

DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES

JAN 18 1993

DENR ADMINISTRATIVE
ORDER NO. **03**
Series of 1993

SUBJECT: Supplementary guidelines in the disposition of Pindangan Estate, Alcala, Pangasinan.

For a more effective and orderly implementation of the Resolution of the Supreme Court, dated May 15, 1980, in G.R. No. L-21062, entitled "Cabonitalia, et. al., versus Santiago, et. al., the dispositive portion of which is hereunder quoted:

"ACTING on the Report submitted by Judge Rosalio C. Segundo of the Court of First Instance of Pangasinan, Branch V, dated August 20, 1979, (agendaed on April 30, 1980) recommending one of the two alternatives, namely, that the matter be entirely placed on the lap of the Bureau of Lands to avoid a protracted proceedings in Court or that the land in controversy be placed xx under land reform pursuant to P.D. No. 27; and CONSIDERING that there are 302 petitioners herein; that a Special Committee of the Bureau of Lands, constituted on April 18, 1973 to determine the actual occupants of the land, has submitted a comprehensive Report dated December 8, 1973, with recommendations for the equitable adjudication and distribution of the land in question to legitimate occupants and claimants."

"The Court RESOLVED, with the end in view of a speedier determination of these land disputes, to consider the case definitely terminated. The Director of Lands, with the approval of the Minister of Agriculture [now Secretary of the Department of Environment and Natural Resources] shall determine the adjudication and distribution of the land in question to legitimate occupants and claimants." (Underlining and bracketing supplied)

and to expedite the termination of the controversy over the 491 hectares of land known as the "Pindangan Estate" in Alcala, Pangasinan, which is covered by TCT No. 151 issued in the name of Cristina Gonzales but which was foreclosed in favor of the Government on November 22, 1922, the following supplementary guidelines in the disposition of the subdivision lots comprising the Estate are hereby issued for the information and guidance of all concerned.

1. The equitable distribution to legitimate occupants and claimants shall be the primary consideration in the disposition of the Pindangan Estate.

2. The Community Environment and Natural Resources Office (CENRO) concerned shall make an inventory of the status of the subdivision lots, and shall submit to the Director of the Lands Management Bureau (LMB) the corresponding lists, indicating therein the following information:

- 2.1. Land use - lot classification as to whether it is agricultural, residential, commercial/industrial, etc.;
- 2.2. If application has already been filed;

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5.1.1. The order of rejection or cancellation may be appealed by the person adversely affected to the Secretary of Environment and Natural Resources within fifteen (15) days from receipt thereof.

6. All cases involving conflict of applications or protest against public land applications shall be investigated by the CENRO in accordance with Presidential Decree No. 1508, Letter of Instruction No. 1314 and LOC No. 68, and the corresponding report to be submitted to the Director of LMB for resolution following existing rules and regulations.

6.1. Since possession cannot be recognized at the same time in two different personalities except in the case of co-ownership, a question is bound to arise regarding the fact of possession. Accordingly, this issue should be resolved based on the following criteria:

6.1.1. The present and undisputed possessor shall be preferred;

6.1.2. If there are two or more possessors, the provision of Par. 2.3.2 shall apply;

6.1.3. An applicant shall be only entitled to own one residential lot not to exceed one thousand (1,000) square meters and one farmlot not to exceed five (5) hectares.


6.1.4. Areas in excess of the limits provided herein shall be segregated by land survey and disposed of by sale thru oral bidding under the sales application to be filed by claimants included in the list of 178 occupants ordered to be restored pursuant to the 1962 Supreme Court decision, in G.R. No. L-14391, if there are any, or by any other qualified applicant.

6.2. It shall be the responsibility of the CENRO to enforce and adopt adequate measures to prevent the entry of squatters in the area. In the performance of its duty, the CENRO may avail of the assistance of law enforcement agencies.

7. Any applicant for a lot within the Estate who may be able to link his possession to anyone of the 178 occupants named in the list of former District Land Officer Pedro Y. Asensi, either as heir or transferee in good faith, may continue the sales application thus filed subject to the area limitations prescribed in these guidelines.

8. All orders and other issuances inconsistent herewith are hereby revoked or modified accordingly.

9. This Order shall take effect immediately.


ANGEL C. ALCALA
Secretary

2.3. Name of the applicant(s);

2.3.1. Claimants/occupants included in the list of 178 named occupants submitted by former District Land Officer Pedro A. Asensi shall be properly annotated.

2.3.2. Lots occupied by two or more persons both claiming preferential rights may be divided among them or may be properly annotated for investigation as a case of claim and conflict.

3. The subdivision lots, if agricultural, shall be disposed of in the manner and subject to the limitations prescribed in Chapters V and VI of the Public Land Act (Commonwealth Act No. 141), and if non-agricultural, in conformity with the provisions of Chapter IX of the same Act entitled "Classification and Concession of Public Lands Suitable for Residence, Commerce and Industry" as prescribed in Section 2 of Act No. 3035.

3.1. Non-disposable areas such as street, schoolsite, public plaza, etc., reflected in the subdivision plan of the Estate shall not be disposed of.

4. Processing of application. - Applications for uncontested lots already filed with the DENRO concerned shall be immediately given due course in accordance with existing rules and regulations governing the sale of public lands. In the exercise of this function, the DENRO shall give preference to bonafide residents of Barangay Pindangan, Alcala, Pangasinan, particularly those 178 occupants previously named in the list of former District Land Officer (DLO) Pedro Asensi, and who must establish the following qualification:

4.1. He must be a Filipino citizen, of legal age and/or head of the family;

4.2. He must have filed his sales application for the subdivision lot(s) in the Bureau of Lands as of 1950;

4.3. He must have been issued a provisional permit to occupy the same;

4.4. He must not be a professional squatter. A professional squatter, for the purpose of this guidelines, is one who engages in selling lots in the area of speculation.

5. Considering the intent of the Supreme Court Resolution, approval of the appraised value of the land, the authority to conduct bidding, and the issuance of the final deed of conveyance shall be done by the Land Management Bureau.

5.1. The Director of the Land Management Bureau (LMB) shall have authority to cancel or reject any or all applications which do not conform to the foregoing requirements. When the land applied for has been abandoned for a period of one (1) year or more, it shall be declared vacant. Forwith, the land shall be declared available for disposition by sale thru oral bidding following existing rules and regulations.