive Agrarian Reform Program the agricultural landholding belonging to Bohol Cattle Corporation consisting of Five Million Seven Hundred Sixty Nine Thousand Two Hundred Fifty Two (5,769,252) square meters and situated at Barangays Kinan-oan and San Vicente, Trinidad, Bohol. A collective Certificate of Land Ownership Award (CLOA) bearing Transfer Certificate of Title No. 405/CLOA No. 00147990 was awarded by the DAR in favor of the farmer-beneficiaries including private respondent Carlito Mumar sometime in February 1996. However, respondent Mumar vacated and abandoned his cultivation in the subject landholding. Petitioner took over the cultivation of the same since 1995 up to the present, which prompted her to file a petition for inclusion with the DAR Regional Office No. VII, which was granted due course.

On February 23, 2001, Regional Director Rogelio E. Tamin issued an Order, the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing consideration, Order is hereby issued:

1. Granting this instant petition and DECLARING, AIREN A. COYOCA as the qualified beneficiary to be included in the collective CLOA No. 00147990, more particularly Lot Nos. 27-70, 27-71;



2. Declaring, Carlito Mumar as disqualified beneficiary of the subject lot and thus excluded from the listed Agrarian Reform Beneficiaries in the subject collective CLOA;
3. Directing, the Provincial Agrarian Reform Officer of Bohol to facilitate the filing of Cancellation/Correction of CLOA No. 00147990 with the Provincial Agrarian Adjudicatory Board as provided under DAR Administrative Order 2, Series of 1994, to this effect;

SO ORDERED."

Respondents in this case failed to file an answer despite service of summons.

In support of the petition, petitioner adduced the following material evidence:

Exhibit "A"- Transfer Certificate of Title No. 405/CLOA No. 00147990, the title sought to be cancelled;

Exhibit "B"- Investigation Report of Municipal Agrarian Reform Officer Crispina L. Boniel, recommending for the cancellation of the name of Carlito Mumar, in view of his abandonment of the lots awarded to him and to place in his stead the name of petitioner Airen Coyoca; and

Exhibit "C"- Order in DARRO ADM Case No. A-0700-009-2001, entitled: In the matter of Inclusion/Exclusion over a parcel of land situated at San Vicente, Trinidad, Bohol, Airen A. Coyoca, Petitioner.

Administrative Order No. 2, Series of 1994 on the subject:

"Rules Governing the correction and cancellation of registered/unregistered emancipation patents (EPs), and certificates of Land Ownership Awards (CLOAs) due to unlawful acts and omissions or breach of obligations of Agrarian Reform beneficiaries (ARBs) and for other causes.", provides:

Xxx

"IV. Policy Statements

- A. Registered EPs/CLOAs whether distributed or not, may only be corrected or cancelled by Order of the Provincial or Regional Adjudicator, which has jurisdiction over the property, in accordance with the DARAB Rules and Procedures.

Xxx

- B. Grounds for the cancellation of registered EPs or CLOAs may include but not be limited to the following:

Xxx

8. Neglect or abandonment of the awarded land continuously for a period of two (2) calendar years as



determined by the Secretary or his authorized representative; (Section 22 of RA 6657)"

xxx

Furthermore, Memorandum Circular No. 19, Series of 1996, likewise provides:

"I. Violations, Offenses and Sanctions:

A. Grounds for the cancellation of EPs/CLOAs and the Perpetual Disqualification of Agrarian Reform Beneficiaries (ARBs)

Xxx

5. Continuous neglect or abandonment of the awarded land over a period of two (2) calendar years as determined by the Secretary of his authorized representative. (Section 22 of RA No. 6657)

Xxx"


The DAR Regional Director, as the authorized representative of the Secretary, has found respondent to have abandon his awarded land, which warrants the allocation of the same to other willing and qualified farmer-beneficiary.

WHEREFORE, premises considered, Order is hereby issued:

1. Finding private respondent Carlito Mumar to have committed a breach of his obligation as Agrarian Reform beneficiary;
2. Declaring, herein petitioner qualified to become a beneficiary of subject landholding in lieu of private respondent;
3. Ordering the public respondents to effect the cancellation/correction of entry on TCT No. 405/CLOA No. 00147990 by substituting the name of private respondent with the name of Airen Coyoca, married, and a resident of Panab-an, Trinidad, Bohol.

SO ORDERED.

Tagbilaran City, 27 May 2002.


VIVIAN OLLIS-MAQUILING
Provincial Adjudicator



IN THE MATTER OF INCLUSION
EXCLUSION OVER A PARCEL OF
LAND SITUATED AT SAN VICENTE
TRINIDAD, BOHOL.

DARRO ADM CASE NO
A-0700-009-2001

AIREN A. COYOCA,
Petitioner,

X-----/

ORDER

FOR CONSIDERATION is Petition for the Inclusion of Airen Coyoca as the qualified farmer beneficiary and the exclusion of Carlito Mumar pursuant to DAR Administrative Order No. 2, Series of 1994

Subject landholding of this instant petition is more particularly described as Lot Nos. 27-70 and 27-71 covered under Transfer Certificate of Title No. 405 and embraced by collective Certificate of Land Ownership Award (CLOA) No. 00147990 registered in the name of farmer beneficiary Carlito Mumar (formerly the Bohol Cattle Corporation) situated at San Vicente, Trinidad, Bohol containing an area of 8499 hectare, and 6166 hectare respectively

It must be noted in this connection that per Investigation Report issued by Crispina L. Boniel, Municipal Agrarian Reform Officer of Trinidad, Bohol dated June 27, 2000 the following antecedent facts were gathered.

1. That Carlito Mumar, farmer beneficiary of collective CLOA No. 00147990 has abandoned the subject landholding since 1995 and none of his family took over the subject lots
2. That Carlito Mumar is a convicted prisoner now serving his sentence at the National Penitentiary Prison in Bilibid, Muntinlupa.
3. That Airen A. Coyoca is the one tilling and attending the subject lots. Presently the lands is made productive and devoted fully to agricultural production since 1995 up to the present.

Pursuant to Chapter VII, Section 22 of Republic Act 6657 otherwise known as the Comprehensive Agrarian Reform Law of 1988 as amended by Republic Act 5332, pertinent provision provides as follows, to quote,

SECTION 22, Qualified Beneficiaries The lands covered by the CARP shall be distributed as much as possible to landless residents of the same barangay, or in the absence thereof, landless resident of the same municipality in the following order of priority.

x x x

A basic qualification of a beneficiary shall be his willingness, aptitude, and ability to cultivate and make the land as productive as possible. The DAR shall adopt a system of monitoring the record of performance of each beneficiary, *so that any beneficiary, guilty of negligence or misuse of the land or any support extended to him shall forfeit his right to continue as such beneficiary.* The DAR shall submit periodic reports on the performance of the beneficiaries to the PARC." (Presidential Agrarian Reform Counsel)(*emphasis supplied*)

Moreover, under the Department of Agrarian Reform Administrative Order No. 2, Series of 1994, IN RE **RULES GOVERNING THE CORRECTION AND CANCELLATION OF REGISTERED/UNREGISTERED EMANCIPATION PATENTS (EPS); AND CERTIFICATE OF LAND OWNERSHIP AWARD (CLOAS) DUE TO UNLAWFUL ACTS AND OMISSION OR BREACH OF OBLIGATION OF AGRARIAN REFORM BENEFICIARIES (ARBS) AND FOR OTHER CAUSES,** to quote;

IV. POLICY STATEMENTS

A. x x x

B. Grounds of the cancellation of registered EPs or CLOAs may include but not limited to the following;

x x x

8. Neglect or abandonment of the awarded land continuously for a period of two (2) calendar years as determined by the Secretary of his authorized representative; Section 22 of RA 6657

In this regard, Ms. Crispina L. Boniel, Municipal Agrarian Reform Officer of Trinidad, Bohol in her Investigation Report recommends for the exclusion of Carlito Mumar as farmer beneficiary of the aforementioned subject landholding and in lieu thereof recommended Airen A. Coyoca as farmer beneficiary and be included in the Collective CLOA No. 00147990 formerly owned by the Bohol Cattle Corporation.

In the same vein, Atty. Johnson A. Sinco, Provincial Agrarian Reform Officer of Bohol in his indorsement dated August 31, 2000 approved *in toto*, the recommendation of MARO Trinidad, Bohol.

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offices, the exclusion of ~~Carlito Mumar~~ having abandoned his award, and the inclusion of Airen A Coyoca having fully shown that he is willing, and has the aptitude and ability to cultivate and make the subject landholding as productive as possible.


WHEREFORE, in view of the foregoing consideration, **ORDER** is hereby issued.

1. **GRANTING**, this instant petition and **DECLARING**, **AIREN A. COYOCA**, as the qualified beneficiary to be included in the collective CLOA No. 00147990 more particularly Lot Nos. 27-70 and 27-71;
2. **DECLARING**, **CARLITO MUMAR** as disqualified beneficiary of the subject lots and thus excluded from the listed Agrarian Reform Beneficiaries in the subject collective CLOA;
3. **DIRECTING**, the Provincial Agrarian Reform Officer of Bohol to facilitate the filing of Cancellation/Correction of CLOA No. 00147990 with the Provincial Agrarian Adjudicatory Board as provided under DAR Administrative Order 2, Series of 1994, to this effect.

SO ORDERED.

Cebu City _____

FEB 23 2001


ROGELIO A. TAMIN CESO III
Regional Director

Copy Furnished:

- Airen A. coyoca
San Vicente, Trinidad, Bohol
- Carlito Mumar
San Vicente, Trinidad, Bohol
- MARO, Trinidad, Bohol
- PARO, Bohol

[Handwritten notes and signatures at the bottom left of the page]



IN THE MATTER OF INCLUSION
EXCLUSION OVER A PARCEL OF
LAND SITUATED AT SAN VICENTE
TRINIDAD, BOHOL

DARRO ADM CASE NO
A-0700-009-2001

AIREN A. COYOCA,
Petitioner,

ORDER

FOR CONSIDERATION is Petition for the Inclusion of Airen Coyoca as the qualified farmer beneficiary and the exclusion of Carlito Mumar pursuant to DAR Administrative Order No. 2, Series of 1994.

Subject landholding of this instant petition is more particularly described as Lot Nos. 27-70 and 27-71 covered under Transfer Certificate of Title No. 405 and embraced by collective Certificate of Land Ownership Award (CLOA) No. 00147990 registered in the name of farmer beneficiary Carlito Mumar (formerly the Bohol Cattle Corporation) situated at San Vicente, Trinidad, Bohol containing an area of .8499 hectare, and .6166 hectare respectively.

It must be noted in this connection that per Investigation Report issued by Crispina L. Boniel, Municipal Agrarian Reform Officer of Trinidad, Bohol dated June 27, 2000 the following antecedent facts were gathered,

1. That Carlito Mumar, farmer beneficiary of collective CLOA No. 00147990 has abandoned the subject landholding since 1995 and none of his family took over the subject lots.
2. That Carlito Mumar is a convicted prisoner now serving his sentence at the National Penitentiary Prison in Bilibid, Muntinlupa.
3. That Airen A. Coyoca is the one tilling and attending the subject lots. Presently the lands is made productive and devoted fully to agricultural production since 1995 up to the present.

Pursuant to Chapter VII, Section 22 of Republic Act 6657 otherwise known as the Comprehensive Agrarian Reform Law of 1988 as amended by Republic Act 5532, pertinent provision provides as follows, to quote;

SECTION 22. Qualified Beneficiaries. The lands covered by the CARP shall be distributed as much as possible to landless residents of the same barangay, or in the absence thereof, landless resident of the same municipality in the following order of priority.

x x x

A basic qualification of a beneficiary shall be his willingness, aptitude, and ability to cultivate and make the land as productive as possible. The DAR shall adopt a system of monitoring the record of performance of each beneficiary, *so that any beneficiary, guilty of negligence or misuse of the land or any support extended to him shall forfeit his right to continue as such beneficiary.* The DAR shall submit periodic reports on the performance of the beneficiaries to the PARC. (Presidential Agrarian Reform Counsel)(*emphasis supplied*)

Moreover, under the Department of Agrarian Reform Administrative Order No. 2, Series of 1994, IN RE: **RULES GOVERNING THE CORRECTION AND CANCELLATION OF REGISTERED/UNREGISTERED EMANCIPATION PATENTS (EPS); AND CERTIFICATE OF LAND OWNERSHIP AWARD (CLOAS) DUE TO UNLAWFUL ACTS AND OMISSION OR BREACH OF OBLIGATION OF AGRARIAN REFORM BENEFICIARIES (ARBS) AND FOR OTHER CAUSES**, to quote;

IV. POLICY STATEMENTS

A. x x x

B. Grounds of the cancellation of registered EPs or CLOAs may include but not limited to the following:

x x x

8. Neglect or abandonment of the awarded land continuously for a period of two (2) calendar years as determined by the Secretary of his authorized representative; Section 22 of RA 6657

In this regard, Ms. Crispina L. Boniel, Municipal Agrarian Reform Officer of Trinidad, Bohol in her Investigation Report recommends for the exclusion of Carlito Mumar as farmer beneficiary of the aforementioned subject landholding and in lieu thereof recommended Airen A. Coyoca as farmer beneficiary and be included in the Collective CLOA No. 00147990 formerly owned by the Bohol Cattle Corporation.

In the same vein, Atty. Johnson A. Sinco, Provincial Agrarian Reform Officer of Bohol in his indorsement dated August 31, 2000 approved *in toto*, the recommendation of MARO Trinidad, Bohol.

offices, the exclusion of CARMO MUMAR from the subject lots having abandoned his award, and the inclusion of Airen A. Coyoca having fully shown that he is willing and has the aptitude and ability to cultivate and make the subject landholding as productive as possible.

WHEREFORE, in view of the foregoing consideration, **ORDER** is hereby issued.

1. **GRANTING**, this instant petition and **DECLARING**, **AIREN A. COYOCA**, as the qualified beneficiary to be included in the collective CLOA No. 00147990 more particularly Lot Nos. 27-70 and 27-71.
2. **DECLARING**, **CARLITO MUMAR** as disqualified beneficiary of the subject lots and thus excluded from the listed Agrarian Reform Beneficiaries in the subject collective CLOA;
3. **DIRECTING**, the Provincial Agrarian Reform Officer of Bohol to facilitate the filing of Cancellation/Correction of CLOA No. 00147990 with the Provincial Agrarian Adjudicatory Board as provided under DAR Administrative Order 2, Series of 1994, to this effect.

SO ORDERED.

Cebu City.

FEB 23 2001


ROGELIO A. TAMIN, CESO III
Regional Director

Copy Furnished:

- Airen A. coyoca
San Vicente, Trinidad, Bohol
- Carlito Mumar
San Vicente, Trinidad, Bohol
- MARO, Trinidad, Bohol
- PARO, Bohol

[Handwritten notes and signatures at the bottom left of the page]

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

Coyoca,
Petitioner/s,

DARAB CASE NO. VII- BOH-214-2001

- versus -

For:

Mumar, et al.
Respondent/s.
X-----

MINUTES OF DARAB PROCEEDINGS

DATE: January 15/2002

TIME: _____

PRESIDING ADJUDICATOR: _____

I. APPEARANCES OF PARTIES/COUNSELS:

Counsel for the complainant/s

Counsel for Respondent/s

II. EVIDENCE/S PRESENTED:

Complainant/s:

Respondent/s:

III. ACTION AND/OR PROCEEDINGS BEFORE THE ADJUDICATOR:

IV. RESETTING OF TRIAL OR HEARING:

January 23/2002 at 9:00 a.m.

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

Airen A. Coyoca

[Signature]

CERTIFIED TRUE AND CORRECT:

[Signature]
LIZA F. SOSOTER
Stenographer

REGISTRY RECEIPT

Post Office

Letter/Pack No. 7327

Posted on 15 19 2002

Preserve this receipt for reference in case of inquiry

Postmaster/Teller

214

AIREN A. COYOGA
Petitioner,

-versus-

CARLITO MUMAR, THE
REGISTER OF DEEDS OF BOHOL,
and THE DEPARTMENT OF AGRARIAN
REFORM, Represented by ATTY.
JOHNSON A. SINCO, OIC, PARO II
x - - - - - /

DARAB CASE NO. 0118/01 DATE: 10/1/12
FOR: CANCELLATION OF ENTRY
IN TCT NO. 405, EMBRACED IN
CLOA NO. 00147990 BY EXCLUSION
OF FB CARLITO MUMAR AS AWARDER
IN LOT NOS. 27-70 AND 27-71
AND IN LIRU THEREOF THE INCLU-
SION OF PETITIONER'S NAME IN
SUBJECT CLOA AS NEW FARMER
BENEFICIARY OF SAME LANDHOLDING.

P E T I T I O N

COMES NOW, Petitioner, through counsel and unto this Honorable DAR Adjudication Board, most respectfully alleges:

1. That Petitioner, is a Filipino, of legal age, married, a resident of Panab-an, Poblacion, Trinidad, Bohol, where she could be served with board processes;

2. That Respondent Carlito Mumar, likewise Filipino, married, of legal age, and a resident of San Vicente, Trinidad, Bohol, where he could be served with summons and other legal processes of this Board;

3. That Respondent Register of Deeds of the Province of Bohol, is a government entity with office address at Capitol Building, CPG Avenue, Tagbilaran City, where it could be served with summons and other legal processes of this Board;

4. That Respondent Department Agrarian Reform herein represented by Atty. Johnson A. Sinco, OIC, PARO II, is an entity of the Republic of the Philippines, created under RA 6389, with office address at PCB Building, CPG Avenue, Tagbilaran City, where it could be served with summons and other board processes;

5. That Petitioner is presently the actual tiller and potential farmer beneficiary of parcels of agricultural land denominated as Lot Nos. 27-70 and 27-71, all located at San Vicente, Trinidad, Bohol, portions of that vast agricultural land formerly owned by the Bohol Cattle Corporation being covered under CARP pursuant to RA 6657;

6. That subject lots however, were originally attended by Respondent Carlito Mumar, the former beneficiary of subject lots for which Mumar became awardee of subject lots as registered co-owner of a Collective CLOA No. 00147990 under TCT No. 405, copy of subject CLOA is hereto attached as Annex "A", and made an integral part of this Petition;

7. That sometime on Feb. 1995, Respondent Carlito Mumar vacated and abandoned subject lots and has ceased cultivation and

PERFORMING AS SUCCESSOR AND SUCCESSION TO SUCH FORMER BENEFICIARY and in lieu of such former beneficiary, Petitioner who has the willingness and ability assume and maintain the productivity of the land took over the cultivation of the same since February 1995 to the present;

8. That foregoing abandonment and subsequent assumption of agricultural tillage involving subject lots were duly noted in an Investigation Report duly issued by the DAR Municipal Office of Trinidad, Bohol, who is incharge in the periodic monitoring and supervision of lots subjected under CARP, copy of subject investigation report is likewise attached as Annex "B", and made an integral part of this petition;

9. That along this direction, Petitioner thus petitioned the Department of Agrarian Reform for her inclusion as qualified farmer beneficiary in Lot No. 27-70 and 27-71 covered under CLOA No. 00147990 and the exclusion of Respondent Carlito Mumar the former beneficiary pursuant to DAR Adm. Order No. 2, s. 1994;

10. That such petition was given due course by DAR Regional Office, Cebu City, in its Order dated February 23, 2001 granting the instant petition and declaring Petitioner as the qualified beneficiary to be included in Collective CLOA No. 00147990, and declaring Carlito Mumar as disqualified in subject lots and thus be excluded from the listed agrarian reform beneficiary in subject CLOA, and thus further directing the PARO of Bohol to facilitate the filing of Cancellation/Correction of CLOA No. 00147990, with this Honorable DAR Adjudication Board as provided under the said A.O. No. 2, s. 1994, copy of subject Order is likewise attached and made integral part hereof as Annex "C";

11. That so far, since Petitioner received such Order sometime on March 2001, she has not received any adverse action by way of protest or appeal or reconsideration on such Order from Respondent Mumar, hence, the 15-day reglamentary period for such appeal had already lapsed, hence, the same is now deemed final and executory;

12. That Petitioner had requested for legal assistance thru the Municipal Agrarian Reform Office, Trinidad, Bohol, for the eventual exclusion of Respondent Mumar, the former FB, and the subsequent inclusion of Petitioner's name in subject CLOA in view of such Order, hence, the filing of this instant Petition;

13. That Petitioner is mere farmer beneficiary, thus she humbly prays unto the Honorable DAR Adjudication Board that she be allowed to litigate as pauper litigant pursuant to Rule V, Sec 2, of the new DARAB Rules and Procedures;

14. That cancellation or correction of CLOA is within the exclusive and original jurisdiction of the Department of Agrarian Reform Adjudication Board pursuant to Section 1, Rule 11, of the NewDARAB Rules and Procedures.

WHEREFORE, premises considered, it is most respectfully prayed of this Honorable Board that after due hearing judgment be rendered:

1. DECLARING Respondent Carlito Mumar as disqualified beneficiary in subject Lot Nos. 27-70 and 27-71 and his exclusion from listed beneficiaries in subject CLOA and Petitioner be declared as the new qualified beneficiary to be included in Collective CLOA No. 00147990 for same Lot Nos. 27-70 and 27-71;
 2. Ordering Respondent Register of Deeds of Bohol to cancel entry in TCT No. 405 embraced in Collective CLOA No. 00147990 of Respondent Carlito Mumar's name as awardee of Lot No. 27-70 and 27-71, and in lieu thereof, the inclusion of Petitioner's name as new farmer beneficiary in subject CLOA;
 3. Ordering the Respondent Department of Agrarian Reform to effect such cancellation/exclusion and inclusion of FBs concerned and further effect change of record of farmer beneficiary of subject landholding in view of such Order;
 4. Such other relief just and equitable in the premises.
- Tagbilaran City, Philippines 27 November 2001.

Department of Agrarian Reform
BUREAU OF AGRARIAN LEGAL ASSISTANCE

By: JOSE SIMPLICIO A. HORDISTA
Para Legal Officer
DARMO-Trinidad, Bohol

I, AIREN A. COYOGA, Petitioner in the above-entitled case, after duly sworn to in accordance with law, hereby depose and say:

1. That I have caused the preparation and the filing of this Petition and I am fully aware and understood all its contents, and that the same are true and correct to the best of my own personal knowledge and belief;

2. That I further certify that there is no other case or action between the same parties and causes of action that is pending in any court, tribunal or board;

3. That to my personal knowledge, I have not filed any similar action with the same respondents in any court, tribunal or board, and if it turns out that there going one, I hereby oblige myself to inform this Adjudicator within five (5) days from knowledge hereof.

Airen Coyoga
AIREN A. COYOGA
Petitioner

SUBSCRIBED AND SWORN to before me this 14th day of December, 2001, in the City of Tagbilaran, Philippines, Affiant exhibited to me her Community Tax Certificate No. 19658930, issued on Oct. 2, 2001 at Trinidad, Behel, Philippines.

[Signature]
110506 1/22/201
110506 1/23/201

DESCRIPTION OF THE LAND

Lot 28, Fed-071244-028024 (VCS)

A parcel of land (Lot 28, Fed-071244-028024 (VCS), being a portion of Pen-05577 (AP - 5385), situated in the Barrio of Kina-awan and San

Vicente, Municipality of Trinidad, Province of Bolal, Island of Bolal, bounded on the SE., along lines 130-1-3 by Jacinto Mendez, along line 3-4 by Lot of Jacinto Mendez, along lines 4 to 36 by Rod Lot, along lines 36 to 38 by Lot of Jacinto Mendez, along lines 38 to 40 by Lot 2, along lines 40 to 50 by Lot 1, along lines 50 to 54 by Lot 2, along lines 54 to 56 by Lot 3, along lines 56 to 57 by Lot 4, along lines 57-58 by Lot 5, along lines 58-60 by Lot 6, along line 60-61 by Lot 7, along lines 61-63 by Lot 8, along lines 63 to 68 by Lot 9, along line 68-69 by Lot 10, along line 69 to 72 by Lot 11, along lines 72 to 74 by Lot 12, along lines 74 to 83 by Lot 13, along lines 83 to 88 by Lot 14, along lines 88 to 100 by Lot 15, along lines 100 to 102 by Lot 16, along lines 102-103 by Lot 17, along lines 103 to 105 by Lot 18, along lines 105-106 by Lot 19, along lines 106-107 by Lot 20, along lines 107-111 by Lot 21, along lines 111 to 113 by Lot 22, along lines 113 to 123 by Lot 23, along lines 123-124 by Lot 24, along lines 124-125 by Lot 25, along lines 125 to 127 by Lot 26, along line 127-130 by Lot 27, all of the subdivision plan. Beginning at a point marked "1" on the plan, being S. 79 deg. 30' W., 4689.91 m. from BLN No. 1, 1911, Talibon, Bolal.

THENCE :

S. 67-41'E., 169.95 m. to point 21
S. 67-41'E., 162.97 m. to point 41
S. 65-28'E., 48.11 m. to point 61
S. 66-58'W., 39.87 m. to point 61
S. 72-05'W., 13.03 m. to point 101
S. 71-13'W., 102.37 m. to point 121
S. 67-18'W., 22.19 m. to point 141
S. 66-58'W., 79.32 m. to point 161
S. 78-35'W., 41.95 m. to point 181
N. 4-07'E., 23.40 m. to point 201
N. 5-05'E., 29.36 m. to point 221
N. 5-28'W., 73.44 m. to point 241
N. 19-04'E., 19.71 m. to point 261
N. 70-59'E., 53.08 m. to point 281
N. 55-26'E., 49.87 m. to point 301
N. 41-54'E., 96.76 m. to point 321
N. 10-38'E., 49.79 m. to point 341
N. 7-12'W., 60.75 m. to point 361
S. 68-17'E., 140.63 m. to point 381
N. 66-33'W., 11.46 m. to point 401
S. 35-43 m. to point 421
S. 12-74 m. to point 441
S. 42-43 m. to point 461
S. 17-20 m. to point 481
N. 39-34 m. to point 501
S. 15-69 m. to point 521
S. 50-76 m. to point 541
S. 49-05 m. to point 561
S. 69-41'E., 69.10 m. to point 581
S. 52-06'W., 78.08 m. to point 601
N. 51-44'W., 53.44 m. to point 621

S. 76-31'E., 219.84 m. to point 31
S. 30-29'W., 95.11 m. to point 51
N. 65-50'W., 140.95 m. to point 71
S. 66-35'W., 141.44 m. to point 91
S. 65-31'W., 65.19 m. to point 111
S. 61-16'W., 167.72 m. to point 131
S. 64-27'W., 131.62 m. to point 151
S. 61-51'W., 144.87 m. to point 171
N. 14-55'W., 36.01 m. to point 191
N. 4-05'E., 25.58 m. to point 211
N. 9-01'W., 42.98 m. to point 231
N. 3-30'W., 38.26 m. to point 251
N. 51-05'E., 20.04 m. to point 271
N. 61-54'E., 47.93 m. to point 291
N. 35-58'E., 33.67 m. to point 311
N. 23-03'E., 150.63 m. to point 331
N. 1-12'E., 72.78 m. to point 351
S. 69-36'E., 59.62 m. to point 371
S. 3-41'W., 44.91 m. to point 391
N. 86-50'W., 26.16 m. to point 411
N. 38-36'W., 29.30 m. to point 431
S. 30-44'E., 28.40 m. to point 451
S. 69-55'W., 84.03 m. to point 471
N. 51-54'W., 70.40 m. to point 491
S. 40-46'E., 20.82 m. to point 511
S. 31-14'E., 20.23 m. to point 531
S. 67-41'E., 43.91 m. to point 551
S. 47-56'E., 83.77 m. to point 571
S. 17-20'W., 35.45 m. to point 591
S. 29-35'W., 43.89 m. to point 611
N. 68-42'W., 33.34 m. to point 631

Continued on Page 11

MEMORANDUM OF ENCLOSURES

For reference, use this page for the transmission of the
enclosure of documents

This lot was surveyed in accordance with the existing rules and
regulations of the Land Management Bureau, DENR, Region VII, Cebu
City by Cecilio Cruz, Jr. on Oct. 10-13, 1990, and was
approved by the Regional Technical Director on November 24, 1993.

CERTIFIED TRUE AND CORRECT:
FOR THE REGIONAL DIRECTOR

[Signature]
MARCELO C. CRUZ
Engineer III

APPENDIX

The lot is land described in this
Certificate of Land Ownership Award (CLOA)
registered in Bureau of

LAND BANK is the only property

to receive full payment of its share pursuant to
RA 6557 by the government estate certificate (GEC) and
operative of Bureau of Land Management (BLM) and Bureau of

February 10, 1994

[Signature]
WILLIAM B. TUDILAN, JR.
OIC
Regional Director

Memorandum of Enclosures continued on Page _____
Technical Description continued on Page _____
Register of Deeds _____

NAME OF INDIVIDUAL	NAME OF SPOUSE	ADDRESS
17 Esteban Auctero	Valentina Tison	San Roque, Talibon
20 Martin Auctero	Zosima Purog	-do-
23 Sabino Auctero, F.X.	Single	-do-
27 Pauline Auctero	Florentina Boncales	-do-
29 Manuel Apao	Melitona Tanyag	-do-
31 Macario Austria	Isabelastica Puno	San Vicente, Trinidad
33 Sofia Aumon	Anacita Pufe	-do-
37 Cornelio Autida	Cecilia Puno	San Vicente, Trinidad
39 Sergio Auxilio	Florencia Crescencio	-do-
407 Gregorio Austria	Perpetua Autentico	San Roque, Talibon
417 Mauricio Austria	Rosadion Villamel	San Vicente, Talibon
427 Gerónimo Auctero	Milagros Polo	-do-
437 Doroteo Auctero	Alberta Valmorla	-do-
447 Margarito Auctero	Juliana Crescencio	San Roque, Talibon
457 Marcelino Austria	Melchora Sison	-do-
467 Mario Austria	Ma. Cristina Busaco	-do-
477 Luciano Abaniel	Miguel Egon	San Vicente, Trinidad
487 Hermilo Aguilar	Larita Lunda	-do-
497 Sabino Auctero	Ines Boquilla	San Roque, Talibon
507 Vicente Auctero	Anita Bernay	-do-
517 Liren Auctero	Single	San Vicente, Trinidad
527 Federico Auctero	Felicidad Quizon	-do-
537 Daniel Alonso	Zenaida Polentico	-do-
547 Ponciano Avergonzado	Ponciano Salvo	-do-
557 Guillermo Alonso	Polinaria Fuentes	-do-
567 Toribio Avergonzado	Dionora Tortuga	-do-
577 Angelo Avanzado	Single	-do-
587 Eleuterio Auctero	Bibiana Masco	-do-
597 Gregorio Auctero	Rueta Palar	San Roque, Talibon
607 Mario Avenida	Dolores Bufe	-do-
617 Brigido Avenida	Carmen Capita	San Vicente, Trinidad
627 Sabino Apao	Dolores Abad	-do-
637 Gregorio Andrade	Arsenia Catarte	-do-
647 Pablo Auctero	Anita Bernay	-do-
657 Clemente Avergonzado	Salbina Cara	San Agustin, Talibon
667 Wilfredo Apa-ap	Avelina Lungog	San Vicente, Trinidad
677 Bonifacio Aguilar	Mariquita Auctero	-do-
687 Hilarie Austria	Single	-do-
697 Doroteo Andrade	Concepcion Groyas	San Vicente, Trinidad
707 Precintacion Apa-ap	Widow	-do-
717 Aquilino Aurestila	Rosalie Porico	-do-
727 Domingo Avergonzado	Single	-do-
737 Plominio Avergonzado	Single	-do-

442. Roque Fuentes	Single	San Vicente, Trinidad
443. Francisco Fuentes	Erlinda Compra	-do-
444. Anita Flores	Single	-do-
445. Hilario Fuentes	Erlinda Borja	-do-
446. Inocencio Fuentes	Guillermo Petallar	-do-
447. Pedro Fuentes B.	Simplicia Quimson	-do-
448. Pedro Fuentes A.	Serina Boncales	-do-
449. Tomasa Fuentes	Salvador Fuentes	-do-
450. Antonio Fuentes	Ceriana Cosme	-do-
451. Aquilino Fuentes	Single	-do-
452. Romualdo Fuentes	Carmelita Trazo	-do-
453. Fausto Fuentes	Single	-do-
454. Adolfo Fuentes	Celerina Purog	-do-
455. Santiago Fuentes	Reragia Antida	-do-
456. Teodoro Fuentes	Leonora Fanged	-do-
457. Avelino Fuentes	Porferia Bungao	-do-
458. Meliton Fuentes	Single	-do-
459. Patrocenio Fuentes	Remedios Yane	-do-
460. Ludigario Purog	Anecita Bunas	-do-
461. Leonardo Galola	Sofia Bunas	-do-
462. Atanacio Fuentes	Perfecta Cuizon	San Roque, Talibon
463. Vicente Cupita	Gregoria Apa-sp	San Vicente, Trinidad
464. Cecelio Gabica	Vicenta Ybanez	San Roque, Talibon
465. Formina Item	Widow	-do-
466. Atanacio Item	Eduarda Boncales	San Roque, Talibon
467. Pedro Item	Marcosina Sevilleta	-do-
468. Cayetano Item	Ambrosia Austrin	-do-
469. Nador Item	Bernadeth Abad	-do-
471. Pedro Ilanan	Estiquia Jipos	-do-
474. Cripso Item	Carina Lofranco	-do-
472. Alberto Ilanan	-do-	-do-
473. Crescenciano Item	Fermina Boquilla	-do-
474. Marino Jao	Americiana Boquilla	San Roque, Talibon
475. Eusebio Ilamet	Guillermo Polastico	San Vicente, Trinidad
476. Carmilo Iobo	Anastacia Rosales	-do-
477. Francisco Lopez	Germana Cajos	San Vicente, Trinidad
478. Patricio Isaca	Rosita Gabica	-do-
479. Guillermo Lofranco	Rosario Turan	-do-
480. Pablo Lofranco	Florencia Rabanez	-do-
481. Ruben Lofranco	Sofronia Mora	San Vicente, Trinidad
482. Vicente Martin-aw	Merina Brigolo	-do-
483. Gregorio Mollejón	Gadisa Saldo	San Roque, Talibon
484. Miguela Mondaga	Single	S -do-
485. Franquillino Mondaga	Fedrina Autentico	-do-
486. Carlito Muter	Victoria Bayron	Poblacion, Trinidad
487. Alvaro Mumar	Single	-do-
488. Primo Micabalo	Conchita Ramon	San Vicente, Trinidad
489. Elddio Melencion	Albina Boquilla	San Roque, Talibon

242. Nicolas Polentico	Pedrina Regalada	San Vicente, Trinidad
243. Pablo Polentico	Felicitad Avenida	-do-
244. Ponciano Polentico	Facito Anubre	-do-
245. Julito Polentico	Marilou Auxilio	-do-
246. Apolonio Polentico	Pacencia Auxilio	San Roque, Talibon
247. Leoncio Polentico	Priscilla Baquile	-do-
248. Belarmino Polentico	Yolanda Hen	-do-
249. Timoteo Polentico	Soledad Ayerzonado	
250. Reynaldo Polentico	Merdelina Polentico	
251. Bernardo Polentico	Calixta Auxtero	
252. Herminigildo Polentico	Single	
253. Leopoldo Patan-patan	Victoria Mardel	Poblacion, Trinidad
254. Isidro Palban	Faustina Coane	San Vicente, Trinidad
255. David Paquibot	Single	
256. Conacercio Quinto	Desideria Auxtero	San Vicente, Trinidad
257. Teotimo Razon	Gertrudes Antida	-do-
258. Eduardo Razon	Virginia Auxtero	-do-
259. Pacencio Rocelen	Manfredo Canzon	-do-
260. Hilario Rosales	Amelia Polentico	-do-
261. Francisco Razon	Gloria Dinglana	-do-
262. Maria Rosales	Widow	
263. Marcelino Rasco	Widower	
264. Juan Rasco	Estrella Fuentes	San Vicente, Trinidad
265. Concordio Rosales	Lolita Foren	
266. Luis Rosales	Encarnacion Transporte	
267. Rosendo Rosales	Natividad Demay	San Roque, Talibon
268. Felix Sarong	Arcia Bops	San Vicente, Trinidad
269. Diomedes Soria	Pablita Polentico	-do-
270. Antonio Soria	Linda Torrejon	-do-
271. Dardanilo Siazon	Melons Brion	
272. Jesus Siazon	Saturnina Rosales	
273. Jose Sanchez	Diondada Ozo	
274. Severo Sobiono	Erlinda Boncales	
275. Pedro Subauban	Dionisia Mejoy	San Vicente, Trinidad
276. Alejandro Sobiono		
277. Loreto Sobiono	Corazon Melanres	
278. Agustin Sevellita	Agapita Auxtero	San Roque, Talibon
279. Celedonio Sevellita, Jr.	Modesta Casquejo	-do-
280. Ather Suday	Restia Boncales	San Vicente, Trinidad
281. Tomas Timon	Everta Casquejo	San Roque, Talibon
282. Leoncio Timon	Soriana Bentilan	San Vicente, Trinidad
283. Pablo Talili	Widower	
284. Diosdado Talili	Cerana Crescencio	San Vicente, Trinidad
285. Cirila Timon	Widow	
286. Hermilito Torremocha	Veronica Boquila	San Roque, Talibon
287. Danilo Timon	Cesarina Casquejo	-do-
288. Daniel Timon	Erlinda Auxtero	-do-
289. Pedro Timon	Concancia Puno	San Vicente, Trinidad

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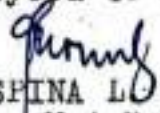
INVESTIGATION REPORT

This office after due investigation and monitoring of landholdings covered under CARP particularly on that vast landholding formerly owned by the Bohol Cattle Corporation located at Barangay San Vicente, Trinidad, Bohol, more specifically Lot Nos. 27-70 and 27-71, awarded to farmer beneficiary concerned, we submit the following salient observations, findings, and recommendation, as follows:

1. That Lot Nos. 27-70 and 27-71 were originally claimed and were attended by one Carlito Mumar of San Vicente, Trinidad, Bohol, who likewise became a beneficiary of subject lots being the awardee and co-owner of a Collective CLOA No. 00147-990 affecting same lots;
2. That however, since February 1995, Mr. Carlito Mumar had ceased cultivation of subject lots and had vacated and abandoned the same until the present date;
3. Further inquiry we learned that Carlito Mumar was charged for a serious criminal offense, detailed/imprisoned and finally been convicted and now serving sentence at Bilibid Prisons in Muntinlupa National Penitentiary in Manila; that since then Mumar ceased performing his duties as beneficiary of subject lots as none of his children nor his spouse is willing to assume its cultivation;
4. That actually, subject lots were being attended by one Airen Apao Coyoca of Panab-an, Poblacion, Trinidad, who assumed cultivation with the assistance of her father and did the duties and responsibilities as such farmer beneficiary and is willing to assume obligations with the Land Bank as regards amortizations of subject lots;
5. That Airen A. Coyoca is a qualified farmer beneficiary and is willing to assume the duties and responsibilities of a farmer beneficiary;
6. That such abandonment of FB Carlito Mumar since 1995 until this date continuously for a period of exceeding two (2) calendar years is tantamount to abandonment, hence, his disqualification as farmer beneficiary of subject lots.

WHEREFORE, in view of foregoing findings and observations, this office does RECOMMEND that Carlito Mumar be declared as disqualified farmer beneficiary for subject lots and his name be stricken out/cancelled in CLOA No. 00147990, and FB Airen A. Coyoca be identified as new FB to replace Mumar.

Trinidad, Bohol, 30 October 2001.


CRISPINA L. BONZEL
MAROC

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Trinidad, Bohol, 30 October 2001.

CRISPINA L. BONJEL
MARO



IN THE MATTER OF INCLUSION
EXCLUSION OVER A PARCEL OF
LAND SITUATED AT SAN VICENTE
TRINIDAD, BOHOL.

DARRO ADM CASE NO.
A-0700-009-2001

AIREN A. COYOCA,
Petitioner,

-----/

ORDER

FOR CONSIDERATION is Petition for the Inclusion of Airen Coyoca as the qualified farmer beneficiary and the exclusion of Carlito Mumar pursuant to DAR Administrative Order No. 2, Series of 1994.

Subject landholding of this instant petition is more particularly described as Lot Nos. 27-70 and 27-71 covered under Transfer Certificate of Title No. 405 and embraced by collective Certificate of Land Ownership Award (CLOA) No. 00147990 registered in the name of farmer beneficiary Carlito Mumar (formerly the Bohol Cattle Corporation) situated at San Vicente, Trinidad, Bohol containing an area of .8499 hectare, and .6166 hectare respectively.

It must be noted in this connection that per Investigation Report issued by Crispina L. Boniel, Municipal Agrarian Reform Officer of Trinidad, Bohol dated June 27, 2000 the following antecedent facts were gathered:

1. That Carlito Mumar, farmer beneficiary of collective CLOA No. 00147990 has abandoned the subject landholding since 1995 and none of his family took over the subject lots.
2. That Carlito Mumar is a convicted prisoner now serving his sentence at the National Penitentiary Prison in Bilibid, Muntinlupa.
3. That Airen A. Coyoca is the one tilling and attending the subject lots. Presently the lands is made productive and devoted fully to agricultural production since 1995 up to the present.

Pursuant to Chapter VII, Section 22 of Republic Act 6657 otherwise known as the Comprehensive Agrarian Reform Law of 1988 as amended by Republic Act 5532, pertinent provision provides as follows, to quote,

SECTION 22. Qualified Beneficiaries – The lands covered by the CARP shall be distributed as much as possible to landless residents of the same barangay, or in the absence thereof, landless resident of the same municipality in the following order of priority,

x x x

A basic qualification of a beneficiary shall be his willingness, aptitude, and ability to cultivate and make the land as productive as possible. The DAR shall adopt a system of monitoring the record of performance of each beneficiary, *so that any beneficiary, guilty of negligence or misuse of the land or any support extended to him shall forfeit his right to continue as such beneficiary.* The DAR shall submit periodic reports on the performance of the beneficiaries to the PARC² (Presidential Agrarian Reform Counsel)(*emphasis supplied*)

Moreover, under the Department of Agrarian Reform Administrative Order No. 2, Series of 1994, IN RE: **RULES GOVERNING THE CORRECTION AND CANCELLATION OF REGISTERED/UNREGISTERED EMANCIPATION PATENTS (EPS); AND CERTIFICATE OF LAND OWNERSHIP AWARD (CLOAS) DUE TO UNLAWFUL ACTS AND OMISSION OR BREACH OF OBLIGATION OF AGRARIAN REFORM BENEFICIARIES (ARBS) AND FOR OTHER CAUSES,** to quote:

IV. POLICY STATEMENTS

A x x x

B. Grounds of the cancellation of registered EPs or CLOAs may include but not limited to the following:

x x x

8. Neglect or abandonment of the awarded land continuously for a period of two (2) calendar years as determined by the Secretary of his authorized representative, Section 22 of RA 6657

In this regard, Ms. Crispina L. Boniel, Municipal Agrarian Reform Officer of Trinidad, Bohol in her Investigation Report recommends for the exclusion of Carlito Munar as farmer beneficiary of the aforementioned subject landholding and in lieu thereof recommended Airen A. Coyoca as farmer beneficiary and be included in the Collective CLOA No. 00147990 formerly owned by the Bohol Cattle Corporation.

In the same vein, Atty. Johnson A. Sinco, Provincial Agrarian Reform Officer of Bohol in his indorsement dated August 31, 2000 approved *in toto*, the recommendation of MARO Trinidad, Bohol.

offices, the exclusion of Carlito Mumar, as former beneficiary of CLOA No. 00147990 having abandoned his award, and the inclusion of Airen A. Coyoca having fully shown that he is willing, and has the aptitude and ability to cultivate and make the subject landholding as productive as possible

W H E R E F O R E, in view of the foregoing consideration, **ORDER** is hereby issued,

1. **GRANTING**, this instant petition and **DECLARING**, **AIREN A. COYOCA**, as the qualified beneficiary to be included in the collective CLOA No. 00147990 more particularly Lot Nos. 27-70 and 27-71;
2. **DECLARING**, **CARLITO MUMAR** as disqualified beneficiary of the subject lots and thus excluded from the listed Agrarian Reform Beneficiaries in the subject collective CLOA;
3. **DIRECTING**, the Provincial Agrarian Reform Officer of Bohol to facilitate the filing of Cancellation/Correction of CLOA No. 00147990 with the Provincial Agrarian Adjudicatory Board as provided under DAR Administrative Order 2, Series of 1994, to this effect.

SO ORDERED.

Cebu City FEB 23 2001


ROGELIO A. TAMIN CESO III
Regional Director

Copy Furnished:

- Airen A. coyoca
San Vicente, Trinidad, Bohol
- Carlito Mumar
San Vicente, Trinidad, Bohol
- MARO, Trinidad, Bohol
- PARO, Bohol

A F F I D A V I T

I, AIREN A. COYOCA, Filipino, of legal age, married, a resident of Poblacion, Trinidad, Bohol, after first being duly sworn to in accordance with law, hereby depose and say;

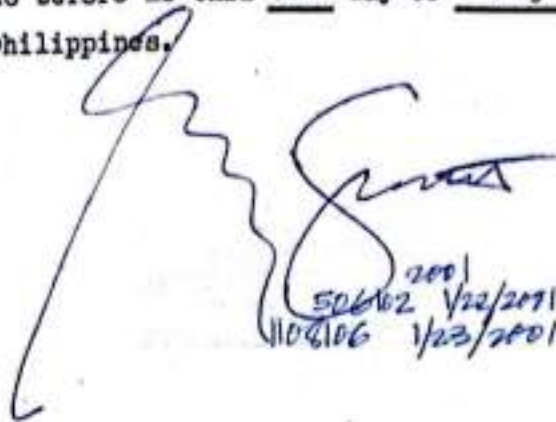
1. That I am the Petitioner in DARAB Case No. _____ for Cancellation of entry in TCT No. 405 by exclusion of FB Carlito Mumar as awardee in Lot Nos. 27-70 and 27-71, and in lieu thereof my inclusion as new farmer beneficiary of the same;
2. That I am presently the actual tiller and farmer beneficiary of two (2) parcels of agricultural land aforementioned which land are all located at San Vicente, Trinidad, Bohol, portions of that vast land-holding formerly owned by the Bohol Cattle Corporation which was being covered under the Comprehensive Agrarian Reform Program (CARP) of the government pursuant to RA 6657;
3. That originally however, subject lots were tilled and attended by one Carlito Mumar of same Barangay of San Vicente, Trinidad, Bohol, the former beneficiary of subject lots and thus became awardee of the same as registered co-owner of a Collective CLOA No. 00147990 embraced in same TCT No. 405;
4. That some^{time}/on Feb. 1995, Carlito Mumar vacated and abandoned subject lots as he was charged for a criminal offense, thus he was detailed/imprisoned and finally been convicted and now serving sentence at Bilibid Prisons in Muntinlupa National Penitentiary. Since then, Carlito Mumar ceased in cultivating and performing his duties as such beneficiary and none of his children nor his spouse has the willingness to assume cultivation of subject lots;
5. That in view of such lots vacated, I assumed and has the willingness and ability to maintain the productivity of subject land, and took over the cultivation of the same since 1995 until the present;
6. That along this direction, I then petitioned the Department of Agrarian Reform for my inclusion as qualified farmer beneficiary in subject lots No. 27-70 and 27-71 covered under CLOA No. 00147990 and the exclusion of Carlito Mumar former beneficiary pursuant to DAR Administrative Order No. 2, s. 1994;
7. That subject petition was given due course by DAR Regional Office Cebu City, in its Order dated 23 February 2001, granting my petition and thus declared that I am the qualified beneficiary to be included in Collective CLOA No. 00147990 and thus declared Carlito Mumar as disqualified on subject lots and be excluded from the listed agrarian reform beneficiary in subject CLOA;
8. That further, said Order directed the PARO of Bohol to facilitate the filing of Cancellation/Correction of CLOA No. 00147990 with the DARAB in pursuance to existing guidelines;
9. That so far, I have not received any adverse action by way of protest or appeal on such Order since the time I have received a copy of the same sometime in March 2001, thus, the 15-day reglamentary period to file any appeal or adverse action by any affected party has already lapsed, hence, said Order has become final and executory;

10. That I have requested the DAR Municipal Office of Trinidad, Bohol, for assistance in effecting the subject Order dated 23 February 2001, hence, the filing of DARAB Case the subject of such Petition.

IN WITNESS WHEREOF, I have hereunto set my hand for signature this 30th day of May 2001 at Trinidad, Bohol, Philippines.

Airen Coyoca
AIREN A. COYOCA
Affiant

SUBSCRIBED AND SWORN to before me this 30th day of May, 2001, at Tagbilaran City, Philippines.


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