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*Third Regular Session*



SENATE

'19 FEB -4 P5:49

COMMITTEE REPORT NO. 639

REC.

Submitted by the Committees of Accountability of Public Officers and  
Investigations (Blue Ribbon); Public Works on FEB - 4 2019.

Re: P.S. Res. No. 561 entitled: "A Resolution Directing the Senate  
Committee on Public Works to Conduct an Inquiry, in Aid of  
Legislation, on the Reported Faults in the System, if any, Resulting to  
the Misuse of Government Funds for its Road Right-of-Way Project  
Covered by Alleged Spurious Land Titles in General Santos City"

Sponsored. SEN. RICHARD J. GORDON

**MR. PRESIDENT:**

The Committees on Accountability of Public Officers and Investigations (Blue  
Ribbon); and Public Works have conducted an inquiry, in aid of legislation, on P.S.  
Res. No. 561 entitled: "A Resolution Directing the Senate Committee on Public Works  
to Conduct an Inquiry, in Aid of Legislation, on the Reported Faults in the System, if  
any, Resulting to the Misuse of Government Funds for its Road Right-of-Way Project  
Covered by Alleged Spurious Land Titles in General Santos City."

The Committees have the honor to submit their Report, after conducting an inquiry, to the Senate.

Recommending the adoption of the recommendations contained herein.

## I

There is an old cartoon strip- whose provenance escapes us right now- where a father and a very young son are in brief conversation- "Son: Dad, I'm considering a career in organized crime," to which the father replied: "government or private sector?"

One's initial reaction could be to find the cartoon strip humorous, or to smile at the utter absurdity of it all. But when one starts to think really seriously about it, s/he becomes saddened that the idea of government as being, in itself, an organized crime has become a source of jokes.

We cannot afford to be merely sad. We must be alarmed; for if we are not able to eradicate graft and corruption in government, the thought that government is a criminal enterprise will then become mainstream; and, when that time- God forbid- arrives, we in government will lose all moral ground to even purport to lead and run this country.

Alas, the subject of and the findings in this Committee Report do not help us any. But, we must plod on, we must continue the fight towards a corruption- free government/ governance.

## II

### THE RROW SCAM

The discovery of the scam started with the attempted assassination of Roberto Catapang on September 9, 2015 along Nichols Interchange, West Service Road, Villamor Airbase that resulted in the death of his security escort Vicente Abonalla, purportedly brought about by Catapang's refusal to accept the money being offered by the syndicate for his silence. Yet, it was only in August 2017 that Catapang sent a letter<sup>1</sup> to then- Secretary of Justice Vitaliano N. Aguirre II, exposing the alleged Road Right-of-Way Scam in Regions 12 and 13.

Per his statements before the NBI and the Committee, Catapang admitted that he had been a member of the syndicate led by a certain Wilma Mamburam, together with Mercedita Dumlao. The group commenced its operations in 2009.

The modus operandi of the group is fairly simple. They would falsify documents necessary to effect a claim for just compensation also known as road right of way claim or "RROW claim" such as Transfer Certificates of Titles, Certified Approved Plan, Parcellary Map, Linear Diagram, road and access certification, regional attachments, technical description of lots, and others. These documents would be falsified by the group of Evelyn Paloso also known as the "Paloso group."

The documents would bear the names and claims of fictitious people and which would then be processed by a number of attorneys-in-fact under the control and management of Wilma Mamburam.

The purported claimants utilized by the syndicate in these cases are as follows:

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<sup>1</sup> Letter dated 20 August 2017



1. Ramon Ballesterso (Ballesterso), of M. Rodriguez Street, Las Pinas City;
2. John B. Bacudo (Bacudo), of Pasig City;
3. Nenita S. Austria (Austria), of 15<sup>th</sup> Avenue, Cubao, Quezon City;
4. Ricardo B. Canada (Canada), of Barangay Tibagan, San Juan City;
5. Julieta S. Fernandez (Fernandez), of Barangay West Kamias, Quezon City;
6. Mary Ann A. Joyce (Joyce), of Unit 202 Bliss Building, Makati City; and
7. Marie Faye G. Villamarin (Villamarin), of Unit 201 Bliss Building, Makati City;

The attorneys-in-fact, on the other hand, are the following:

1. Paul Michael P. Bagio, of no. P3 No. 94 2<sup>nd</sup> Street, Hillside Subdivision, Davao City and Marisa Tiongson Seguirre, of Kundiman Street, Sampaloc, Manila for the claims of **Ballesterso**;
2. William P. Uy, of Purok Maligaya Buayan, General Santos City for the claims of **Bacudo**;
3. Paul Michael P. Bagio, of no. P3 No. 94 2<sup>nd</sup> Street, Hillside Subdivision, Davao City and Marisa Tiongson Seguirre, of Kundiman Street, Sampaloc, Manila for the claims of **Austria**;
4. Paul Michael P. Bagio, of no. P3 No. 94 2<sup>nd</sup> Street, Hillside Subdivision, Davao City and Marisa Tiongson Seguirre, of Kundiman Street, Sampaloc, Manila for the claims of **Canada**;
5. Marisa Tiongson Seguirre, of Kundiman Street, Sampaloc, Manila for the claims of **Fernandez**;

6. William P. Uy, of Purok Maligaya Buayan, General Santos City for the claims of **Joyce**; and
7. William P. Uy, of Purok Maligaya Buayan, General Santos City for the claims of **Villamarin**.

The fact of Wilma Mamburam's control over the attorneys-in-fact was corroborated when William P. Uy, one of the attorneys-in-fact, during the March 23, 2018 hearing of the Blue Ribbon Committee at General Santos City admitted, upon examination by Blue Ribbon Chairman Senator Richard J. Gordon, that he received checks from the DPWH as payment for RROW and remitted a sizeable portion of it- in the amount of Php 27M- to Wilma Mamburam.

Catapang on his part served as the conduit between Wilma Mamburam and the Paloso group. He also claimed that he facilitated the delivery of documents from the syndicate to Engr. Unos of DPWH Region-12.

Despite its spurious origins, and the tedious process provided for by the law to determine the authenticity and the validity of any RROW claim before the same is processed and paid by the national government, these bogus claims were nevertheless approved due to the syndicate's connections with several government agencies such as the DPWH, City Assessor's Office and the LRA.

Catapang - although a principal witness in this case and is now under the Witness Protection Program - is not a "saint" having a history of falsifying documents pertaining to the RROW claim of his grandfather and of being a former member of the Mamburam syndicate who had eventually found himself at odds with other members of the group. He submitted before the NBI copies of six (6) checks

issued by Mercedita Dumlao that bounced. These checks were supposed to be his share from the proceeds of the Road Right of Way Project Scam.

Nonetheless, his statements and cooperation with the cooperatives led to the discovery of an appallingly thriving business in Mindanao to the tune of millions, if not billions of pesos, which bleeds the coffers of the government like a wide open faucet. In his 2<sup>nd</sup> *Karagdagang Sinumpaang Salaysay*, Catapang alleged that he witnessed the falsification of at least fifty (50) sets of documents/claims in one day by Evelyn Paloso and Rudy Hadji Ong. To put things into perspective, those fifty claims could easily amount to billions of pesos. In this particular inquiry for instance, that covers only 9 claims, it amounts to Php 255.5 Million already. Worse, this is not an isolated case. There are other syndicates/ groups in Mindanao that are presenting spurious road- right- of- way claims from the government.

Considering the gravity of the matters under consideration, the Blue Ribbon Committee conducted hearings in aid of legislation, on the following dates to determine the existence of malfeasance, misfeasance and nonfeasance in the processing of road right of way claims in General Santos City:

1<sup>st</sup> Hearing: March 22, 2018

2<sup>nd</sup> Hearing: March 23, 2018

3<sup>rd</sup> Hearing: May 15, 2018

4<sup>th</sup> Hearing: September 23, 2018

5<sup>th</sup> Hearing: September 27, 2018



### ***What We Discovered***

In the course of our investigation, we were guided by questions on the proper exercise of the State's right to expropriate, and its corollary obligation to pay its citizens just compensation also known in this case as "road right of way." These are as follows:

1. Is there a need to expropriate?
2. How much land do we need to expropriate?
3. Who are the legitimate owners of the land we will expropriate?
4. How much should we pay?

We were **appalled** by what we discovered.

### ***Is there a need to expropriate?***

The pieces of property under consideration in this case are ALL purportedly located along the Digos-Makar Road as follows:

<b>TCT Number</b>	<b>Registered Owner</b>	<b>Lot No.</b>	<b>Area</b>	<b>Location</b>
T-112432-A	Ramon I. Ballesteros	3-D (National Highway)	25,713 sq.m.	Lagao, General Santos City
T-112431-A	Nenita S. Austria	3-C (National Highway)	25,713 sq.m.	Lagao, General Santos City
T-112430-A	Ricardo B. Canada	3-B (National Highway)	25,713 sq.m.	Lagao, General Santos City
T-112437-A	Julieta S. Fernandez	3-I (National Highway)	24,713 sq.m.	Lagao, General Santos City
T-112563-A	John B. Bacudo	25-B (National Highway)	*24,713 sq.m	Lagao, General Santos City

T-112568-A	Mary Ann A. Joyce	25-G (National Highway)	23,238 sq. m.	Lagao, General Santos City
T-112566-A	Maria Faye Villamarin	25-E (National Highway)	23,238 sq. m.	Lagao, General Santos City
T-112564-A	Maria Faye Villamarin	25-C (National Highway)	23,238 sq. m.	Lagao, General Santos City
T-112565-A	Maria Faye Villamarin	25-D (National Highway)	23,238 sq. m.	Lagao, General Santos City

An inquiry on the maps from the DENR reveal however that in the 1953 survey of the area by the then Department of Agriculture and Natural Resources (DANR); there was already a 60 m. wide allocation for a national road in the area.

Further in an undated COA report submitted to the Blue Ribbon Committee on September 25, 2018 entitled *"Report on the Result of the Regular Audit Conducted on the Payments for Infrastructure Right of Way (IROW) Claims in the Department of Public Works and Highways Regional Office XII for the Construction of the Cotabato-General Santos National Road During CYs 2011-2012,"* State Auditor Carmencita Eden Talob observed:

***"HIGHWAY RIGHTS OVER LANDS USED***

***THE AUDIT TEAM ALSO REPORTED THAT THE DPWH DID NOT EXERCISE DUE DILIGENCE IN EVALUATING ITS HIGHWAY RIGHTS OVER LANDS USED IN THE CONSTRUCTION OF ROADS AND FLOOD CONTROL PROJECTS WHICH WERE COMPLETED AS EARLY AS***



*1950'S through the verification of the impacts of the parcel of lands which are subject of the IROW claim, to its Highway Rights, Highway-by-Use, Highway by Prescription, etc. In fact Form I as prescribed in DPWH Department Order No. 34 s. 2007 or the Simplified Guidelines for validation and evaluation of IROW has not been accomplished to form part of its evaluation/validation. **MANAGEMENT'S OR THE GOVERNMENT'S ASSERTION TO ITS LEGAL AND HIGHWAY RIGHTS OVER LANDS UNDER ITS POSSESSION FOR PUBLIC USE MAY HAVE BEEN INADVERTENTLY LOST IN FAVOR OF ADVERSE CLAIMANTS.**"*  
*(emphasis supplied)*

Simply put, the right (ownership) of the government to a piece of land to be used for the entire stretch of the highway that has 60 m. in width, now known as Digos-Makar Road has always been there ever since 1954.

A 60 m. wide road allocation can accommodate a 12-lane highway, without need for expropriating adjacent private properties. Only 17.4m (in width) is needed for a 4-lane highway. A 6-lane highway including the shoulder only needs to be 24.1m wide. Digos-Makar Road as it is today is not even a 12-lane highway.

The right of the government to the highway having been established in 1953 is evidently more superior to the claim of the claimants above-mentioned. In the Memorandum of Atty. Estrella Decena-Zaldivar, Director of Legal Services, DPWH, to DPWH Sec. Rogelio Singson dated November 12, 2014, she reported:

“1. Per Infrastructure Right-of-Way (IROW) Regional Committee Resolution No. 00000-79012-19 dated 23 November 2019, the said properties were **TAKEN BY THE GOVERNMENT DURING THE LATE 1990’S;**”

Above-mentioned report is not plausible. There could not have been a valid taking in the late 1990s. The government having established right over the property in the area for national highway since 1953 cannot validly expropriate what it already owns.

To the mind of this Committee, the interest of the syndicate to commit a “racket” such as this started in the late 1990s, when it came to the knowledge of everybody that the value of the parcels of property in the area will increase due to the construction and operation of the General Santos International Airport, as shown in the timeline below:

DATE	EVENT
1953	Land Survey with the DANR where an allocation for a national highway with a width of 60 m. is provided
1954	The Department of Agriculture and Natural Resources (DANR) granted 860 hectares of forest land to Magno Mateo under Pasture Lease No. 61
1960	The lease was transferred to Tuason Enterprises under Pasture Lease No. 1715, with an additional grant of 446 hectares, or a total of 1,306 hectares

1964	The Department of Environment and Natural Resources (DENR) approved Aldevinco's application to extend the lease agreement to 15 years or until June 30, 1992.
1992	President Corazon Aquino issued Proclamation No. 924 for the purpose of segregating a Reservation consisting of 266 hectares from Aldevinco's Pasture Lease for the construction of the General Santos International Airport
1992	American naval base was kicked out of Subic
1993	President Fidel V. Ramos issued Presidential Proclamation No. 219, amending Presidential Proclamation No. 924 and segregated an additional 333 hectares or a total of 599 hectares to increase the land area needed for the General Santos International Airport
1993	General Santos International Airport was built at a cost of USD 47.6M with funds from the US government granted through USAID.  <i>* Rumors have it that the construction of the airport was part of the strategy of the US Military forces' attempt to re-establish their presence in Southeast Asia.</i>
1996	General Santos International Airport was inaugurated
1990s	Alleged date of taking of subject lot per the Appraisal Report issued by the General Santos City Appraisal Committee
1998	Date of the Extrajudicial Settlement of the heirs of Abdul Kiahid, out of which arose the alleged rights of Roel T. Hermosada, Ricardo B. Canada,

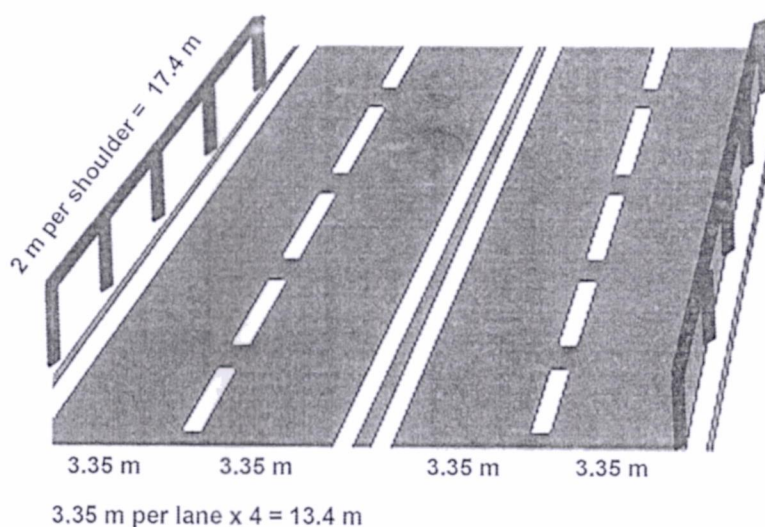


The Committee also note the observation of COA on the absence of a sound IROW records management system, which is not in accordance with Chapters III and VI of DPWH Order No. 34, series of 2007. This is an act of misfeasance by the officers of DPWH General Santos City. This failure to keep accurate IROW records cost the government Php 255M in this case alone.

***How much land do we need to expropriate?***

Assuming without conceding that there is indeed a need to expropriate or enter into a negotiated sale of a private property pursuant to the provisions of RA 8974, this Committee submits that the DPWH entered into contracts that are disadvantageous to the government when it purchased much more land area than what i needed.

Digos-Makar road is a 4-lane highway, measuring 3.35m per lane or total 13.4m in width as illustrated below with a total length of 30 kms:



Nevertheless, the parcels of land from each of the nine claimants in this case comprise of 2 hectares (20,000 square meters) of land each, more or less, or a total of around 20 hectares of land (200,000 square meters).

This same inquiry on the size of land to be acquired by government was already raised within DPWH but was thereafter shot down on 04 June 2014 in a *Memorandum Clarifying the Deed of Sale* by Director Joel I. Jacob of DPWH Legal. According to Jacob, the area considered for acquisition is 8,571 square meters, the subject of the Deed of Sale. However, what was transferred was the area as stated in the Certificates of Title of the land owners. He further argued that to deny payment to the property owners for the area in excess of 8,571 square meters will amount to deprivation by the government of the property owners of their property, without payment of just compensation. The government will also unjustly enrich itself at the expense of the land owners.

The Committee vehemently disagrees with the justification of DPWH's own legal department and laments the fact that it is the department's own legal department that led the government to enter into grossly disadvantageous contracts as in these cases. There is simply no rhyme or reason to the argument that payment of just compensation for 20 hectares is not grossly disadvantageous to the government when what the government needs is 8,571 square meters only. This is simply ludicrous. It is by itself corrupt and stupid.

***Who are the legitimate owners of the land we will expropriate?***

Documents culled from the DPWH revealed that the source of the right of the claimants in this case (Ballesterso et al.) are the deeds of the Extrajudicial Settlement



of the Heirs of Abdul Kiahid and Kamid Ansal. The purported heirs of Abdul Kiahid and Kamid Ansal are as follows:

<b>Alleged Heirs of Abdul Kiahid</b>	<b>Alleged Heirs of Kamid Ansal</b>
<b>1. ROEL T. HERMOSADA</b>	1. Lynlee G. Tanala
<b>2. RICARDO B. CANADA</b>	2. John B. Bacudo
<b>3. RAMON L. BALLESTERSO</b>	3. Marie Faye J. Villamarin
4. Marvin S. Gawan	<b>4. MARY ANN A. JOYCE</b>
5. Bartolome R. Solquiano	
6. Imee Q. Camasis	
7. Annabelle B. Susing	
8. Julieta S. Fernandez	
9. Rodolfo B. Gurang	
10. Marlyn B. Isidro	
11. Felisa P. Boligar	

This Committee submits that the deeds of the Extrajudicial Settlement of the Heirs of Abdul Kiahid and Kamid Ansal are all forgeries. The following badges of fraud are noted by the Committee:

1. None of the purported heirs bears the surname of their father/grandfather/decedent; and
2. All of the purported heirs are Christian, when their father/grandfather/decedent is Muslim.

The document used by the DPWH to process the claim purportedly coming from the Land Management Bureau of the DENR dated November 5, 2009 appears to be a forgery as the signature of DENR Administrative Officer III Ali Macmod appearing therein is markedly different from the signature of the same officer in his certification dated May 18, 2015.

The allegedly forged document under the name of DENR Administrative Officer III Ali Macmod dated November 5, 2009 certifies that the subdivision plan of Lot No. 3 of the Heirs of Abdul Kiahid and Lot No. 25 of the Heirs of Kamid Ansal are authentic. Note that the Estates of Abdul Kiahid and Kamid Ansal are the purported sources of the rights of fictitious claimants used by the syndicate of Wilma Mamburam.

### ***How much should we pay?***

It is submitted by the Committee that the government should not pay a sum of money at all; first, because the claim is a fraud; second, because the government owned the property from the very beginning. In this scheme, *"ginisa ang gobyerno sa sarili nitong mantika."*

Yet, the government was made to pay Php 255.55 M for the 9 parcels of land, as follows:

Name	Total Amount of Claim	1 <sup>st</sup> Payment	2 <sup>nd</sup> Payment	3 <sup>rd</sup> Payment	4 <sup>th</sup> Payment	5 <sup>th</sup> Payment
Mr. Ballesteroso	29,998,500.00	503,494.02	50,368.56	1,570,069.96	12,875,317.00	14,999,250.46
Mr. Bacudo	27,111,000.00	503,493.86	50,367.86	1,570,061.84	11,431,577.00	13,555,499.44
Ms. Austria	29,998,500.00	503,494.02	50,368.56	1,570,069.96	12,875,317.00	14,999,250.46
Mr. Canada	29,998,500.00	503,494.02	50,368.56	1,570,069.96	12,875,317.00	14,999,250.46
Ms. Fernandez	29,998,500.00	503,494.02	50,368.56	1,570,069.96	12,875,317.00	14,999,250.46
Ms. Joyce	27,111,000.00	503,493.86	50,367.86	1,570,061.84	11,431,577.00	13,555,499.44
Ms. Villamarin	27,111,000.00	503,493.86	50,367.86	1,570,061.84	11,431,577.00	13,555,499.44
Ms. Villamarin	27,111,000.00	503,493.86	50,367.86	1,570,061.84	11,431,577.00	13,555,499.44
Ms. Villamarin	27,111,000.00	503,493.86	50,367.86	1,570,061.84	11,431,577.00	13,555,499.44

The scheme of the syndicate started only in 2009. Yet, they were able to successfully receive payments on several occasions. The payment dates were as follows:

<b>First Payment of RROW</b>	December 7, 2011
<b>Second Payment of RROW</b>	March 15, 2012
<b>Third Payment of RROW</b>	September 4, 2012 September 5, 2012
<b>Fourth Payment of RROW</b>	January 14, 2014 January 28, 2014
<b>Fifth Payment of RROW</b>	March 9, 2015 March 10, 2015

## ***Falsification of Documents***

Upon further investigation of the NBI and the Committee, there were strings of forgeries committed by the syndicate as follows:

### ***1. Falsification of Identification Cards (IDs) of the Claimants***

Many of the Acknowledgments on the Special Power of Attorneys (SPAs) used by the claimants bear IDs from Philhealth and the Philippine Postal Corporation. Upon verification by the investigators from the NBI, it was discovered that the IDs presented by claimants Ballesterso, Joyce, Canada, Villamarin and Austria were spurious.

Further, the Philippine Postal Corporation issued a Certification dated 25 January 2018 stating that the Postal IDs presented by claimants Ballesterso, Joyce, Canada, Villamarin, Austria and Fernandez were also spurious.

When the NBI attempted to verify the addresses written on the SPAs and in the IDs, they discovered, as certified by barangay certifications, that Canada, Fernandez, Ballesterso, Austria and Villamarin are not residents of the barangays where their respective addresses are purportedly located.

### ***2. Falsification of Tax Declarations***

Verification of the tax declarations of the claimants also showed that the tax declaration numbers of the tax declarations submitted by the claimants are on official records, pertaining to different owners, located in different locations and for different classifications. A table showing the discrepancies is shown below:



TAX DECLARATION ISSUED AND ON FILE WITH CITY ASSESSOR, GENERAL SANTOS CITY				TAX DECLARATION ATTACHED AS SUPPORTING DOCUMENTS TO RROW CLAIMS			
Tax Declaration No.	Owners	Location	Classification	Tax Declaration No.	Owners	Location	Classification
217226-F	Southern Phils. Shipbuilder and Repair Corp.	Siguil	Industrial	217226-F	Ramon I. Ballesteros	Lagao, GS	Road Lot
217242-F	Anselmo G. Estabillo	Apupong	Residential	217242-F	John B. Bacudo	Lagao, GS	Road Lot
217225-F	Southern Phils. Shipbuilder and Repair Corp.	Siguil	Agricultural	217225-F	Nenita S. Austria	Lagao, GS	Road Lot
217224-F	Thelma Dacera, Lourdes Hena Celeste B. Dacera, Leopoldo IV B. Dacera & Leo III B. Dacera	City Heights	Commercial	217224-F	Ricardo B. Canada	Lagao, GS	Road Lot
217231-F	HARI Royale Business and Marketing Corp.	Labangal	Residential	217231-F	Ricardo B. Canada	Lagao, GS	Road Lot
217247-F	Leonora M. Membredo	Katangawan	Residential	217247-F	Mary Ann A. Joyce	Lagao, GS	Road Lot
217245-F	Lucita T. Augustin (widow) and Angelica T. Augustin (minor)	Katangawan	Agricultural	217245-F	Maria Faye Villamarin	Lagao, GS	Road Lot
217243-F		San Isidro	Residential	217243-F	Maria Faye Villamarin	Lagao, GS	Road Lot
217244-F	Marivic M. Abestros, married to Norberto P. Abestros	Fatima	Residential	217244-F	Maria Faye Villamarin	Lagao, GS	Road Lot

### 3. Falsification of Transfer Certificates of Titles (TCT)

Verification with the Register of Deeds of General Santos City shows that the titles bearing the title numbers and the names of the claimants cannot be found in the records. It was discovered however that like in the case of the tax declaration, the TCT Nos. used in the documents submitted to the DPWH pertain to a different lot, located at a different location, with a much smaller area and registered under a different owner. The names of the registered owners found on the vaults of the Register of Deeds of General Santos City correspond with that of the tax declarations officially on record with the City Assessor's Office; proving that the landowners on record with the Register of Deeds of General Santos City and those with the Office of the City Assessor are the real owners; and the claimants in this investigation are bogus.



TITLE NUMBERS EXISTING AND KEPT IN TACT THE REGISTER OF DEEDS OF GENERAL SANTOS CITY					TITLE NUMBERS SUBMITTED FOR VERIFICATION BY NBI-CEMRO REGION XII				
TCT Number	Registered Owner	Lot No.	Area	Location	TCT Number	Registered Owner	Lot No.	Area	Location
T-112432	Richmond Land Innovations, Inc.	4 blk 19	90 sq. mts.	Apopong-GSC	T-112432	Ramon I. Ballesteros	3-D (Nat. Highway)	25,713 sq. mts.	Lagao-GSC
T-112431	Richmond Land Innovations, Inc.	13 blk 19	136 sq. mts.	Apopong-GSC	T-112431	Nenita S. Austria	3-C (Nat. Highway)	25,713 sq. mts.	Lagao-GSC
T-112430	Richmond Land Innovations, Inc.	12 blk 19	137 sq. mts.	Apopong-GSC	T-112430	Ricardo B. Canada	3-B (Nat. Highway)	25,713 sq. mts.	Lagao-GSC
T-112437	Richmond Land Innovations, Inc.	19 blk 19	90 sq. mts.	Apopong-GSC	T-112437	Julieta S. Fernandez	3-1 (Nat. Highway)	24,713 sq. mts.	Lagao-GSC
T-122563	Feliza B. Lintang	2-B-2-D-6	300 sq. mts.	Apopong-GSC	T-122563	John B. Bacudo	25-B (Nat. Highway)	sq. mts.	Lagao-GSC
T-122568	Feliza B. Lintang	2-B-2-E-6	300 sq. mts.	Apopong-GSC	T-122568	Mary Ann A. Joyce	25-G (Nat. Highway)	23,238 sq. mts.	Lagao-GSC
T-122566	Feliza B. Lintang	2-B-2-E-4	300 sq. mts.	Apopong-GSC	T-122566	Maria Faye Villamarin	25-E (Nat. Highway)	23,238 sq. mts.	Lagao-GSC
T-122564	Feliza B. Lintang	2-B-2-E-2	300 sq. mts.	Apopong-GSC	T-122564	Maria Faye Villamarin	25-C (Nat. Highway)	23,238 sq. mts.	Lagao-GSC
T-122565	Feliza B. Lintang	2-B-2-E-3	300 sq. mts.	Apopong-GSC	T-122565	Maria Faye Villamarin	25-D (Nat. Highway)	23,238 sq. mts.	Lagao-GSC

Further, the DPWH records show that the actual titles used in the processing of RROW claims bear the same title numbers as the titles in the table above albeit with a handwritten "-A" on the face of title.

The Land Registration Authority (LRA) would later on through its operations called "Oplan: Titulong Malinis" invalidate the same in their records on the account that these "-A" titles are forgeries.

#### 4. Falsification of City Appraisal Reports

Mr. Leonardo Dinopol, the City Assessor and the Chairman of the City Appraisal Committee of General Santos City, upon inquiry by the NBI denied the existence of City Appraisal reports on the nine lots subject of this inquiry. He also

averred that the Reports used by DPWH in processing RROW claims bearing his signature do not bear his genuine signature.

He added that, as per record, there were only eight (8) Appraisal Reports issued in 2009 and released on different dates by his Office but the same do not pertain to the lots under investigation.

Mr. Dinopol however was rebuked by Senator Gordon during the March 23, 2018 hearing for blindly following court orders for a supposed fear of contempt without making reservations or registering any protest as to whether following such orders would result in the duplication of tax declarations in the records of the City Appraiser's Office.

*5. Falsification of City Treasurer's Certification*

Per investigation by the NBI with Mr. Rodilon G. Lacap, CPA, Acting City Treasurer of General Santos City, it was discovered that the Official Receipts allegedly issued to the claimants **were issued to different persons for the payment of other government fees.** Further, the Tax Declarations of the alleged properties of the claimants pertain to properties owned by different registered owners:

<b>Real Property Tax Official Receipt details provided by the NBI for verification/certification</b>	<b>Records based on Treasury Revenue Assessment Collection System (TRACS Database)</b>
<p>1 OR No.: 0231736</p> <p><b>Declared Owner: RAMON L. BALLESTERSO</b></p> <p>Date of issue: September 19, 2011</p>	<p>OR No.: 0231736</p> <p><b>Declared Owner: EROJO, FELISA</b></p> <p>Date of issue: January 31, 2011</p> <p>Location of Property: Conel</p>

	Amount: P518.37	
2	OR No.: 0231751 <b>Declared Owner: JOHN B. BACUDO</b> Date of issue: September 19, 2011 Amount: P518.37	OR No.: 0231751 <b>Declared Owner: FLORES, LIGAYA</b> Date of issue: January 31, 2011 Location of Property: Labangal 083.553.4601   083.553.8053
3	OR No.: 0231735 <b>Declared Owner: NENITA S. AUSTRIA</b> Date of issue: September 19, 2011 Amount: P518.37	OR No.: 0231735 <b>Declared Owner: BULAONG VILLAGE II</b> Date of issue: January 31, 2011 Location of Property: Labangal
4	OR No.: 0231734 <b>Declared Owner: RICARDO B. CANADA</b> Date of issue: September 19, 2011 Amount: P518.37	OR No.: 0231734 <b>Declared Owner: ROSALES, MARIVIC &amp; FERNANDEZ, MA. THERESA</b> Date issue: January 31, 2011 Location of Property: Dadiangas North
5.	OR No.: 0231741 <b>Declared Owner: JULIETA S. FERNANDEZ</b> Date of issue: September 19, 2011 Amount: P518.37	OR No.: 0231741 <b>Declared Owner: SATO, SOL MARIE</b> Date of issue: January 31, 2011 Location of Property: San Isidro
6.	OR No.: 0231756 Declared Owner: <b>MARY ANN A. JOYCE</b> Date of issue: September 19, 2011 Amount: P518.37	OR No.: 0231756 <b>Declared Owner: OCLARIT, JOSE JR.</b> Date of issue: January 31, 2011 Location of Property: Olympog
7	OR No.: 0231754	OR No.: 0231754



	<b>Declared Owner: MARIE FAYE J. VILLAMARIN</b> Date of issue: September 19, 2011 Amount: P518.37	<b>Declared Owner: SALUDAR, SOLEDAD</b> Date of issue: January 31, 2011 Location of Property: Mabuhay
8	OR No.: 0231752 <b>Declared Owner: MARIE FAYE J. VILLAMARIN</b> Lot #: 525-C Date of issue: September 19, 2011 Amount: P518.37	OR No.: 0231752 <b>Declared Owner: JIMENEZ, WILSON</b> Date of issue: January 31, 2011 Location of Property: San Isidro
9	OR No.: 0231754 <b>Declared Owner: MARIE FAYE J. VILLAMARIN</b> Date of issue: September 19, 2011 Amount: P518.37	OR No.: 0231753 <b>Declared Owner: AUSTRIA, BERNADETTE</b> Date of issue: January 31, 2011 Location of Property: San Isidro

Upon examination of all the forgeries committed by the syndicate as a means to defraud the government, it is evidently clear that the modus operandi insofar as forgery is concerned is to get an existing document number such as a tax declaration number, title number or official receipt number and then counterfeit it using fictitious names, addresses and claims and then thereafter present the same to the proper government agency, DPWH in this case, for the processing of the claim.

This Committee notes that the modus operandi of the syndicate would not have been performed well without financial facilitation. Per information from Catapang, a certain Nelson Ti finances the activities of the group. Nelson Ti appears to be a prolific international fraudster. This same Nelson Ti has five (5) criminal

cases filed before different trial courts in Metro Manila. He has an outstanding Warrant of Arrest dated 19 June 2013 for ESTAFA filed and docketed under Criminal Case No. 13-1488 before the Regional Trial Court, Branch 59, Makati City.

Ti is likewise wanted for prosecution in the US for the following cases:

- (1) Conspiracy to defraud the United States (1 count);
- (2) False statements (3 counts);
- (3) Mail Fraud (3 counts);
- (4) Money laundering (6 counts);
- (5) Obstruction of proceeding before department and agency of the United States (1 count)

An Interpol Red Notice published on 13 January 2009 indicates that the United States of America will seek his extradition.

To date, despite several notices and public announcements of the Blue Ribbon Committee seeking the location of Nelson Ti, he remains at large.



## **BREAKDOWN OF THE LAW**

The skill of the forgers notwithstanding, nothing can enter a faithfully and well-guarded fortress of the public coffers especially when public officials are doing their jobs faithfully. One only needs to do his job at the government as diligently and as honestly as he should to be able to detect the scheme of the syndicate at the onset, and prevent malversation of government funds in favor of the syndicate of Mamburam.

The modus operandi of the group is fairly simple and common. One only needs to conduct an honest to goodness verification of the documents for this scandal to be prevented at the onset. Yet to our dismay, government paid the whole amount claimed worth Php 255.5M over a period of five years (from 2011-2015) despite the allegedly layers of verification and checking conducted at various stages in the processing of the claim, as provided for in the law intended to prevent this very evil from happening.

Unfortunately, when human frailties such as greed, self-interest and indifference starts creeping, that our sentinels for public infrastructure such as the DPWH; sentinels for preserving the integrity of our Torrens System such as the Land Registration Authority; and sentinels for land and tax-mapping such as the City Assessor's Office and the Land Management Bureau of the DENR simultaneously perform acts that would constitute malfeasance, misfeasance and nonfeasance in public office, like a healthy cell morphing into cancerous cells causing mortal injury to its host; our tainted government instrumentalities have become a conduit for bargaining away public interest for the interest of thieves.

After a series of marathon hearings, from morning until late in the afternoon, on this issue, this Committee concludes that there had been a MASSIVE BREAKDOWN IN THE LAW that affected the integrity of the government agencies involved: DPWH, LRA, DENR, City Assessor's Office, and even that of the Judiciary.

Department of Public Works and Highways (DPWH)

In issues involving road right of way, the primary custodian in charge is the DPWH. The role of the DPWH is more than just building infrastructure. As the State's engineering and construction arm, it is tasked to carry out the following policy provided for in Section 1, Chapter 1, Title V, Book IV of Executive Order No. 297, also known as the Administrative Code of 1987:

**"Section 1. Declaration of Policy.** - The State shall maintain an engineering and construction arm and continuously develop its technology, for the purposes of ensuring the safety of all infrastructure facilities and securing for all public works and highways the highest efficiency and the most appropriate quality in construction. The planning, design, construction and maintenance of infrastructure facilities, especially national highways, flood control and water resources development systems, and other public works in accordance with national development objectives, shall be the responsibility of such an engineering and construction arm. However, the exercise of this responsibility shall be decentralized to the fullest extent feasible."

In the process of building infrastructure, the DPWH sometimes have to encroach or build upon parcels of land owned by private persons. The design of the

projects and the immensity of certain endeavors make the taking over of private property unavoidable. When this happens, government cannot just take over another person's land without indemnifying the owner whose land was taken over, encroached upon, or rendered useless for the ex- owner's purpose. Article III, Section 9 of the 1987 Constitution forbids so. It says quite clearly, "private property shall not be taken for public use **without just compensation**". Simply put, justice and fair play demand that that person be justly compensated for his loss.

For such eventuality, law and regulation provided for a process called road-right-of-way; a process that is essentially an exercise of the government's fundamental right to eminent domain. In the case of Republic of the Philippines vs. Heirs of Saturnino Borbon, G.R. No. 165354, January 12, 2015<sup>2</sup>, the High Court described the State's power of eminent domain as the "*the ultimate right of the sovereign power to appropriate, not only the public but the private property of all citizens within the territorial sovereignty, to public purpose.*" In the exercise of this power, both the right of the State to take private property for public purpose and the right of private citizens to just compensation are properly served.

The power of eminent domain is lodged primarily in the national legislature,<sup>3</sup> but may be delegated. Thus, the Congress on various occasions passed laws on the exercise of the right of eminent domain, particularly on the processing of claims for just compensation on the basis of road right of way. On November 7, 2000, Congress enacted RA 8974, entitled "An Act to Facilitate the Acquisition of Right-of-Way, Site or Location for National Government Infrastructure Projects." This was

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<sup>2</sup> Republic of the Philippines vs. Heirs of Saturnino Borbon, G.R. No. 165354, January 12, 2015

<sup>3</sup> Metropolitan Cebu Water District v. J. King and Sons Company, Inc. G.R. No. 175983, April 16, 2009, 585 SCRA 484



later on repealed and substituted on July 27, 2015 by RA 10752 also known as the "Right of Way Act."

In both RA 8974 and RA 10752, DPWH is charged with the delegated authority to implement the State's fundamental power of eminent domain for public good. It behooves DPWH to realize the depth of the responsibility delegated upon them by the State through the national legislature. As the implementing authority of one of the State's most fundamental and highest power- eminent domain (the other two fundamental powers of the State being police power and the power of taxation). It is imperative upon them to exercise such power with utmost skill, diligence, prudence and excellence. The manner by which they exercise the State's fundamental power reflects upon the State and its government. Outright stupidity, gross incompetence, if not corruption are totally unacceptable, for that would have been an insult to the State and to themselves. There is simply no reason to just allow any amount of money from the coffers of the government especially Php 255.5M be in the hands of crooks. To prevent the government from being defrauded, DPWH formulated rules for RROW and constituted the RROW Committee.

However, before any proceeding for acquisition of any property should commence, it is imperative that DPWH should know when and where not to expropriate. Due diligence requires that they shall determine with absolute certainty the ownership of the property they seek to take over. Only a person of less than the normal level of understanding would buy a property that is already his. This Committee has reason to believe that the government may have been deceived into such a level of stupidity considering the maps taken from DENR as earlier discussed in this report as well as the report of COA raising alarm over the failure of DPWH to

fully realize its highway rights. We quote again COA for emphasis in its report submitted to the Blue Ribbon Committee on September 25, 2018 on the *"Result of the Regular Audit Conducted on the Payments for Infrastructure Right of Way (IROW) Claims in the Department of Public Works and Highways Regional Office XII for the Construction of the Cotabato-General Santos National Road During CYs 2011-2012,"* State Auditor Carmencita Eden Talob observed:

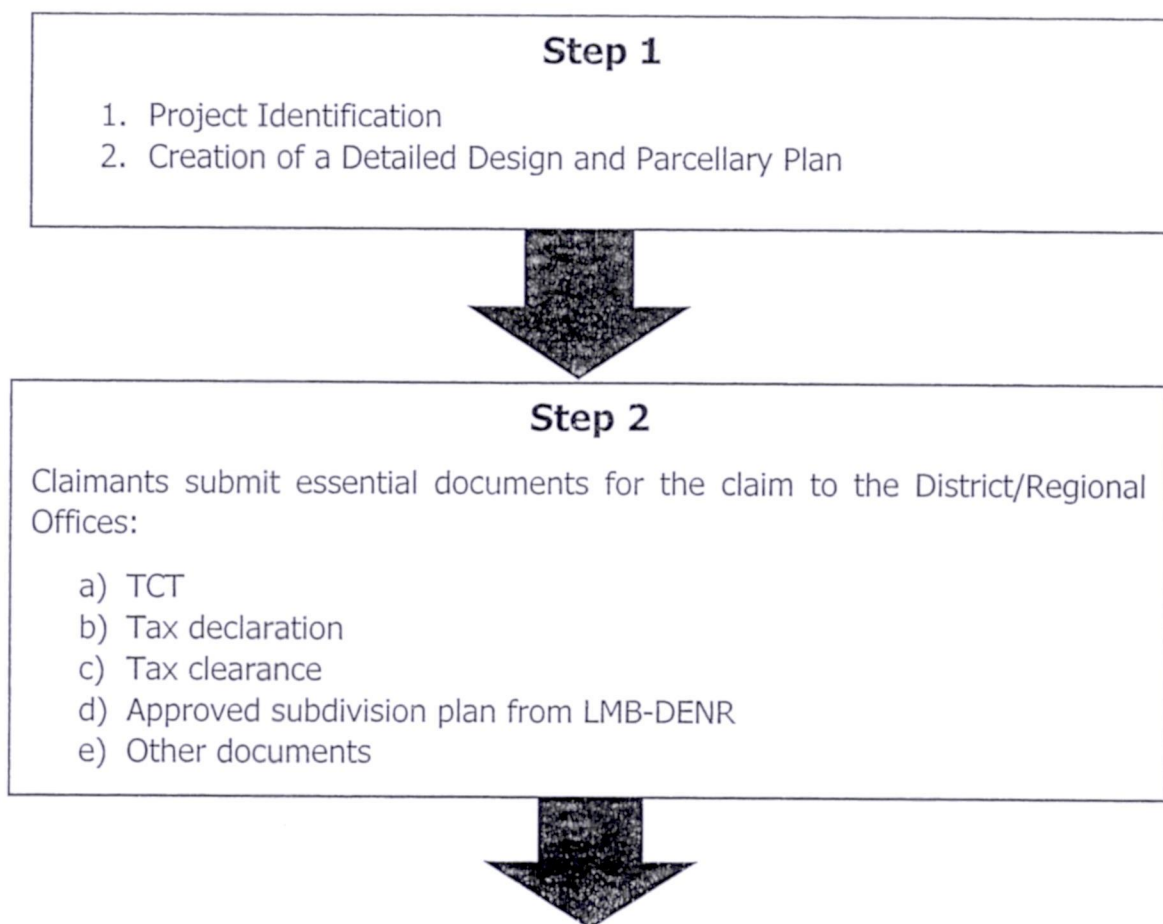
**"HIGHWAY RIGHTS OVER LANDS USED**

**THE AUDIT TEAM ALSO REPORTED THAT THE DPWH DID NOT EXERCISE DUE DILIGENCE IN EVALUATING ITS HIGHWAY RIGHTS OVER LANDS USED IN THE CONSTRUCTION OF ROADS AND FLOOD CONTROL PROJECTS WHICH WERE COMPLETED AS EARLY AS 1950'S** through the verification of the impacts of the parcel of lands which are subject of the IROW claim, to its Highway Rights, Highway-by-Use, Highway by Prescription, etc. In fact Form I as prescribed in DPWH Department Order No. 34 s. 2007 or the Simplified Guidelines for validation and evaluation of IROW has not been accomplished to form part of its evaluation/validation. **MANAGEMENT'S OR THE GOVERNMENT'S ASSERTION TO ITS LEGAL AND HIGHWAY RIGHTS OVER LANDS UNDER ITS POSSESSION FOR PUBLIC USE MAY HAVE BEEN INADVERTENTLY LOST IN FAVOR OF ADVERSE CLAIMANTS."**  
(emphasis supplied)

For failure to properly ascertain, which constitutes gross negligence tantamount to malice/bad faith, DPWH officials who had a hand in processing and payment of RROW claims subject of this inquiry are guilty of malfeasance in public office.

Assuming that there is still indeed a need to expropriate, we still found incompetence in the way DPWH performed its primary obligation resulting in malfeasance and/or misfeasance in public office.

At the time the claims for 9 parcels of land were filed sometime in 2009, DPWH already was subject to compliance with the following process flow per S.O. No. 87 series of 2007 and D.O. No. 34 series of 2007 as follows:





### **Step 3**

- 1.) District/Regional IROW (Infrastructure Right of Way) Committee checks the authenticity/validity of the documents following the steps provided in Department Order No. 34, series of 2007 by securing the following:
  - a) Certified true copy of the TCT from the Registry of Deeds
  - b) Certified true copy of the Tax Declaration from the City/Municipal Assessor's Office
  - c) BIR Zonal Value or the City/Provincial Appraisal Committee to determine the Fair market Value, whichever is lower
  
- 2) Ocular Inspection- Regional Office conducts field verification/parcellary survey based on the parcellary plan (approved by the Regional Director) indicating the affected lot, the area affected and the names of the affected owner.



### **Step 4**

#### **Regional IROW (Infrastructure Right of Way) Committee**

- 1) Documents in Step 3 will be forwarded to the Regional IROW Committee for approval.
  
- 2) If the documents are found in order, the Regional IROW Committee shall execute the Resolution, approved by the Regional Director, recommending payments of the claim as provided for in DO No. 34, series of 2007.
  
- 3) Regional IROW Committee will forward the Resolution and the documents to the Central IROW Committee.

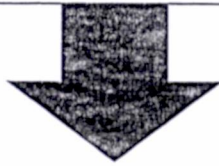
**Step 5**  
**Central IROW (Infrastructure Right of Way) Committee**

After receiving the documents from the Regional IROW Committee, Central IROW Committee will check the completeness of Right of Way (ROW) documents validated by the Regional IROW Committee for inclusion to the Master list of Nationwide Outstanding Right-of-Way Claims for funding.



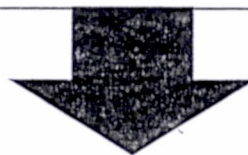
**Step 6**

Revalidated ROW claims that are in order will be included in the Nationwide Masterlist of Outstanding ROW claims. However, claims that need clarifications are turned to the Regional Office for further verification.



**Step 7**

- 1) Central IROW Committee prepares the Masterlist of Claims signed by the technical working group.
- 2) A proposed schedule of payment is made, signed/deposed by the Central IROW Committee Chairman and members for approval of the DPWH Secretary.
- 3) A proposed schedule of payment is made, signed/endorsed by the Central IROW Committee Chairman and members for approval of the DPWH Secretary.



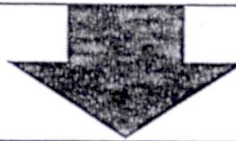
### **Step 8**

Upon signing/approval, the DPWH Secretary endorses/recommends the payment of the Nationwide Outstanding ROW Claims to the Department of Budget and Management (DBM).



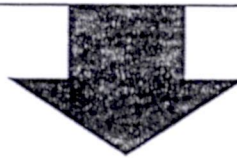
### **Step 9**

Department of Budget and Management approves the recommendation and issue the corresponding Sub-Allotment Release Order (SARO) for the release of funds.



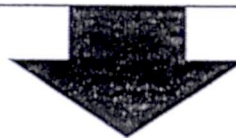
### **Step 10**

Upon receipt of the SARO, the Central IROW Committee will sub-allot the funds among the Districts/Regions concerned.



### **Step 11**

District/Regional Office concerned will disburse/pay the amount allotted per claim in the Nationwide Masterlist of Claims. Payment of Claims for the final/remaining 50% will only be released upon transfer/delivery of the TCT in the name of the Republic of the Philippines.



### **Step 12**

Post-Audit by the Commission on Audit (COA)



Further, in its Department Order No. 5, series of 2003 pertaining to the "Creation of the Infrastructure Right of Way and Resettlement Project Management Office (PMO) and the Implementation of the Improved IROW Process", DPWH emphasized the following important principles that are material in this case, as follows:

- *The first mode of acquisition shall be to request donation from the property owner.*
- *If the property owner does not donate the property, then negotiations for purchase of land and improvements shall follow based on the provisions of Republic Act 8974 and its IRR. Hence, the first offer shall be the current BIR zonal value for land, and replacement cost for improvements (there shall be no salvage value). If the first offer is not accepted, the value of the second offer shall be based on the Resolution of the appropriate Appraisal Committee subject to the approval of the Implementing Office (IO). If the IO does not agree with the Appraisal Committee's Resolution, then the IO shall engage the services of an Independent Land Appraiser to determine the value. The value of the second offers shall be the lower of the values. In case the property owner refuses the second offer, the IO initiates expropriation proceedings.*
- ***It is the responsibility of the IO to obtain and validate all necessary documents for Right of Way (ROW) claims.***

- *ROW claims shall be screened, fully verified and validated, and the supporting documents authenticated in accordance with the checklist in the IROW Procedural Manual prior to payment.*
- *All ROW must be fully acquired and cleared before the issuance of the Notice of Award for the project.*
- *IO shall properly file all documents pertaining to the acquisition of ROW and shall effect the transfer of titles or other tenurial instruments in the name of the Republic of the Philippines within three months from the perfection of the Deed of Absolute Sale, or in the case of expropriation, from the date of full payment.*

Lastly, Department Order No. 24, series of 2007 on the "Amended Omnibus Levels of Authorities of Officials of the Department of Public Works and Highways" provided for the authorized amounts subject to approval of the approving authority as follows:

<b>Deed of Absolute Sale</b>	<b>Review and Recommend Approval</b>	<b>Approval</b>
Up to Php 30 Million	Chief, Legal Division, Regional Offices	Regional Director
More than Php 30 Million but not more than Php 50 Million	Director, Legal Services, Central Office	Assistant Secretary
More than 50 Million but not more than Php 100 Million	Director, Legal Service, Central Office	Undersecretary

As may be seen, the process is tedious, lengthy, and even bureaucratic. Each layer in the process is intended to provide for an overlapping system of verification as a means of check and balance to ensure that an attempted fraud against the government is detected, even at the expense of being tedious, bureaucratic and long-winding. There were a series of checks, validation and revalidation processes. Thus, it is hard to think why despite the many layers of validation and re-validation, fraud still slipped through. It is supposed to ensure that the method does not make mistakes, in that only the true owners are compensated and only in an amount justly determined. This, unless of course the eyes refuse to see the fraud it sees in plain sight.

Per investigation, it was discovered from DPWH records that a private Geodetic Engineer Enecito E. Orodio was commissioned by the claimants to prepare the parcellary surveys. The parcellary plan/surveys were checked by personnel composing the Technical Working Group at the District/Regional level that conducted the field verification/inspection and validation of the nine (9) lots under investigation:

1. Engr. Rodel Unos, Special Agent II, Head, IROW-RO XII, TWG, (*now deceased*)
2. Atty. Ansare Busran, Legal Officer III

Their work was verified by Engr. David I. Padlan, recommended for approval by Tomas M. Rodriguez and approved by Sinaolan T. Marambon.

The recommendation of the TWG shows the following affirmations:



1. Per inspection/investigation made, the subject parcels of land are registered in the names of claimants covered by respective TCTs situated in Barangay Lagao, General Santos City;

2. The subject lots are verified and were traversed/affected by the construction of DIGOS-NAKAR National Road; and

3. Mr. UNOS and Mr. BUSRAN negotiated with the landowner for the price;

It also recommended the payment for just compensation of the nine (9) claims without prejudice to further evaluation/validation of IROW Committee.

The following are the individual participation of the members of the Regional IROW Committee:

<b>NAME</b>	<b>DESIGNATION/ ADDRESS</b>	<b>INDIVIDUAL PARTICIPATION</b>
DAVID L. PADLAN	OIC- Chief, Planning and Design Division/ DPWH 12, Alunan Avenue, Koronadal City	<ul style="list-style-type: none"><li>• Verified the Sketch/Vicinity Map of the Project Location;</li><li>• Submitted and signed the Summary of Validated/Revalidated Claims in compliance to the Memorandum dated 29 May 2013 of Hon. EUGENIO R. PIPO JR. assistant Secretary for Luzon Operations and former Chairman of the Central IROW Committee;</li><li>• Issued 9 Certifications all dated 11 July 2013 certifying that all of the 12</li></ul>

		<p>requisite documents have been complied with by the 7 claimants. Certification issued in compliance of Memo dated 29 May 2013 of Hon. EUGENIO R. PIPO JR. assistant Secretary for Luzon Operations and former Chairman of the Central IROW Committee;</p> <ul style="list-style-type: none"> <li>• Signed as member of the Regional IROW Committee on all of the DEED OF CONVEYANCE RESOLUTION for the 9 claims.</li> </ul> <p>The signatories of the Resolution claimed the following among others:</p> <ol style="list-style-type: none"> <li>1. The property to be acquired has not been sold and encumbered</li> <li>2. The owner had paid the corresponding taxes for the last 5 years prior to the claim</li> <li>3. The classification of the Assessor is in accordance with the actual use of the property at the time of taking</li> <li>4. Resolved that after validation of all documents by the owner/claimant and after ascertaining the reasonableness of the claim to be advantageous to the government the authority to purchase the property is recommended and approved pursuant to the instrument (Deed of Conveyance) to be approved by the Regional Director</li> </ol> <ul style="list-style-type: none"> <li>• Signed as the Vendee on behalf of DPWH-12 on the DEED OF ABSOLUTE SALE and the alleged claimants</li> <li>• Affixed his signature on the 9 Obligation Requests for all of the (1st to 5th) payments of the 9 claims. He certified therein that: 1. Charges to</li> </ul>
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		appropriation/allotment necessary, lawful and under his direct supervision 2. Supporting Documents are valid, proper and legal
HADJI IBRAHIM A. MAROHOM, CPA	Chief, Finance Division (Retired) / DPWH 12, Alunan Avenue, Koronadal City	Signed as member of the Regional IROW Committee on all of the DEED OF CONVEYANCE RESOLUTION for the 9 claims.
ATTY. FAISAL A. PADATE	Attorney IV, Chief Legal Unit (retired)/ DPWH 12, Alunan Avenue, Koronadal City	Signed as member of the Regional IROW Committee on all of the DEED OF CONVEYANCE RESOLUTION for the 9 claims.
TOMAS M. RODRIGUEZ	Assistant Regional Director (retired)/ DPWH 12, Alunan Avenue, Koronadal City	Recommended Approval of the Deed of Conveyance on all of the DEED OF CONVEYANCE RESOLUTION
SINILOAN T. MACARAMBON	Regional Director (retired)/ DPWH 12, Alunan Avenue, Koronadal City	Approved the DEED OF CONVEYANCE RESOLUTION

The following are the individual participation of the members of the Regional IROW Technical Working Group:

<b>NAME</b>	<b>DESIGNATION/ ADDRESS</b>	<b>PARTICIPATION</b>
ENGR. RODEL L. UNOS	Special Agent II-Head TWG <b>(DECEASED)</b>	<ul style="list-style-type: none"> <li>• Conducted the field verification inspection and validation</li> <li>• Submitted the Report that contains the following:               <ol style="list-style-type: none"> <li>1. Per inspection/investigation made, the</li> </ol> </li> </ul>



		<p>subject parcels of land are registered in the names of claimants covered by respective TCTs situated in Barangay Lagao, General Santos City;</p> <p>2. The subject lots are verified and were traversed/affected by the construction of DIGOS-MAKAR National Road</p> <ul style="list-style-type: none"> <li>• Negotiated with the land owners as regards the price;</li> <li>• Recommended the payment of just compensation</li> </ul>
ANSARE M. BUSRAN	Legal Officer III/ DPWH 12, Alunan Avenue, Koronadal City	Same as Engr. Unos

After validation of claims made by the Regional Office, the same is forwarded to the Central IROW Committee. The Central IROW Committee is composed of the following members per Orders detailed below:

S.O./D.O. NO.	CENTRAL IROW COMMITTEE
S.O. No. 80 Dated <b>July 02, 2007</b>	<p>Chairperson: <b>Ramon P. Aquino</b> Assistant Secretary <b>* Assassinated on March 18, 2009</b></p> <p>Vice Chairman: <b>Patrick B. Gatan</b> Project Director IROW-PMO</p> <p>Members: <b>1. Gilberto S. Reyes</b> Asst. Director, Bureau of Design <b>2. Joel I. Jacob</b> OIC Director, Legal Service <b>3. Director, Region XII</b> (Implementing Office)</p>
S.O. No. 95 Dated <b>May 11, 2010</b>	<p>Chairperson: <b>Bonifacio O. Seguit</b> Assistant Secretary</p>

	<p>Vice Chairman:  <b>Patrick B. Gatan</b>  Project Director  IROW-PMO</p> <p>Members:  <b>1. Gilberto S. Reyes</b>  Asst. Director, Bureau of Design  <b>2. Joel I. Jacob</b>  OIC Director, Legal Service  <b>3. Project/Regional Director</b> concerned  (Implementing Office)</p>
<p>S.O. No. 243 Dated  <b>November 09, 2010</b></p>	<p>Chairperson:  <b>Jaime A. Pacanan</b>  Usec. For Support Services</p> <p>Vice Chairman:  <b>Patrick B. Gatan</b>  Project Director  IROW-PMO</p> <p>Members:  <b>1. Gilberto S. Reyes</b>  Asst. Director, Bureau of Design  <b>2. Joel I. Jacob</b>  OIC Director, Legal Service  <b>3. Project/Regional Director</b> concerned  (Implementing Office)</p>
<p>S.O. No. 130 Dated  <b>July 4, 2011</b></p>	<p>Chairperson:  <b>Eugenio R. Pipo</b>  Asst. Secretary</p> <p>Vice Chairman:  <b>Patrick B. Gatan</b>  Project Director  IROW-PMO</p> <p>Members:  <b>1. Gilberto S. Reyes</b>  Asst. Director, Bureau of Design  <b>2. Joel I. Jacob</b>  OIC Director, Legal Service  *Retired on July 12, 2014  <b>3. Project/Regional Director</b> concerned  (Implementing Office)</p>
<p>D.O. No. 49 Dated  <b>May 23, 2013</b></p>	<p>Interim Organizational Unit, Right-of-Way Office  (ROWO) under Bureau of Design, headed by</p>

	<b>Director Gilberto S. Reyes</b>
D.O. No. 133 Dated <b>November 28, 2014</b>	Right-of-Way functions were assigned to the Legal Service through its Right-of-Way Acquisition and Enforcement Division

A supposed review by these officials acting as Central IROW notwithstanding, they were still not able to detect the fraud committed by the Mamburam group.

The following are the participation of the officials that signed the disbursement vouchers that led to the payment of RROW claims to spurious claimants on 5 different occasions:

<b>NAME</b>	<b>DESIGNATION/ ADDRESS</b>	<b>PARTICIPATION</b>
LAUREANO B. SUAN JR.	Former Assistant Regional Director (retired)/ No. 53 Camiling St., Nia Village, Sauyo, Quezon City	<ul style="list-style-type: none"> <li>• Signed/approved for payment the 1st, 2nd and 3rd disbursement vouchers of the 9 claims.</li> <li>• Signed as RECOMMENDING APPROVAL on the Deed of Absolute Sale for the 9 claims.</li> </ul>
REYNALDO S. TAMAYO	Former Regional Director (Retired)/ Poblacion, Tupi, South Cotabato	<ul style="list-style-type: none"> <li>• Signed/approved Disbursement Vouchers dated January 8, 2014 and March 6, 2015 for the 4<sup>th</sup> and 5<sup>th</sup> payment of the 9 claims;</li> <li>• Signed an Indorsement dated 12 July 2013 forwarding the attached folders together with corresponding documents to the Honorable DPWH Secretary attention: Gilberto S. Reyes, in connection with the request for payments of the 9 claimants pursuant with the 29 May 2013 Memo of Hon. Eugenio R. Pipo Jr., Chairman, Central IROW Committee, DPWH.</li> </ul>



RROW claims were paid on the following dates:

<b>First Payment of RROW</b>	December 7, 2011
<b>Second Payment of RROW</b>	March 15, 2012
<b>Third Payment of RROW</b>	September 4, 2012 September 5, 2012
<b>Fourth Payment of RROW</b>	January 14, 2014 January 28, 2014
<b>Fifth Payment of RROW</b>	March 9, 2015 March 10, 2015

On 08 October 2014, Atty. Estrella Zaldivar assumed office as Acting Director IV of the Legal Department, DPWH. Thereafter, on 28 November 2014, former Secretary Singson issued D.O. 133 returning/transferring the functions relative to acquisition of Right-of-Way to the Legal Service headed by Atty. Estrella T. Decena-Zaldivar.

All functions vested under IROW-PMO and ROWO as provided under D.O. 49 **were transferred to the Legal Service**, through its Right-of-Way Acquisition and Enforcement Division (ROWAED). Henceforth, Atty. Zaldivar had every opportunity to revalidate and stop payment as soon as any irregularity was or is to be detected.

In her statements before the Blue Ribbon Committee and in her submissions, Atty. Zaldivar posited that she exercised due diligence in verifying the authenticity of the titles by writing the then- Administrator of the Land Registration Authority, Eulalio Diaz, and even went to the extent of going to the LRA to see for herself the database of Ser John Pastrana, and the existence of the titles on record.

Unfortunately, despite the claimed vigilance of Atty. Zaldivar, the syndicate nonetheless succeeded in securing the fifth and last payment from the government.

It is her position, it seems, that the blame is not with DPWH but with LRA because verifications were made by DPWH at every level, from the regional to the central office; and, LRA kept on affirming the validity of the titles. From her position, it can be inferred that DPWH was deceived by LRA, by the syndicate.

The Committee is not persuaded. DPWH is the lead agency in the implementation of the law, rules and regulations on road right of way. In any event, the buck stops with them.

With the absurdity of the things that transpired within DPWH, their utter lack of knowledge on their land ownership rights, their inability to make simple verifications from bottom to upper management- enough to detect a fraud for a period of five years more or less during the time of DPWH Sec. Singson- we cannot help but be suspicious. Is the last-minute diligence of Atty. Zaldivar, in reality an attempt to clean up the mess now that the administration would soon wind up its term? Was it intended to make it appear that DPWH was a victim so that everybody in the agency who facilitated this multi-million transaction can go scot-free? We have doubts and suspicions; even then assuming Atty. Zaldivar checked the records of titles personally and was satisfied that the titles existed in the records of LRA, she nevertheless failed to guard against over payment by DPWH when the latter paid for the total land area of the lots indicated in the titles, when what the DPWH needed was markedly a smaller area. The amount of lot area to be paid is as important as the authenticity of the titles of the land. For this, she may have committed an act constituting misfeasance;

The Committee further notes that the Deeds of Sale used in the registration of the respective TCTs in the name of DPWH and the Deeds of Sale submitted as a requirement in the filing of the corresponding claims are different documents.

The following are the noted discrepancies:

<b>ENTRIES</b>	<b>Deeds of Sale submitted as a requirement in the filing of RROW Claims</b>	<b>Deeds of Sale submitted in the registration and issuance of DPWH TCTs</b>
1. Parties/witnesses	Same parties/witnesses	Same parties/witnesses
2. Date of Execution	December, 2011	January, 2014
3. Object of Sale/TCT Number <b>(without suffixes "-A")</b>	Same Entries	Same Entries
4. Consideration/Price	Ranges from <b>27,111,000.00</b> to <b>29,998,500.00;</b>	Ranges from <b>11, 431, 577.00</b> to <b>12, 875, 370</b>
5. Conditions	With conditions on terms of payment and transfer of TCTs	No conditions
6. Notary Public	Atty. JOSE EMILIO S. VALENTIN	Atty. JOSE EMILIO S. VALENTIN

Further, Special Order No. 80 (S.O. 80) Series of 2007 provides that:

***"9.3 The concerned Regional Office shall ensure that payment for lots should be effected only after the corresponding Deed of Sale had already been registered with the***



*concerned Register of Deed and the transfer of title is made in favor of the Republic of the Philippines."*

Notice that in the table above, the date of execution of the Deeds of Sale submitted in the registration and issuance of DPWH TCTs is January 2014; yet, there were payments already made even before January 2014.

Payments were made on the following dates, ahead of the January 2014 execution and subsequent registration for the purpose of issuing titles in favor of the national government.

<b>First Payment of RROW</b>	December 7, 2011
<b>Second Payment of RROW</b>	March 15, 2012
<b>Third Payment of RROW</b>	September 4, 2012 September 5, 2012

Disbursement vouchers for the above-mentioned advance payments were made by former Assistant RD Laureano Suan.

At this point, we can't help but ask, why is DPWH seem to be in a hurry to pay? Are they even authorized to pay even before the titles were transferred in the name of the Republic of the Philippines? They were so in a hurry that in COA Management Letters dated May 14, 2012 and June 27, 2013, Director Subair Diron and Dr. Reynaldo Tamayo were notified that disbursement vouchers for RROW claims were paid without complete documentation.

Further in the COA Management Report dated May 14, 2012, COA already pointed out the inefficient policy on IROW claims with Attorney-In-Fact under a Special Power of Attorney, to wit:

*"The DPWH policy on allowing Attorneys-In-Fact by virtue of a Special Power of Attorney to claim IROW payments in behalf of landowners and*

*its laxity in evaluating its highway rights over lands used in the construction of roads and flood control project which were completed as early as the 1950s, exposes the government to high risk of adverse claims which is highly advantageous to the government.”*

Nonetheless, this recommendation has not been acted upon in the central and regional offices so much so that the system of the use SPAs had been used extensively inside the DPWH to perpetuate fraud.

#### Land Registration Authority (LRA)

Our country instituted the Torrens System since November 6, 1902 with the enactment of Act 496 also known as the Land Registration Act. However, it was only in February 1, 1903 when the System finally took effect with the operationalization of the Land Registration Authority.

Greater Public Interest requires that the Land Registration Authority (“LRA”), being the primary government instrumentality in charge with the faithful operationalization of the Torrens System should be inviolable. The integrity of all transactions nationwide involving land depends on it.

The Supreme Court in the case of Casimiro Development Corporation vs. Renato L. Mateo in G.R. No. 175485, July 27, 2011 showed to us the following important features of the Torrens System:

#### Importance of the Torrens System

*“The Government is required under the Torrens system of registration to issue an official certificate of title to attest to the fact that the person named in the certificate is the owner of the property therein described,*

subject to such liens and encumbrances as thereon noted or what the law warrants or reserves. **The objective is to obviate possible conflicts of title by giving the public the right to rely upon the face of the Torrens certificate and to dispense, as a rule, with the necessity of inquiring further. The Torrens system gives the registered owner complete peace of mind, in order that he will be secured in his ownership as long as he has not voluntarily disposed of any right over the covered land.**” (emphasis supplied)

XXX

**“The Government has adopted the Torrens system due to its being the most effective measure to guarantee the integrity of land titles and to protect their indefeasibility once the claim of ownership is established and recognized.** If a person purchases a piece of land on the assurance that the seller's title thereto is valid, he should not run the risk of being told later that his acquisition was ineffectual after all, which will not only be unfair to him as the purchaser, but will also erode public confidence in the system and will force land transactions to be attended by complicated and not necessarily conclusive investigations and proof of ownership. The further consequence will be that land conflicts can be even more abrasive, if not even violent. The Government, recognizing the worthy purposes of the Torrens system, should be the first to accept the validity of titles issued thereunder once the conditions laid down by the law are satisfied.” (emphasis supplied)

XXX

**“To start with, one who deals with property registered under the Torrens system need not go beyond the certificate of title, but only has to rely on the certificate of title.”** (emphasis supplied)



XXX

***"He is charged with notice only of such burdens and claims as are annotated on the title." (emphasis supplied)***

XXX

Registration under the Torrens System is not a mode of acquiring ownership

***"Yet, registration under the Torrens system, not being a mode of acquiring ownership, does not create or vest title. The Torrens certificate of title is merely an evidence of ownership or title in the particular property described therein. In that sense, the issuance of the certificate of title to a particular person does not preclude the possibility that persons not named in the certificate may be co-owners of the real property therein described with the person named therein, or that the registered owner may be holding the property in trust for another person. Nonetheless, it is essential that title registered under the Torrens system becomes indefeasible and incontrovertible." (emphasis supplied)***

We heard rumours about the corruption inside the LRA but we were shaken, utterly dismayed and deeply bothered when we saw how the corruption inside this Agency facilitated the corruption of another agency-DPWH, which as a result of all these collective corrupt actions held together led to the perpetuation of this scam.

To begin with, no forgery of the Mamburao Syndicate would have passed through if proper verification had been made as to the titles and to the other documentary requirements needed to process the claim. Also, the scam would have easily been discovered had the Land Registration Authority been forthright in

pointing out the fraud. Lastly, the LRA would have been capacitated to quickly determine the fraud had there been no tampering that occurred in the computerization of titles.

In the course of the hearings, we found out that there had been requests from the DPWH to verify the authenticity of the titles. However, communications from Mr. Pampanga of the Register of Deeds of General Santos City as well as the Land Registration Authority in Manila by Ser John Pastrana and Atty. Michael Superable assured the DPWH that the same are authentic and genuine. This same Pampanga would later on encode in the LRA Philaris system, the computerized database of the LRA, these fraudulent titles. In the report of the LRA dated March 21, 2018 a total of 107 certificates of title issued in the name of the DPWH, including the nine (9) certificates of titles under investigation by the Blue Ribbon Committee were declared facricated and thus cancelled by their Task Force Titulong Malinis. The timeline of events as found by the Committee are as follows:

DATE	EVENTS
2009	Activity of the syndicate commenced.  Source: Sinumpaang Salaysay of Catapang dated 18 Nov 2017
Sometime in 2012	DPWH had series of communications and confirmation from the Register of Deeds. The existence of the subject titles were confirmed by then Officer-in Charge Edgar Pampanga of Register of Deeds, General Santos City and as well as the Land Registration Authority in Manila by Ser John Pastrana and Atty. Michael Superable of LRA, acting Chief of Registry Inspection and Investigation Division."
08 Feb 2013	In a letter dated February 8, 2013, OIC Register of Deeds Edgar G. Pampanga certified that the lists of titles enumerated therein are the duly registered owners of Certificates of Titles as per record of the



	Register of Deeds of General Santos City. The list includes the subject titles of Mary Ann A. Joyce, Maria Faye J. Villamarin and John B. Bacudo.
26 Feb 2013	Laureano B. Suan, Jr., Chairman of the Regional IROW Committee requested from the Register of Deeds of General Santos City confirmation and certification on the authenticity of 72 lot titles.
26 Mar 2013	OIC of Register of Deeds of General Santos City Edgar G. Pampanga certified that per records of their office, the 72 TCTs submitted by Suan to the Register of Deeds are authentic and intact.
30 Sep 2013	DPWH Sec. Singson sent a letter to LRA Eulalio C. Diaz III requesting a certification be issued on whether the 9 TCTs of BALLESTEROS, JOYCE, CANADA, VILLAMARIN AND AUSTRIA were authentic and genuine and therefore appearing in the records of LRA's registry
03 Oct 2013	LRA allegedly received the letter of DPWH Sec. Singson through their staff Astrid Andes of LRA Central Records Section.  According to LRA, when Ms. Andes was requested to verify the document she claimed that the signature appearing on the envelope of DPWH was not her customary signature and that the rubber stamp used thereon was not the official stamp being used by the Central Records Section since 2011. In order to support her denial, she presented to LRA Director Rhandolfo Amansec several documents actually received by the Central Records Section on September 26, 2013, October 2, 2013 and October 21, 2013.
09 Oct 2013	Letter of Ser John C. Pastrana, Chief of Micrographics and Computer Division of the LRA stating that the subject titles were genuine and authentic, to wit:  <i>"Our records show that subject TCTs/OCTs has been duly endorsed to our office by the Register of Deeds of General Santos City, being the repository of records of instruments affecting registered or</i>



	<p><i>unregistered lands within the area of its jurisdiction. Hence, the same title appear in our Land Registration Micrographics and Computer Division. Therefore, the subject titles attached to your letter are authentic/genuine."</i></p> <p>LRA would later on issue a certification through Norlyn T. Tomas stating that their office did not receive the letter from Sec. Singson.</p> <p>LRA also thereafter stated that the TCT referred in the letter of Sec. Singson were never endorsed by the Register of Deeds of General Santos City as the titles from General Santos were never subjected to microfilming.</p>
23 Dec 2013	DPWH Sec. Singson wrote DBM Sec. Abad requesting for funding Php 218,726,045 to be used for the payment of RROW claims <sup>4</sup>
Sometime in 2014	Then Register of Deeds Henares raised on consulta <b>19 titles that are in the system, but which the original copies are not in the vault.</b>
11 Feb 2014	Certification of Marylou Banes from the Register of Deeds of General Santos City that Mary Ann A. Joyce has no property in her name in the Registry.
26 Mar 2014 (received on March 25, 2014)	<p>Letter of DPWH Sec. Singson to LRA obtained from the file of Ser John Pastrana, to wit:</p> <p><i>"We are surprised when we were shown certifications signed by one <b>MARYLOU BAÑES</b> under the letter head of the Land Registration Authority Register of Deeds of General Santos City that certain individual whose names appear in the certifications of authenticity/genuineness your offices issued have no property registered in their names in your Registry."</i></p>

<sup>4</sup> Executive Summary from the NBI dated 19 March 2018

	<p>Sec. Singson also requested the LRA to “take a closer look into the matter” and that the DPWH be “issued the appropriate certification on whether or not the certificates of title covered by the exchange of communication between LRA and DPWH are authentic and genuine.</p> <p>Appended in the March 26, 2014 letter are the following documents:</p> <ol style="list-style-type: none"> <li>1. Letter dated February 5, 2013 of Laureano B. Suan Jr., addressed to the Registry of Deeds of General Santos City</li> <li>2. Letter reply dated February 8, 2013 of Edgardo G. Pampanga addressed to Laureano B. Suan, Jr.</li> <li>3. Letter dated February 26, 2013 of Laureano B. Suan Jr. addressed to the Registry of Deeds of General Santos City</li> <li>4. Letter dated March 26, 2013 of Edgar G. Pampanga addressed to Laureano B. Suan, Jr.</li> <li>5. Letter dated September 30, 2013 of DPWH Secretary Rogelio L. Singson addressed to LRA Administrator Eulalio C. Diaz III</li> <li>6. Letter dated October 9, 2013 of Ser John Pastrana addressed to DPWH Secretary Rogelio L. Singson</li> <li>7. Certification dated February 11, 2014 of Marylou Banes</li> </ol>
10 Apr 2014	<p>Letter reply of Administrator Eulalio C. Diaz III dated 10 April 2014 to the letter of DPWH Sec. Singson dated 26 March 2014 stating that all the titles subject of the letter are intact and existing in the vault of the Registry of Deeds of General Santos City per the attached 14 April 2014 letter of Mr. Ser John Pastrana, Chief of the Information Communication and technology Division, to wit:</p> <p><i>"Please be informed that all the titles subject of your letter are intact and existing in the vault of the Register of Deeds of General Santos City per attached letter of Mr. Ser John Pastrana, Chief Information Communication and Technology Division."</i></p>

	<p>The reply also states that the letter of the DPWH Sec. dated September 20, 2013 addressed to LRA Eulalio C. Diaz III was never received by the LRA. Further, Mr. Pastrana confirmed that the reply letter bearing the forged signature did not originate from his office.</p> <p>LRA Administrator Diaz in the same letter suggested to having correspondences received by the Office of the Administrator to avoid similar occurrence in the future, to wit:</p> <p><i>"With regard to your letter dated September 20, 2013 addressed to the undersigned, we have verified that the said correspondence was never received by this Authority. Likewise, Mr. Pastrana confirmed that the reply letter bearing his forged signature did not originate from his office."</i></p>
14 Apr 2014	<p>Letter of Ser John Pastrana to DPWH Sec. Rogelio E. Singson, pertaining to the latter's letter dated 26 March 2016, to wit:</p> <p>"1. All the titles subject of your letter are intact and existing in the Vault of the Register of Deeds of General Santos City</p> <p>2. Transfer Certificate of Title Nos. 122567, 122568 and 122569 in the name of <b>MARY ANN A. JOYCE</b>, subject of the certification of <b>MARYLOU BAÑES</b> dated 11 February 2014, are also included in the database of the Register of Deeds of General Santos City. It appears that the 11 February 2014 Certification was made before the 'data conversion' of these titles were completed.</p> <p>Please be further informed that al, the titles will be available in the database as soon as the data conversion process is completed."</p>
24 Jul 2014	DPWH Director Gilbert S. Reyes wrote the Administrator of the LRA



	for clarification of seventeen (17) Transfer Certificates of Title covering parcels of land situated in Lagao, General Santos City in Region XII affected by the construction of Digos-Makar National Road.																				
18 Aug 2014	<p>Letter of Examiner Edgar G. Pampanga of Register of Deeds of General Santos City addressed to Engr. Ser John Pastrana, Chief of the Micrographics Division of the Land Registration Authority, attention to Mr. William Uy, stating:</p> <p>"In reply with your letter requesting this office for the clarification on why the electronic copies of the following TCT's bear the suffix (-A) to wit:</p> <table border="1" data-bbox="428 954 1419 2013"> <thead> <tr> <th data-bbox="428 954 987 1011">Registered Owners</th> <th data-bbox="987 954 1419 1011">Transfer Certificate of Title</th> </tr> </thead> <tbody> <tr> <td data-bbox="428 1011 987 1128">1. TANALA, LYNLEE G. (LOT 25-A)</td> <td data-bbox="987 1011 1419 1128">T-122562-A</td> </tr> <tr> <td data-bbox="428 1128 987 1186">2. BACUDO, JOHN B. (LOT 25-B)</td> <td data-bbox="987 1128 1419 1186">T-122563-A</td> </tr> <tr> <td data-bbox="428 1186 987 1303">3. VILLAMARIN, MARIE FAYE J. (LOT 25-C)</td> <td data-bbox="987 1186 1419 1303">T-122564-A</td> </tr> <tr> <td data-bbox="428 1303 987 1420">4. VILLAMARIN, MARIE FAYE J. (LOT 25-D)</td> <td data-bbox="987 1303 1419 1420">T-122565-A</td> </tr> <tr> <td data-bbox="428 1420 987 1537">5. VILLAMARIN, MARIE FAYE J. (LOT 25-E)</td> <td data-bbox="987 1420 1419 1537">T-122566-A</td> </tr> <tr> <td data-bbox="428 1537 987 1654">6. JOYCE, MARY ANN A. (LOT 25-F)</td> <td data-bbox="987 1537 1419 1654">T-122567-A</td> </tr> <tr> <td data-bbox="428 1654 987 1771">7. JOYCE, MARY ANN A. (LOT 25-G)</td> <td data-bbox="987 1654 1419 1771">T-122568-A</td> </tr> <tr> <td data-bbox="428 1771 987 1888">8. JOYCE, MARY ANN A. (LOT 25-H)</td> <td data-bbox="987 1771 1419 1888">T-122569-A</td> </tr> <tr> <td data-bbox="428 1888 987 2013">9. TANALA, LYNLEE G. (LOT 25-I)</td> <td data-bbox="987 1888 1419 2013">T-122570-A</td> </tr> </tbody> </table>	Registered Owners	Transfer Certificate of Title	1. TANALA, LYNLEE G. (LOT 25-A)	T-122562-A	2. BACUDO, JOHN B. (LOT 25-B)	T-122563-A	3. VILLAMARIN, MARIE FAYE J. (LOT 25-C)	T-122564-A	4. VILLAMARIN, MARIE FAYE J. (LOT 25-D)	T-122565-A	5. VILLAMARIN, MARIE FAYE J. (LOT 25-E)	T-122566-A	6. JOYCE, MARY ANN A. (LOT 25-F)	T-122567-A	7. JOYCE, MARY ANN A. (LOT 25-G)	T-122568-A	8. JOYCE, MARY ANN A. (LOT 25-H)	T-122569-A	9. TANALA, LYNLEE G. (LOT 25-I)	T-122570-A
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	3-I)	
	10.FRANCISCO A. MAMA (LOT 35-A)	T-121868-A
	11.LYDIA F. ADRIANO (LOT 35-C)	T-080864-A
	12.GLORIA P. MAPALA (LOT 35-D)	T-121110-A
	13.ORTEGA, JOAN D. (LOT 1-A)	T-112419-A
	14.ARIOLA, JANE L. (LOT 1-B)	T-112420-A
	15.ANIOLA, JOEL (LOT 1-C)	T-112421-A
	16.CATOTO, NANCY G. (LOT 1-D)	T-112422-A
	17.TUPALLA, HAZELLE ANNE D.(LOT 1-E)	T-112423-A
	18.ALPIS, FLORDELIZA M. (LOT 1-F)	T-112424-A
	19.MANABAN, AILEEN(LOT 1-G)	T-112425-A
	20.ARABE, CANDELARIA M. (LOT 1-H)	T-112426-A
	21.GAYLAWAN, JOEL C. (LOT 1-I)	T-112427-A
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12 Mar 2018	<p>LRA received a letter from NBI Regional Director Atty. Cesar A. Bacani requesting for a certification as to whether or not the letter dated October 9, 2013 emanated from the LRA.<sup>5</sup></p>	

<sup>5</sup> 19 September 2018 LRA Supplemental Report



	<p>The letter was referred to by the LRA Ms. Norilyn T. Tomas, Chief, Central Records Section and Mr. Ser John Pastrana, ICTD Chief for validation/verification.</p>
15 Mar 2018	<p>LRA received another letter through e-mail sent by Atty. Antonio M. Pagatpat, Deputy Director, Regional Operations Service of the National Bureau of Investigation requesting for a certification whether or not the letter dated 30 September 2013 of DPWH Secretary Rogelio Singson was duly received and replied to by the LRA.</p> <p>The letter was referred to by the LRA Ms. Norilyn T. Tomas, Chief, Central Records Section and Mr. Ser John Pastrana, ICTD Chief for validation/verification.</p>
16 Mar 2018	<ol style="list-style-type: none"> <li>1. Office of Register of Deeds of General Santos issued a Certification stating that the title pertaining to the 9 claims (Ballesteros, Austria, Canada, Fernandez, Bacudo, Joyce, Villamarin) were not processed and it does not exist in the record and the vault of the Register of Deeds.</li> <li>✓ The title existing in the Register of Deeds in General Santos are those in the name of Richmond land Innovations, Inc. and Feliza B. Lintang, all of which are not located along the national highway in Lagao, but in Apopong-GSC.</li> <li>2. LRA Central Records Section Chief Norilyn T. Tomas issued 2 certifications in response to the letters of the NBI Dated 12 March 2018 and 15 March 2018 stating: <p style="text-align: center;"><b><u>Certification for the NBI letter dated 12 March 2018:</u></b></p> <p style="text-align: center;"><i>"that the letter dated October 9, 2013 allegedly signed by Ser John Pastrana addressed to Hon. Rogelio L. Singson,</i></p> </li> </ol>

	<p><i>Secretary, Department of Public Works and Highways (DPWH) was not among those documents released or mailed by this Office"</i></p> <p><b><u>Certification for the NBI letter dated 15 March 2018:</u></b></p> <p><i>"the Confidential letter addressed to the then Hon. Administrator Eulalio C. Diaz III dated September 30, 2013 of the Office of the Secretary, Department of Public Works and Highways (DPWH) was not among those documents received by this Office"</i></p> <p>3. In a letter dated 16 March 2018, Mr. Ser John Pastrana categorically and vehemently denied the genuineness of his purported signature appearing on the subject letter dated October 9, 2013 as well as its execution and alleged issuance, to wit:</p> <p><i>"never issued any certification attesting to the genuineness or authenticity of titles, as I am not in actual possession of any title as these are kept in the vaults of the respective Registries of Deeds. I only attest to the existence or non-existence of titles on microfilm or in our present database of files."</i></p>
18 May 2018	<p>Ser John Pastrana, Chief of the Information and Communications Technology Division, LRA, confirmed to Director Rhandolfo B. Amansec, of the Legal Services Department of the LRA that he executed the following letters:</p> <ol style="list-style-type: none"> <li>1. Letter dated August 20, 2014 to Mr. Paul Bagio</li> <li>2. Letter dated August 20, 2014 to Mr. William Uy</li> </ol>
21 Mar 2018	<p>LRA issued a Report finding falsity on the 107 titles purportedly issued by the Register of Deeds of General Santos City which were made the bases of the Road Right of Way claims over the Digos-</p>

	<p>Makar National Highway.</p> <p>The certificates of titles were all inserted in the records of the Registry of Deeds, by and/or in conspiracy with certain officials and employees of the Registry.</p>
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Sources: (1) 19 September 2018 LRA Supplemental Report; (2) Executive Summary from the NBI dated 19 March 2018

The above-stated timeline clearly depicts the repeated flip-flopping of the LRA as to the authenticity of the titles under their custody. We note and emphasize that the principal, if not the only function of the LRA is to keep the integrity of their records- the titles and all other documents affecting it. They should be able to say with consistency at any given point in time the existence or non-existence of records in file.

We are APPALLED that key officials of the LRA such as the former Officer-in Charge Edgar Pampanga of Register of Deeds, General Santos City, Mr. Ser John Pastrana and Atty. Michael Superable of LRA Manila were able to destroy the integrity of their records. For his part, Mr. Pampanga was the main culprit in uploading fake titles in the LRA data base. According to the Report of the LRA dated 19 September 2018, Mr. Pampanga using his User ID "edgar" uploaded 107 fake titles into the LRA Philaris System by virtue of a process called Conversion-on-Demand.

The LRA explained that "all registry/file copies of certificates of title, be it Original Certificate of Titles (OCTs) or Transfer Certificate of Title (TCTs), are kept in the Registries of Deeds having jurisdiction of the same, together with all the documents appurtenant to their issuances." Later on, the Authority implemented a



of the titles were converted en masse-Massive Conversion. However, if certificates of title for one reason or another were not converted through a Massive Conversion, they can be converted only when they become subject of a particular transaction, also known as Conversion-on-Demand (COD).

The 107 fake titles uploaded to the system by Pampanga through COD by virtue of a request for certified true copy requested at the Register of Deeds. After this request, Mr. Pampanga himself through his User ID "edgar" scanned the physical copies of these fake titles and then sent the same to the LRA's Central Encoding Area. Before the same is processed by the Central Office, an explanation letter is imperative. In the case of the fake titles uploaded by Mr. Pampanga, he justified that the uploaded titles were "misplaced and misfiled during the massive scanning and that the volume numbers were corrected to avoid/ resolve duplication to title numbers." Apparently, the duplication of title numbers was corrected by adding a "-A" to the title. This same method was used to defraud the government by securing a title number already given to a legitimate landowner and then adding "-A" to make the LRA database accept it and thus give it the appearance of authenticity and genuineness. Later on, these "-A" titles would be cancelled by LRA's Task Force Titulong Malinis for being fraudulent.

In the course of the hearing, Mr. Ser John Pastrana, Chief of Micrographics and Computer Division of the LRA and Mr. Eulalio Diaz, then Administrator of the LRA would deny the existence of the letter to Sec. Singson dated 09 Oct 2013, to wit:

*Our records show that subject TCTs/OCTs has been duly endorsed to our office by the Register of Deeds of General Santos City, being the repository of records of instruments affecting registered or unregistered lands within*

*the area of its jurisdiction. Hence, the same title appear in our Land Registration Micrographics and Computer Division. **Therefore, the subject titles attached to your letter are authentic/genuine.***  
*(emphasis supplied)*

They would later on affirm the existence of the fake titles in their records with the following statement in their letter to Sec. Singson dated 10 April 2014, to wit:

*"Please be informed that **all the titles subject of your letter are intact and existing in the vault of the Register of Deeds of General Santos City** per attached letter of Mr. Ser John Pastrana, Chief Information Communication and Technology Division."*

With these statements, the Committee cannot help but be dismayed with Pastrana's careful act of skirting away with responsibility as authenticity and genuineness has a difference between being intact and existing in the records. The former statement warrants authenticity, the latter merely attests existence in the records regardless of whether the same are genuine or fake. We greatly emphasize that fake documents have no place in the registries of the LRA, otherwise there would be a breakdown in the Torrens System in the country as what happened in this case, that led to defraudation of the government of such magnitude that is tantamount to plunder.

*Department of Environment and Natural Resources (DENR) and City Assessor's Office of General Santos City*

The RROW claims would not have been processed without the survey plans approved by DENR as well as the certificates from the City Assessor's Office. It is amazing to think that the syndicate was to create havoc in those 5 years without any of these agencies complaining or notifying anybody. Their passivity in the performance of their duties and responsibilities resulted in their failure of protect the integrity of their respective offices.

### Judiciary

This Committee finds it very disturbing that even our own judiciary may have been used by syndicates to carry out their agenda. By virtue of a Writ of Mandamus issued by Judge Panambulan Mimbisa, DPWH had been made to pay, even when a reading of the Writ of Mandamus revealed that the reason for the favorable judgment against the claimant was the FAILURE of DPWH to file their responsive pleadings.

## IV

### LAWS VIOLATED AND WHO VIOLATED THEM

**Jurisdiction of the Blue Ribbon Committee:** All matters relating to, including investigation of, malfeasance, misfeasance and nonfeasance in office by officers and employees of the government, its branches, agencies, subdivisions and instrumentalities; implementation of the provision of the Constitution on nepotism;



and investigation of any matter of public interest on its own initiative or brought to its attention by any member of the Senate. *Rule X, Section 13 (36)*

**Nonfeasance** - Neglect or refusal to perform an act which is the officer's legal obligation to perform

**Misfeasance** – Failure to use that degree of care, skill, and diligence required in the performance of official duty

**Malfeasance** – The doing, through ignorance, inattention or malice, of an act which he had no legal right to perform

<b>POSSIBLE Law/s Violated</b>	<b>Provision</b>	<b>POSSIBLE Person/s Involved</b>
<p><b>R.A. No. 3019</b> <b>Anti-graft and Corrupt Practices Act</b></p>	<p>(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.</p> <p>(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other part, wherein the public officer in his official capacity has to intervene under the law.</p>	<ol style="list-style-type: none"> <li>1. Leonardo Dinopol</li> <li>2. Laureano Suan</li> <li>3. Subair Diron</li> <li>4. Reynaldo Tamayo</li> <li>5. Siniloan T. Macarambon</li> <li>6. Ser John Pastrana</li> <li>7. Edgar Pampanga</li> <li>8. Atty. Estrella Zaldivar</li> <li>9. Atty. Joel I. Jacob</li> <li>10. Atty. Peter Armand L. Henares</li> <li>11. Ansare Busran</li> <li>12. David L. Padlan</li> </ol>

	<p>...</p> <p>(g) Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.</p> <p>...</p> <p>(i) Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group.</p> <p>Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transaction or acts by the board, panel or group to which they belong.</p>	<p>13. Hadji Ibrahim A. Marohom, CPA</p> <p>14. Atty. Faisal A. Padate</p> <p>15. Tomas M. Rodriguez</p> <p>16. Wilma Mamburam</p> <p>17. Nelson Ti</p> <p>18. Evelyn Paloso</p>
<p><b>R.A. No. 6713</b></p> <p><b>Code of Conduct and Ethical Standards for Public Officials and Employees</b></p>	<p>Section 4(b) Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. xxx They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.</p>	<p>1. Leonardo Dinopol</p> <p>2. Laureano Suan</p> <p>3. Subair Diron</p> <p>4. Reynaldo Tamayo</p> <p>5. Siniloan T. Macarambon</p> <p>6. Ser John Pastrana</p> <p>7. Edgar Pampanga</p> <p>8. Atty. Estrella</p>

		<p>Zaldivar</p> <p>9. Atty. Joel I. Jacob</p> <p>10. Atty. Peter Armand L. Henares</p> <p>11. Ansare Busran</p> <p>12. David L. Padlan</p> <p>13. Hadji Ibrahim A. Marohom, CPA</p> <p>14. Atty. Faisal A. Padate</p> <p>15. Tomas M. Rodriguez</p>
<p><b>Revised Penal Code. Article 172. Falsification by private individual and use of falsified documents</b></p>	<p>The penalty of prision correccional in its medium and maximum periods and a fine of not more than P5,000 pesos shall be imposed upon:</p> <p>1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document;</p> <p>...</p> <p>Relevant Act enumerated in Art. 171:</p> <p>1. Counterfeiting or imitating any handwriting, signature or rubric;</p> <p>2. Causing it to appear that</p>	<p>1. Wilma Mamburam</p> <p>2. Evelyn Paloso and the rest of the members of the Paloso Group</p>



	<p>persons have participated in any act or proceeding when they did not in fact so participate;</p> <p>3. Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;</p> <p>4. Making untruthful statements in a narration of facts;</p> <p>5. Altering true dates;</p> <p>6. Making any alteration or intercalation in a genuine document which changes its meaning;</p> <p>7. Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such a copy a statement contrary to, or different from, that of the genuine original; <b>OR</b></p> <p>8. Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book.</p>	
<p><b>Revised Penal Code. Article 210. Direct bribery</b></p>	<p>Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another, shall suffer the penalty of prision mayor in its medium and maximum periods and a fine of not less than the value of the gift and] not less than three times the value of the gift in addition to the penalty corresponding to the crime agreed</p>	<ol style="list-style-type: none"> <li>1. Leonardo Dinopol</li> <li>2. Laureano Suan</li> <li>3. Subair Diron</li> <li>4. Reynaldo Tamayo</li> <li>5. Siniloan T. Macarambon</li> <li>6. Ser John Pastrana</li> <li>7. Edgar Pampanga</li> <li>8. Atty. Estrella Zaldivar</li> <li>9. Atty. Joel I.</li> </ol>

	upon, if the same shall have been committed...	<p>Jacob</p> <p>10. Atty. Peter Armand L. Henares</p> <p>11. Ansare Busran</p> <p>12. David L. Padlan</p> <p>13. Hadji Ibrahim A. Marohom, CPA</p> <p>14. Atty. Faisal A. Padate</p> <p>15. Tomas M. Rodriguez</p>
<p><b>Revised Penal Code. Article 211. Indirect bribery</b></p>	<p>The penalties of prison correccional in its medium and maximum periods, and public censure shall be imposed upon any public officer who shall accept gifts offered to him by reason of his office.</p>	<ol style="list-style-type: none"> <li>1. Leonardo Dinopol</li> <li>2. Laureano Suan</li> <li>3. Reynaldo Tamayo</li> <li>4. Subair Diron</li> <li>5. Siniloan T. Macarambon</li> <li>6. Ser John Pastrana</li> <li>7. Edgar Pampanga</li> <li>8. Atty. Estrella Zaldivar</li> <li>9. Atty. Joel I. Jacob</li> <li>10. Atty. Peter Armand L. Henares</li> <li>11. Ansare Busran</li> <li>12. David L. Padlan</li> <li>13. Hadji Ibrahim A. Marohom,</li> </ol>

		CPA 14. Atty. Faisal A. Padate 15. Tomas M. Rodriguez
<b>Revised Penal Code. Article 212. Corruption of public officials</b>	The same penalties imposed upon the officer corrupted, except those of disqualification and suspension, shall be imposed upon any person who shall have made the offers or promises or given the gifts or presents as described in the preceding articles.	1. Wilma Mamburam 2. Nelson Ti 3. Evelyn Paloso
<b>Revised Penal Code. Article 183. False Testimony/Perjury</b>	The penalty of arresto mayor in its maximum period to prision correccional in its minimum period shall be imposed upon any person, who knowingly makes untruthful statements and not being included in the provisions of the next preceding articles, shall testify under oath, or make an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires....	Dinopol, falsely asserting that the City had no tax map; when in fact it had-as submitted later.

Considering the total amount of RROW claims paid by the government is Php 255.5M and that the same would not have been disbursed, without the connivance of the above-named persons, this Committee urges the appropriate prosecutorial body to look into the possibility of filing a charge of PLUNDER against them.

**V.**

**RECOMMENDATIONS**



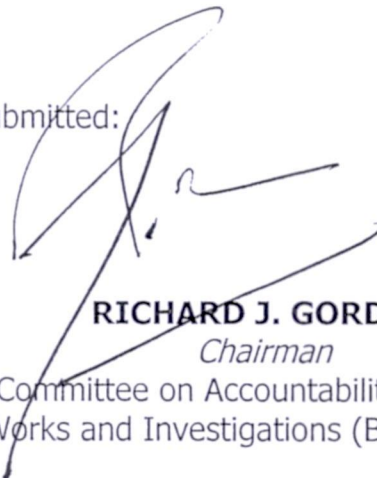
In order to prevent similar acts in the future, the Committee recommends the following course of action to be undertaken:

1. File and satisfactorily prosecute appropriate charges against the members of the syndicate and the government officials involved;
2. The BIR should conduct a lifestyle check on the officials from the DPWH, LRA, DENR City Assessors Office and the Judiciary who were involved in the controversy;
3. Institute a single inter-governmental IT- based secure platform for the verification of RROW claims between DPWH, DENR, LRA, the Assessors' Office all over the country and other government agencies involved in the processing of RROW claims;
4. Review and overhaul, if necessary, of the way the Torrens System is maintained and protected in the country;
5. Prohibit the use of attorneys-in-fact in the processing and receiving of RROW claims.



**EMMANUEL "Manny" D. PACQUIAO**  
*Chairman*  
Committee on Public Works

Respectfully submitted:



**RICHARD J. GORDON**  
*Chairman*  
Committee on Accountability of Public  
Works and Investigations (Blue Ribbon)

Members



**SONNY ANGARA**

*Vice Chairperson*


Committee on Accountability of Public Works and Investigations (Blue Ribbon)



**JOSEPH VICTOR G. EJERCITO**

*Vice Chairperson*

Committee on Public Works



**GREGORIO B. HONASAN II**




**PANFILO M. LACSON**

**LOREN B. LEGARDA**

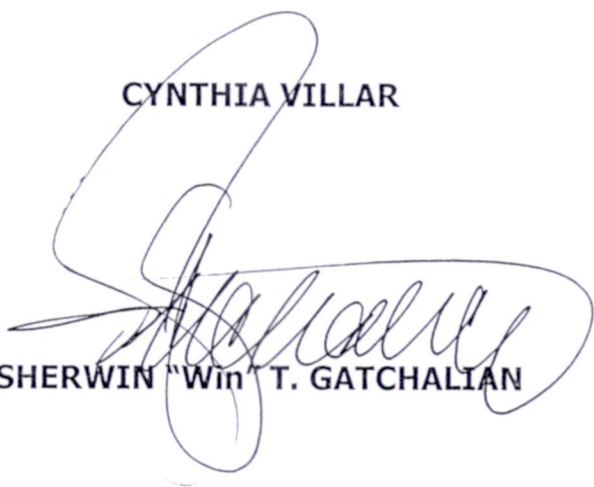
**GRACE POE**




**CYNTHIA VILLAR**



**FRANCIS "Chiz" G. ESCUDERO**



**SHERWIN "Win" T. GATCHALIAN**



**AQUILINO "Koko" PIMENTEL III**



**MARIA LOURDES NANCY S. BINAY**

**ANTONIO "Sonny" F. TRILLANES IV**

PAOLO BENIGNO IV "Bam" AQUINO

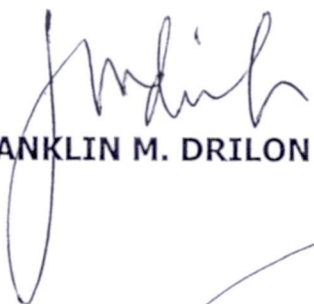
RISA HONTIVEROS

FRANCIS "Kiko" PANGILINAN



JOEL VILLANUEVA

*Ex Officio*



FRANKLIN M. DRILON



JUAN MIGUEL "Migz" F. ZUBIRI



RALPH G. RECTO