

# **Agreements during the 2<sup>nd</sup> Virtual Meeting of the DENR's Committee on Anti-Corruption (CAC)**

09 September 2021, 2:00 PM via Zoom App

VIRTUAL JOINT MEETING OF DENR's COMMITTEE ON ANTI-CORRUPTION (CAC)		
ATTENDEES		2nd Virtual Joint Meeting (September 9, 2021, 2:00 PM)
PACC	Carl Lacaste Amable Tolentino Joseph Sorra Rodolfo Dan Arzaga Jr.	
Undersecretary for Attached Agencies	RODOLFO C. GARCIA	Present
HEA, Interim Director, Internal Audit Service, Vice Chair, DENR's Committee on Anti-Corruption in concurrent capacity	GAVIN D. EDJAWAN, MNSA	Present
Director, Legal Affairs Service	ATTY. NORLITO A. ENERAN, LLM, CESO III	Present
Director, Knowledge and Information System Service	MARIA ELENA A. MORALLOS MANILA	Present
OIC Director, Policy and Planning Service	MELINDA C. CAPISTRANO	
Director, Human Resources Development Service	RIC G. ENRIQUEZ, Ph. D. (CESO III)	
Chief, Internal Affairs Division, Legal Affairs Service	ATTY. ANTHONY RAYMOND M. VELICARIA	Present w/ Attys. Rosette Ferrer, Mario Rabara, and Angelo Leano; Ms. Krystyne Ong, Mr. Mark Yngente, and Ms Virginia De Guzman
Head, DENR Action Center/Hotline	PENRO MERLINDA R. MANILA	Present
Assistant Secretary for Enforcement	ATTY. DANIEL DARIUS M. NICER (CESO II)	Present w/ Pierre Balite
OIC Director, Financial and Management Service	ANGELITO V. FONTANILLA	
Attached Agencies		
National Mapping Resource and Information Authority (NAMRIA)	PETER N. TIANGCO	
Laguna Lake Development Authority (LLDA)	JAIME C. MEDINA	
Natural Resources Development Corporation (NRDC)	FRANCES VERONICA R. VICTORIO	
National Water Resources Board (NWRB)	SEVILLO D. DAVID, JR. (CESO III)	
Philippine Mining Development Corporation (PMDC)	ATTY. ALBERTO B. SIPACO, JR.	
Regional Executive Directors		
NCR	JACQUELINE A. CAANCAN	Present
CAR	RALPH C. PABLO	Present



Region I	ATTY. CRIZALDY M. BARCELO	Present w/ MARY ANN N. ESCOTO
Region II	GWENDOLYN C. BAMBALAN	PRESENT W/ Richard Jayson C. Garan Joel S. Daquioag Crizzie Mae A. Palejo NICKO ALLAN R. ABUYUAN
Region III	PAQUITO T. MORENO JR.	PRESENT W/ JUAN P. FERNANDEZ JR. Arturo E. Fadriquela
Region IV-A	NILO B. TAMORIA (CESO III)	Mailene M. Gecolea-Lavina Aries Matibag Ronita A. Unlayao
Region IV-B	MA. LOURDES G. FERRER (CESO III)	PRESENT W/ Ashley Ignacio
Region V	FRANCISCO E. MILLA, JR.	Joshua V. Armenta Lianne Gaille Relova Payte MARIA LOVELLA M. DIAZ-CASTRO
Region VI	LIVINO B. DURAN	Myla C. Reyno EMMA P. DELIMA
Region VII	PAQUITO D. MELICOR, JR. (CESO IV)	PRESENT W/ Maria Fe C. Baquirquir Paul Reymon Macanip Emmelyn M. Dicdican ETULLE, TRINIDAD C. Jailani P. Fernandez Maria Clea A. Arceno
Region VIII	TIRSO P. PARIAN, JR.	PRESENT W/ MARCELINA C. ESPOS
Region IX	CRISANTA MARLENE P. RODRIGUEZ	EDGARDO M. CASTRO Winnielyn T. Abayon-Cariazo Gil Mae N. Huelar-Din Dante Rojas DANTE A. OPORTO
Region X	ARLEIGH J. ADORABLE	PRESENT W/ Felix S. Mirasol, Jr. Lao, Abbas I. Ban Mikhael C. Pacuribot
Region XI	BAGANI FIDEL A. EVASCO	PRESENT W/ Bagani Fidel A. Evasco Gina Ville Vilchez Judy Anne Baluran Karmela A. Tongo
Region XII	ATTY. FELIX S. ALICER	ROGER VILLARUBIA MERCADO Salymah L. Kusingan Daphny Dorris P. Domingo RACMAN B. BUBONG ADJURIA K. KANSI
Region XIII	NONITO M. TAMAYO	
<b>Bureau Directors</b>		
Assistant Secretary for Policy, Planning, and Foreign-Assisted and Special Projects, and Director,	MARCIAL C. AMARO, JR., CESO III	

in concurrent capacity of Forest Management Bureau (FMB)		
Undersecretary for Special Concerns OIC Director of Biodiversity Management Bureau (BMB)	EDILBERTO DC. LEONARDO	
Acting Director of Land Management Bureau (LMB)	ATTY. EMELYNE V. TALABIS	PRESENT W/ AD Romeo P. Verzosa
Ecosystem Research Development Bureau (ERDB)	HENRY A. ADORNADO	PRESENT W/ Emmanuel M. Cuison KATHLYN A. UMALI Danilo A. Sabiniano AD Mayumi Quintos-Natividad EUGENE PARANAQUE
<b>Environmental Management Bureau (EMB) Regional Directors</b>		
NCR	ENGR. WILLIAM P. CUÑADO	Florence Velasquez
CAR	MA. VICTORIA V. ABRERA	ELDELINITA D. ANDRES Ma. Victoria Abrera
Region I	ENGR. MARIA DORICA NAZ-HIPE	PRESENT W/ Leenard S. Dulay
Region II	NELSON P. HONRADO, LLB	PRESENT W/ Marissa C. Balubal Patrocinia P. Daliuag RUEL B. CUBERO Florentino T. Lingan, jr.
Region III	WILSON L. TRAJECO	Maria B. Cruz
Region IV-A	NOEMI A. PARANADA	Marife PENANO
Region IV-B	ATTY. MICHAEL DRAKE P. MATIAS	Edna P. Quindoza Michael Drake Matias
Region V	ENGR. MARIA SOCORRO A. ABU, PhD	Henry A. Lopez Leonisa S. Madeloso John Eric C. Tizon Divina R. Seming
Region VI	ATTY. RAMAR NIEL PASCUA	Jeanette Spilan Atty. Ramar Niel V. Pascua
Region VII	LORMELYN E. CLAUDIO, CESO IV	Unalee Monares
Region VIII	LETECIA R. MACEDA	PRESENT W/ Rodolfo A. Yodico II
Region IX	ENGR. ALEX D. JIMENEZ	
Region X	REYNALDO S. DIGAMO	PRESENT ALVIMAR P. DECAMPONG Hamim N. Dimnang Agakhan M. Cabugatan
Region XI	ENGR. MARIO N. BULACAN	Maria Dolores R. Batotoy MARIO N. BULACAN Alnolfo M. Alvarez
Region XII	ENGR. OMAR M. SAIKOL, MISDS	PRESENT
Region XIII	ENGR. ALBERT G. ARCAMO, MEMD	PRESENT W/ Delmer L. Riparip Taha Mauna Jr



Mines and Geosciences Management Bureau (MGB) Regional Directors		
Central Office	ATTY. WILFREDO G. MONCANO	EDGAR MADERA
CAR	MS. FAY W. APIL	KAYE K. GAANO FAY W. APIL
Region I	MR. SOCRATES G. GAERLAN	
Region II	ENGR. MARIO A. ANCHETA	Mario A. Ancheta
Region III	ENGR. ALILO C. ENSOMO, JR.	PRESENT Mica Joy Fajardo Alyssa Salenga Angelita C. Altares
Region IV-A	ENGR. DONDI M. SARMIENTO	PRESENT
Region IV-B	ENGR. GLENN MARCELO C. NOBLE	PRESENT Deniel Salvador B. Morillo
Region V	ENGR. GUILLERMO A. MOLINA JR. IV	PRESENT
Region VI	ENGR. RAUL A. LAPUT	PRESENT
Region VII	ENGR. ARMANDO L. MALICSE	
Region VIII	ENGR. CARLOS A. TAYAG	MARCELINA C. ESPOS Christian Gilbert Dado
Region IX	ENGR. HERNANI G. ABDON	PRESENT Atty. Michelle G. Morte, CPA
Region X	ENGR. FELIZARDO A. GACAD JR.	
Region XI	ATTY. JASPER ALBERTO H. LASCANO	
Region XII	ENGR. EFREN B. CARIDO	Lilia Acosta
Region XIII	ENGR. LARRY M. HERADEZ	

### Preliminaries

PENR Officer Merlinda Manila, Head of the DENR's Action Center/Hotline, and Asst. Focal Person to the Anti-Corruption Coordinating Task-Force started the program with an invocation and followed by the National Anthem.

### Welcome Remarks

Usec and Chief of Staff Rodolfo C. Garcia gave the opening remarks and welcomed the participants to the meeting.

### Agenda:

1. Daily Incident Report (D.I.R.)/Workflow
2. Other Matters



## Agenda 1. Daily Incident Report (D.I.R.)/Workflow

### *Agreements on the previous meeting of the DENR CAC regarding the timeline of the incident report*

Asec. Daniel Darius M. Nicer of the Enforcement Office and Focal Person to the DENR Anti-Corruption Coordinating Task Force Nicer presided the meeting. He explained that the most urgent matter that needs to be discussed are the procedures and the powers of the CAC in the central and regional offices as well as bureaus; process flow of information within the DENR, and from the DENR to PACC; and information that needs to be submitted to the PACC.

The members of the DENR's CAC agreed that the content of the report to be submitted by the DENR to PACC should be limited to corruption cases as defined in the UN Convention on Anti-Corruption (UNCAC) which involves abuse of public office for material reward, and personal/private gain. Likewise, the report on corruption cases which involve non-presidential appointees should be limited to those who were issued formal or administrative charges and are subject to formal investigation.

Admiral Adorable Tolentino, representative of the PACC, agreed that only corruption cases shall be reported by the DENR to PACC, through its Information and Resource Management Office (IRMO), which will collate all reports for the President. He explained that the IRMO is different from the Presidential Complaint Center (PCC) of the Office of the President.

He added that *"While the PACC has jurisdiction to investigate presidential appointees, it does not mean that only reports on presidential appointees shall be submitted to the IRMO. All reports on corruption cases, such as those who are non-presidential appointees, even if raw/preliminary, should be submitted to the IRMO."* Admiral Tolentino clarified that the submission of such reports is to avoid a situation when the President receives an information pertaining to a public officer in a particular department, and the same has no knowledge or has not reported yet on the status of such complaint against such officer.

Admiral Tolentino stated that the PACC respects any existing administrative processes or systems dealing with complaints against a public officer involving corruption. It will only request a status report, particularly on the action taken by the office concerned on such complaint against a public officer.

He said that the PACC has ways of evaluating any report submitted. Such report may be referred to the appropriate office, or put on hold because of additional data that needs to be confirmed to avoid giving false information or data to the President. *"For example, may report na medyo may katotohanan ang mga pangyayari, pero hindi pa kumpleto 'yung mga data, the agency concerned should submit a report to the PACC that it is still investigating the case to complete the data or information, and the PACC will put on hold on such report"*

Likewise, he emphasized that all reports submitted to them will be treated as confidential, and will only go to the President and not to any other office, unless the agency concerned will be required to validate such allegation or information. Such report will also give the President a good picture on the incident involving a complaint against a public officer for corruption, and the PACC can give a good recommendation to the incident.

Admiral Tolentino also explained that upon receipt of an information by an agency, even if it appears to be false, such information should still be reported, but the remarks should indicate that it was already evaluated, and it is found to be a false news or information.



The information that will be submitted by the agencies will be easily accessible on the part of the President. He may make or do some actions on these reports, and the PACC could immediately give answer to the President based on the information that may be given by the agency, like the DENR.

**a. Clarifications on the Daily Incident Report Content**

Head Executive Assistant (HEA) Gavin D. Edjawan asked for a clarification on whether the submission of reports include anonymous complaints the allegations of which is harder to validate.

Admiral Tolentino replied that the submission of reports should include cases involving anonymous complaints. In such cases, it is important to indicate the action taken by the office concerned whether the complaint is for completion of the documents or for evaluation, or that the allegations can still be verified.

Dir. Emelyne V. Talabis of the Land Management Bureau (LMB) asked on the timeline on the submission of the Daily Incident Report, as well as the content of the report while the case is undergoing fact-finding investigation. She mentioned that the DENR can only state the circumstances of the complaint and not the remarks because there is a pending investigation.

Admiral Tolentino again clarified that if the documents submitted by an agency are not yet complete, the PACC will temporarily hold them for a time, and if the same have no value, such agency concerned should indicate in the remarks and comments portion the action taken by the office

PENR Officer Manila also asked if the complaints, through text and/or email messages, should also be considered in the submission of incident reports. Admiral Tolentino responded that such complaints will also be treated as information, and consequently be included in the incident report. What is important is that the President, through the PACC, should be informed of any incidents of corruption.

Relative to the comment of Dir. Talabis, Atty. Ban Pacuribot of the Legal Division of DENR Region 10 suggested if submission of an investigation report or commendation by the designated prosecutor of the Regional CAC will suffice. In that report, the facts of the complaint, as well as answer to the complaint, are already incorporated. The bigger picture relative to the complaint is already there showing the action as well as recommendation of the office concerned as compared with a bare complaint which is one sided and containing insufficient details.

Admiral Tolentino replied that *"The problem on an investigation report is that an investigation takes more time. Ang kailangan ay yung initial action taken. Request ko po is initial report, then subsequent reports to complete the initial report."*

**b. Clarifications on the submission of the Daily Incident Report**

Asec. Nicer raised the query if the Daily Incident Report has to be submitted within 24 hours. Admiral Tolentino made it clear that even if the title of the report is "Daily", the report need not really be daily, but upon receipt of the report. Hence, if there is no report on that day, then no report shall be submitted. The submission of the report is the "earliest possible time."

PENR Officer Manila added that the response time for a single complaint, through the Hotline 8888, should be within 72 hours from receipt thereof. The 72- hour period



applies only during working days. She suggested that the DENR may follow the same pattern or system on complaints coming from the PACC.

RED Lourdes Ferrer of DENR Region IV-B suggested that the report will be coming directly from the DENR Action Center addressed to the office concerned, copy furnished the PACC. Upon receipt of the report, it will pass through Regional CAC for endorsement to the PACC.

HEA Edjawan reiterated that the DENR should follow the standard format on reports to be submitted to the PACC. If the complaint was sent to the Bureau, Regional Office or Attached Agency concerned, the CAC of the Bureau, Regional Office or Attached Agency concerned should come up with a standard report and forward it to the Central Office, which in turn will submit it to the PACC. Actions taken are the referrals made to the office concerned, and reports be addressed to the PACC. He also suggested that the DENR should use the same reference number for a specific complaint. If an update is being added, it shall then be referred to as "Update No. 2", then "Update No. 3", and so on. Admiral Tolentino agreed to the suggestion.

PENR Officer Manila also asked on the closure of complaints. She asked if *"the DENR will get an update from the Office of the President on the action taken in response to the incident and status report submitted covering a complaint for corruption."* Admiral Tolentino replied that *"The President will not decide but the agency itself. Follow-up lang sa amin."*

Dir. Talabis raised the scenario in case the allegations in the complaint involves several offices. Will it be the Central Office CAC or Regional Office CAC. Also, if the complaint is directly addressed to the Regional Office, will such Office be the one to submit the incident and status report directly to the PACC?

According to PENR Officer Manila, complaints are usually referred to the office/s concerned. On the submission of reports, the DENR Action Center or CAC will endorse the report to the PACC, except those complaints directly addressed to the Regional Office. The Regional Office concerned will submit such report to the PACC.

HEA Edjawan said that only the Central Office CAC will submit Status reports, and DENR Action Center will submit Spot or Incident reports to the PACC. The action required will be coming from the Regional offices.

Asec Nicer raised a question regarding the process on receipt of complaints daily, particularly if the DENR *"will have to evaluate every incident that it will receive, conduct a meeting every day?"*

Admiral Tolentino said that the agency can make its own system on evaluating the incident report without convening the entire members of the CAC. The CAC can designate persons to evaluate but the signatory shall be the Chairman. The entire committee need not convene to submit a report.

### ***c. Insights regarding the risk of reporting system the PACC has implemented***

Dir. Norlito Eneran of the Legal Affairs Service (LAS) expressed his apprehension regarding the reporting system. He argued that in the Rules of Procedure for Environment



Cases, there is this Strategic Lawsuit Against Public Participation (SLAPP) when public officers enforcing environmental laws are given protection against harassment suits. He also stated that there are numerous complaints at present filed against public officers only for the sole purpose of causing harassment. The moment that the complaints are publicized even if they will not successfully succeed, the names of public officers involved will be tainted. The DENR wants to know the kind of evaluation the PACC needs, the parameters to be considered and followed, and observance of due process as the constitutional right of and protection to DENR officers, particularly in the field level.

Admiral Tolentino said that the PACC will still respect the agency's existing procedure to observe due process on the part of the person complained of. He pointed out that the submission of incident and status reports is strictly confidential and only for the information for the President. Once the incident is reported to the PACC with actions taken by the office concerned, such information is only for the President. The agency will be responsible for the investigation, and the President, through the PACC, should know the results of the investigation.

Asec. Nicer raised a concern regarding the "Report of Agency Evaluation and/or Insights" in the Remarks/Comment of the Incident Report. He requested the PACC if it could give guidelines on how the DENR can make a report or insight. He argued that the person giving the evaluation and insights to be indicated in the remarks or comment of the Incident Report must have a certain experience, knowledge and intelligence in evaluating the processes of DENR. He stressed the importance of uniformity, objectivity, and respect for the dignity and privacy of people.

Admiral Tolentino replied that *"the real purpose of this reporting system is to draw-up conclusions not born-out of investigations. Sometimes kami ay may mga insights that this is going to happen because maybe 'malapit na ang pasko', o 'political season na'. But tama kayo, it needs a thorough analysis."* He further stated that *"If you are not ready, because hindi pa kumpleto yung report, pwedeng hindi mo na muna gawin nang intelligent na insights. But you can give a comment na pwedeng pag-isipan rin at maging action ng ating authorities."*

Asec. Nicer replied that this *"brings us to the fields of subjectivity. It draws us into wild guesses. This may be a great opportunity to create a problem for people na ayaw niya (President) personally. We have to safeguard against that."*

#### ***d. Disclosure of the Daily Incident Report to the Person Complained of/Respondent***

Atty. Pacuribot of Region 10 also expressed his apprehension on the disclosure of the Daily Incident Report to the person complained of/respondent. Since this is an Administrative Case, this might involve lawyers privately hired by the respondent. In the event that those private lawyers will send right on that day an urgent manifestation or pleading not to disclose the case to any other agencies because of concerns on private issues and due process. They will be banking on the "SLAPP suit". Once disseminated, they'll surely consult their lawyers especially those already harassed. These reports go all the way to the President (the highest disciplining authority of the land).

HEA stated that *"our authority is based on the directive of the President or PACC. Anything we do is in line with the specific instruction of the President, and not on our own discretion. So, if we have a question on the legality of the directive to us, we can write in black and white our legal position relating to the matter that we cannot do it because of the legal aspect. Unless the instruction is illegal, then we will follow."*



RED Ferrer said that they will have to inform the persons complained of so there could be basis even if there is no *prima facie* case. There is a need for such persons to comment and explain on what really happened and what the problem is.

Asec Nicer commented that, "*Mauuna talaga yung report kay Presidente bago makarating yung report sa kanya/kanila.. It takes 3 days to the person/s concerned.*"

HEA also stated the problem on disclosure of certain information which might reach the wrong people, like persons in the media or third parties. He pointed out that the responsibility of the DENR is on how to properly handle the information given. With regard to the information on how the PACC will handle is the concern of the PACC. "*The referral to the office concerned, and eventually to the person complained of to hear his/her concern, 'yun naman talaga ang due process at system na ginagawa natin.'*"

***e. Revision or improvement of the template for the Daily Incident Report***

Dir. Talabis asked how the DENR can draft the content based on the format provided, particularly on giving insights and discussion. She pointed out that it is difficult to give such an insight on Item Nos. 3, 4, 5 and 6 unless the case has been concluded, and for the person who will formulate Item No. 2 because we will protect the rights of employees and this will either make or break the incident report.

Asec. Nicer stated that the PACC is encouraging the DENR to develop ways of evaluating complaints on corruption even if hindi pa naririnig ng kabila.

Atty. Eneran suggested if the DENR could still improve the proposed template. Maybe a checklist on the template will help to comply with the one-day reporting period.

Admiral Tolentino responded that he is looking forward on the DENR's comments on the template. The DENR has its existing processes already, and the PACC will only need a report based on such processes.

**Agenda 2. Other Matters**

According to HEA, the launching of the oath taking activity can only be made if everyone already submitted their membership to the CAC and the activity will give recognition to all members of the CAC


Finally, Admiral Tolentino gave his appreciation to the DENR and said that all the meetings with the DENR's CAC will be reported to the PACC (Command Group), and the PACC is impressed with the DENR's enthusiasm in the fight against corruption.

The meeting was adjourned at 5:00 PM.

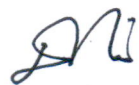
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**APPROVED:**

  
**ATTY. DANIEL DARIUS M. NICER, CESO II**  
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Focal Person, Anti-Corruption Coordinating Task Force