

ACCOUNT No.
004578002185ACCOUNT NAME
PHILIPPINE POSTAL CORPORATION
Linasang Bonifacio, 1000 Manila
POSTAL MONEY ORDER CHECKVALIDITY PERIOD
WITHIN 90 DAYS FROM
DATE OF ISSUECHECK No.
0300241817 BRSTN
01053-286-9DATE **08-01-2024**
M M D D Y Y Y YPAY TO THE
ORDER OF**DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES P**

PESOS

FIVE HUNDRED PESOS ONLY

(We allow the electronic clearing if this check and hereby waive the presentation for payment of this original to BDO Unibank, Inc.)

(NOT VALID IF IN EXCESS OF TWO THOUSAND)

500.00**BDO**PLAZA STA. CRUZ - DASMARINAS ST. BRANCH
377 PLAZA STA. CRUZ, BRGY.303, ZONE 29,
STA. CRUZ, MANILA

AUTHORIZED SIGNATURE

**Mad. Silanna
MA-TERESA SALAMERA**

NAME OF ISSUING POST OFFICE

ERMITA POST OFFICE

⑈0300241817⑈01053⑈2869⑈004578002185⑈000

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
6th flr Tower 2, Paranaque Integrated Terminal Exchange (PITX)
1 Kennedy Road, Tambo, Paranaque City 1701
mimaroparegion@denr.gov.ph

| | |
|----------------------------------|--------------------------|
| DENR MIMAROPA RECORDS SECTION | |
| RECEIVED | |
| BY: <i>pan</i> | DATE: <i>AUG 03 2024</i> |
| TIME: | |

ARNEL S. RECIO
Rep. by Teodoro P. Recio
Claimant-protestant,

VS

DENR CASE NO. M-14-21-L
ADR CASE NO. 20221700000-0003

SPS. BERNADETTE & ROMAL TRIA,
Applicants-respondents,
x-----x

**MOTION TO ADMIT/GRANT
NOTICE OF APPEAL**

| | |
|-----------------------------------|-----------------------------------|
| DENR MIMAROPA RECORDS SECTION | |
| RECEIVED | |
| JUL 26 2024 | |
| <input type="checkbox"/> INCOMING | <input type="checkbox"/> OUTGOING |
| BY: <i>Jez</i> | DATS NO. <i>REG-2407005489</i> |
| TIME: | |

COME NOW, applicants-respondents, SPS. BERNADETTE & ROMAL TRIA, unto this Honorable Office, most respectfully state:

- 1) A Notice of Appeal was filed before this Honorable Office on 5 July 2024 for which an Order dated 18 July 2024 was issued DISMISSING the Appeal for failure to comply with Section 22 DAO No. 2016-31 specifically the PAYMENT of Appeal Fee of P500.00
- 2) We sincerely appeal to the magnanimity and understanding of this Honorable Office to extend its long arm of compassion and justice by ADMITTING the Notice of Appeal and herein payment of appeal fees, copy of receipt is hereto appended as Annex A hereof.
- 3) The failure to pay the appeal fee was due to a mistake and/or misunderstanding on the law firm staff who personally filed the Notice of Appeal, copy of affidavit is hereto appended as Annex B.
- 4) We earnestly appeal for the liberal construction of Administrative Rules of Procedure, specifically DAO No. 2016-31 to afford due process to herein appellants and to best serve the ends of justice.
- 5) As the Honorable Supreme Court held in the case of Emelie Besaga vs Sps. Acosta and Conching under G.R. No. 194061, April 20, 2015:

*"Liberal Construction as
Applied in the Present Case*

It is undisputed that the respondent spouses, instead of filing a Notice of Appeal to the RED, filed a Memorandum of Appeal to the DENR Secretary within the fifteen (15)-day reglementary period. They paid the appeal fee, although beyond the fifteen (15)-day period. These violate Section 1 (a) of DAO No. 87 which requires the filing of a Notice of Appeal and the payment of the appeal fee within the reglementary period.

Do these errors breach due process so as to call for the strict application of administrative rules of procedure? Is there basis for the liberal construction of the rules?

We uphold liberality.

First, there is no violation of due process. In fact, to sustain the position of the petitioner and strictly apply Section I(a) of DAO No. 87 may violate the respondent spouses right to due process as this would result to a denial of their right to appeal.

We stress that the respondent spouses appealed within the reglementary period. The appeal was timely filed, albeit not directly to the office which issued the order sought to be reviewed. They also paid the full appeal fees although beyond the 15-day period.

We hold that these procedural lapses were neither prejudicial nor unfair to the petitioner. The petitioner's right to due process was not breached."

Xxx

Second, the liberal construction of DAO No. 87 would serve its purpose, i.e., grant a party the right to appeal decisions of the Regional Offices to the DENR Secretary in order for the latter to review the findings of the former. To disallow appeal in this case would not only work injustice to the respondent spouses, it would also diminish the DENR Secretary's power to review the decision of the RED. It would deny the DENR Secretary the opportunity to correct, at the earliest opportunity, "errors of judgment" of his subordinates. This is obviously not the intent of DAO No. 87.

Finally, the petitioner failed to convince us why liberality should not be applied. The petitioner does not claim that her right to due process was violated as a result of the wrong mode of appeal. The petitioner merely asks this Court to strictly construe DAO No. 87 and affirm the orders of the RED, which according to her, have attained finality.

Between strict construction of administrative rules of procedure for their own sake and their liberal application in order to enhance fair trials and expedite justice, we uphold the latter. After all, administrative rules of procedure do not operate in a vacuum. The rules facilitate just, speedy and inexpensive resolution of disputes before administrative bodies. The better policy is to apply these rules in a manner that would give effect rather than defeat their intended purpose.

- 6) Appellant Tria complied with the 15-day period to file the Notice of Appeal albeit sans appeal fees, the failure of which was due to inexcusable mistake and justifiable grounds, warranting the liberal application of DAO No. 2016-31 and the application of long arm of understanding, compassion and justice to appellant who stands to lose her property thus deprivation of her constitutional right as provided for under Section 1 Article III of the 1987 Philippine Constitution, to wit:

"Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

Republic of the Philippines)
City of Manila)s.s.

Annex B

AFFIDAVIT

I, LILIBETH C. RUIZ, of legal age, married, Filipino citizen and with office address at Unit 205 Golden Success Bldg, 840 MF Jhocson St., Sampaloc, Manila, after being duly sworn to in accordance with law, hereby depose and state that:

I am a staff of Martinez-Tria Law Offices and I was the one who personally filed the Notice of Appeal in relation to the case of Sps. Romal and Bernadette Tria under DENR CASE NO. M-14-21-L ADR CASE NO. 20221700000-0003.

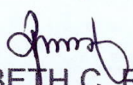
I had mistakenly failed to pay the appeal fee of P500.00 on July 5, 2024 when I filed the Notice of Appeal as I was a bit disoriented and was unwell at that time, thus, I was in a hurry to get back home in Tondo, Manila which is far from Paranaque City where I filed the Notice of Appeal.

I took a leave of absence from the office the following week as I was still sick due to pneumonia.

I sincerely apologize for my mistake and hope this explanation will warrant the understanding of this Honorable Office.

I hereby attest to the truthfulness and veracity of the statements in this affidavit.

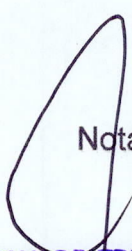
Signed this 24th day of July 2024 in the City of Manila, Philippines.


LILIBETH C. RUIZ
ID NO. SS-232261791

SUBSCRIBED AND SWORN to before me this 24th day of July 2024 in the City of Manila, Philippines, affiant exhibiting to me her ID as above indicated, known to me and to me known to be the same person who executed this affidavit of her own free will and volition.

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Page no 87
Book no LX1
Series of 2024

Notary Public


ATTY. JOHN EDWARD TRINIDAD ANG
Notary Public for City of Manila- Until 12-31-2024
Notarial Commission No. 2024-091
2nd Floor Midland Plaza Hotel, Adriatico St., Ermita, Mla.
IBP NO. 393541-01/03/2024 Pasig City
P.T.R. NO. 1535522-Jan 3, 2024 Manila
ROLL NO. 68731 .MCLE COMPLIANCE NO. VII-0011675



DR. JOSE C. MONTEMAYOR, JR., M.D., LL.B, MBA

Cardiologist – Lawyer

Member - Integrated Bar of the Philippines (IBP)

Member - Philippine Bar Association (PBA)

Vice President - Philippine Association of Government Corporate Lawyer (PAGCI)

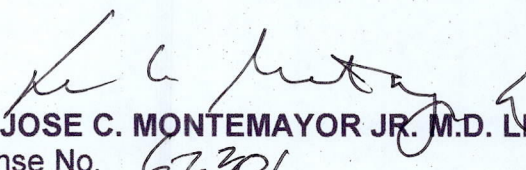
CERTIFICATION

To Whom It May Concern:

This is to certify that LILIBETH C. RUIZ sought medical consultation with the undersigned on July 6, 2024 and was later diagnosed to be suffering from Pneumonia after a series of medical tests were done. She was advised to have a bed rest of two (2) weeks.

This certification is hereby issued for all legal intents and purposes.

Signed this 24th day of July 2024 in the City of Manila, Philippines


DR. JOSE C. MONTEMAYOR JR. M.D. LL.B, MBA
License No. 63701

SUBSCRIBED AND SWORN TO BEFORE
ME THIS JUL 26 2024
AT MANILA, PHILIPPINES

DOC. NO. 435
PAGE NO. 87
BOOK NO. 281
SERIES OF 2024


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