

**DENR Memorandum Circular**

**No. 2000 – 06**

**March 10, 2000**

**SUBJECT : Guidelines In The Disposition Of  
Cases Of Fake And Illegal Titles.**

The process involved in the disposition of the reported cases of fake and illegal titling is as follows:

1. The CENR/PENR Officer who submitted a listing of cases of fake and illegal titles within his territorial jurisdiction must undertake the documentation thereof which involves:
  - a. Conduct of field investigation to substantiate and confirm the reported finding that the title of a particular piece of land is fake or illegal for covering forest, mineral, proclaimed/reserved areas, national parks, and other inalienable lands of the public domain;
  - b. Gathering of the relevant land classification/ projection/cadastral maps showing that the land involved falls within the inalienable and non-disposable area; papers/documents evidencing release; certification of status;
  - c. Preparation of certified copies of land application, approval, order for issuance of patent and patent issued as well as certified copies of original certificate of title issued pursuant thereto and derivative title;
  - d. Procurement of other relevant papers/documents which can serve as additional evidence such as Presidential Proclamation, Executive Order, Forest Administrative Order, etc. in certified form.

If for any reason, any required paper/document cannot be obtained, an explanation why the same cannot be obtained should be submitted, and the name of person having custody thereof. It must be stressed that unless the required court action is instituted, all these reported cases of illegal titling would remain mere statistics.

Once documentation is completed, the CENRO/PENRO concerned shall transmit the individual folder/record of each case to the Assistant Regional Director (ARED) for Legal for preparation of the complaint. The case record should be in accordance with the format attached hereto as ANNEX 'A'.

## **DOCUMENTATION OF THE CASE**

This refers to the determination of availability and collation of papers, records and other documents necessary to support the complaint. Involved in this phase is the gathering of the following basic papers/documents showing how the title was issued, to wit:

1. Public land application filed -for the land, the title of which is to be cancelled;
2. Approval of the application;
3. Order of issuance of patent;
4. Patent issued;
5. In case the land was involved in claims and conflict, the protest filed;
6. The report of investigation conducted relative to claims/conflicts
7. Certified copies of the original certificate of title (OCT) issued by virtue of the patent and all derivative titles emanating therefrom and documents supporting them must be secured from the Registry of Deeds concerned;
8. If there is any doubt as to the classification of the land, a final field verification should be ordered and a report thereon shall categorically state the classification thereof by L.C. Map No., Project No., Block No., Date of Certification. Copies of L.C.

Maps and other survey records/papers such as certification of status/classification must be attached to the report.

## **COMPLAINT**

Cancellation or annulment of title and reversion have been interchangeably used. The nomenclature of the action is not material of significant; both tread on the same causes of action and produce the same results.

It is to be noted that in Republic v. Animas, 56 SCRA 499, it was held that "the defense of indefeasibility of a certificate of title issued pursuant to a free patent does not lie against the state in an action for reversion of the land covered thereby when such land is part of a public forest or a forest reservation".

If there is sufficient ground and evidence to support the complaint, the same may now be prepared adhering as much as possible to the format attached hereto as annex "B";

Complaint for cancellation/annulment of title based on patent must set forth the ground/reason therefor which may be any or a combination of the following:

- 1 . The defendant has not occupied, possessed and cultivated the land applied for the required period of time in the concept of owner and in the manner required by law, meaning, openly, publicly, notoriously, continuously and adversely in cases of free patent;
2. The land titled in favor of defendant has not been classified as alienable and disposable and is therefore still within the unclassified zone;
3. The land in question is forest or timberland;
4. The land in question is part of a military or civil reservation;
5. The land in question is a foreshore or swampland;
6. The land is part of navigable river, streams or creek;

7. The land is part of a street or public highway;
8. The land in question is already covered by previous title which is still subsisting and on file with the registry;
9. The applicant has no absolute title nor an incomplete or imperfect right which could be registered and confirmed under Act 496, P.D. 1529 and C.A. 141;
10. The plan of the land differs from the documentary evidence of the applicant; .
11. That defendant's patent was procured through fraud and misrepresentation;
- 12., That the land covers or is part of expanded area brought about by a series of subdivision surveys;
13. That the acquisition, conveyance, alienation, transfer or contract is in violation of Sections 118, 121, 122 and 123 of the Public Land Act.

## **EVIDENCE IN CANCELLATION OF TITLE REVERSION SUIT**

1. Presidential proclamation, Executive Order reserving the land as forest reserve, military reservation, national park and watershed, etc.;
2. Land classification maps, certification of proper authorities, Order of release issued by Department Secretary, Forestry Administrative Order, cadastral maps showing navigable rivers, streams and creeks, street and public highway;
3. Map of reservation showing relative portion of the land in question;
4. Investigation report of land investigator and other competent official indicating or stating the true character of land as foreshore swamp or marsh, etc.;
5. Testimonial evidence of investigator or competent witness who personally knows the facts;
6. The application, order of approval order of issuance of patent, original certificate of title issued and derivative titles;

7. Contracts, conveyances, documents of alienation, subdivision plans and survey used indicating expansion in areas;

All papers, documents, maps, plans, contracts etc. submitted as evidence must be duly certified by authorized officials.

As soon as the complaint is finalized, the corresponding case record shall be forwarded to the Regional Director concerned for signature of the Verification and transmittal of the case to the Office of the Solicitor through the Assistant Secretary for Lands and Chair of Task Force Anti-Fake Titles for final review and action.

**(Sgd.) ANTONIO H. CERILLES**  
Secretary

Recommending Approval:

**(Sgd.) PAULA DEFENSOR**  
Assistant Secretary  
Lands and Legislative Affairs  
Chair, Task Force Anti-Fake and Illegal Tides