

Office of the President
PRESIDENTIAL COMPLAINT CENTER
Malacañang, Manila

20 July 2022

Secretary MA. ANTONIA YULO-LOYZAGA
Department of Environment and Natural Resources
Visayas Avenue, Diliman
1101 Quezon City

THRU: THE HEAD EXECUTIVE ASSISTANT

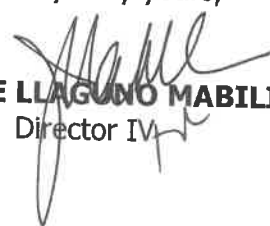
M a d a m :

Respectfully forwarding the attached letter dated 18 July 2022, with enclosure/s, addressed to the Office of the President, for appropriate action, consistent with existing laws, rules and regulations on the matter, from **Ms. MICHELLE MIRAN GAJETOS** of Brgy. Aninuan, Puerto Galera, Oriental Mindoro, seeking intercession relative to issues and concerns which, as stated therein, may be best coordinated/addressed by that Office.

A reply direct to the party/ies concerned, copy furnished the Center, citing **PCC Code No. PM-AKA-07-20-2022-076**, will be highly appreciated. Expeditious action is requested in accordance with the provisions of Republic Act No. 11032, otherwise known as the Ease of Doing Business and Efficient Government Service Delivery Act of 2018 as implemented and enforced by the **Anti-Red Tape Authority**. Please be reminded that failure to timely respond to the public's concern shall be a ground for administrative sanctions under existing laws and regulations.

Thank you and cordial regards.

Very truly yours,


JAIME LLAGUNO MABILIN
Director IV

Cc: requesting party/ies
Encl: all forwarded to Agency
/aka

IMPORTANT

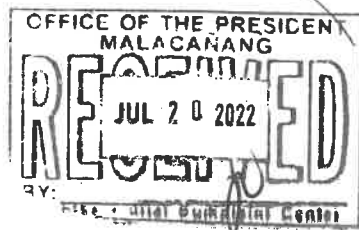
Information contained in this communication is privileged, confidential and intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. If you are not the intended recipient, you must not disclose or use the information contained in it. If you have received this communication in error, please notify the Presidential Complaint Center immediately and dispose the communication in accordance with the provisions of Republic Act 10173 otherwise known as the Data Privacy Act of 2012.

BAHAY UGNAYAN, JOSE P. LAUREL STREET, MALACAÑANG, MANILA
Telephone Numbers: 736-8645 (Governance and Local Affairs Division);
736-8603 (Social Services Division); Fax Number: 736-8621
Email Address: pcc@malacanang.gov.ph

18 July 2022

The Office of the President
Republic of the Philippines

To whom it may concern,



Office of the President
REPUBLIC OF THE PHILIPPINES

Op Copy



071922-MRO-3955

I, Michelle Miran Gajetos, personal secretary of Mr. Franck Albert Jules Dewaste, a French National, a senior citizen, and his attorney-in-fact on his behalf.

Mr. Dewaste is residing in Puerto Galera, Oriental Mindoro. He owns two properties in Barangay Aninuan, Puerto Galera with Transfer Certificate Titles no. 064-2014000366 with a lot area of 1,704 square meters and 064-2000749 with lot area of 1,312 square meters. The total lot area of the two adjacent properties is 3,016 square meters which has an existing civil case with another adjacent lot owned by Mr. Roger A. Gabat filed in Calapan Oriental Mindoro RTC Branch 40, at first handled by Acting Presiding Judge Cefelene R. Goco that was filed on October 22, 2019. At present it is turned over to the new Presiding Judge Charity Grace A. Rico.

Beforehand, Mrs. Jocelyn Gabat, the wife of the defendant Mr. Roger A. Gabat sent a message thru the messenger app informing that their house was encroached in Mr. Dewaste's property. They claimed that it was built in good faith because as they said it's without their knowledge. Attached to this letter is the printed conversation and their offer to buy from Mr. Dewaste the said encroached lot area. After sometime, they've change their decision to meet half-way to give a right-of-way to Mr. Dewaste in exchange to the encroached area. Mr. Dewaste agreed to the exchange since he is having a hard time going up the one hundred seventy (170) steps to his house. Then again, Mr. Gabat and wife changed their mind again. Mr. Dewaste already gave them a lot of chances to settle since the 2018 Barangay hearing.

On October 22, 2019, Mr. Dewaste proceeded to file a case in court. The surveyor of the defendant, Eng. Abad admitted on his survey result that they have encroachment with an area of 124 square meters, but our surveyor, Engr. Escalona said on his actual survey it is 337 square meters. Since both parties have different measurements of encroachment, our legal counsel Atty. Ronald Macalanda suggested to have verification from DENR. The DENR surveyor, to be in the middle, is Mr. Dewaste's concern. It has come to his knowledge that a certain Mrs. Moreno, is the wife of the former Head in DENR Mindoro is the one who contacted Eng. Abad to conduct the defendant's lot survey. Eng. Michelle Moreno her daughter, is currently employed by DENR Mindoro and former classmate of Eng. Abad. It also come to Mr. Dewaste's knowledge that Mr. Gabat's counsel named Atty. Elson Legaspi is the Municipal Litigator of Puerto Galera Oriental Mindoro.

Mr. President, the defendant's lawyer submitted to the court their survey report with admission of encroachment of 124 square meters and in our four consecutive hearing, the defendants and their counsel did not show up, no motion, and also failed to comply their pre-trial brief. When our counsel questioned about it, the new presiding judge, Judge Charity Grace Rico said that she will give them a chance. The first order of the court for DENR survey started on February 15, 2021, followed on April 19, 2021 and again in June 29, 2021. On those three consecutive orders, the defendants ignore and did not cooperate to attend. Our counsel Atty. Ronald Macalanda filed manifestation with motion dated August 10, 2021. Our counsel and I as the plaintiff's attorney-in-fact, attended the court's video conference. There is no appearance from the defendants and their counsel although they were duly notified.

During the hearing, finding the motion of the plaintiffs to be well taken, the same is hereby granted.

The court order again for a hearing on August 24, 2021. The court sheriff of branch 40, called me to inform that he will deliver the court order and told me that as plaintiff's representative, I must shoulder his mobility expenses and I agreed. He also informed me that he and Atty. Elson Legaspi (defendant's counsel) are long-time friends and he said "Huwag bigyan ng kulay kung Makita mo akong nakatambay sa bahay ni Atty. Legaspi." And I said no problem.

When the sheriff delivered our copy of court order, he informed me that he will call me two days before they come to conduct the survey. But on September 7, 2021 the survey team arrived together with the sheriff without informing beforehand. He said to me on a high pitch why I didn't answer his call. I answered him that I never received any call from him and if ever I received his call in advanced, I could have called our own surveyor so that the two teams can settle any discrepancy. He then informed me that's its emergency that's why he can't call me beforehand because Eng. Eric Garcia (DENR Surveyor) had an accident. From Eng. Garcia's survey result, there is no encroachment but from the different four engineers from LRA there is encroachment.

Our counsel did a motion attached here too. The honorable judge talked to me personally, call my attention and let me in her office and told me that if we are not satisfied with the result and questioned the DENR's survey, we must do the initiative to request from DENR Manila Regional Office but she will not give the order anymore. Judge Rico informed me that she will give me six (6) months to do verification survey. Since December 2021, our counsel tried this best to have a schedule for our verification survey from DENR Manila Regional Office.

Attached herewith the request from our counsel.

On March 14, 2022 I sent PHP 50,000.00 to Sir Salvador Glori as payment and he told me that on the day of survey, I will be the one who will shoulder the mobility expenses of the five DENR surveyors at PHP 5,000.00 each (PHP 25,000.00 total). Right away, I asked financial assistance from my boss, Mr. Dewaste who is working in France during the time, which he approved. On March 16, 2022 Mr. Dewaste returned from France but still, the survey team have not arrived yet.

The DENR Manila team kept on postponing the schedule so Mr. Dewaste asked me to pick them up from Manila and bring the team to Puerto galera. Before Holy Week of April 2022 I went to Manila and met Eng. Lhen Martillana but still failed to bring the team. She informed that we still need to pay PHP 100,000.00 for actual inspection, survey report, narrative technical report, and research. We paid on April 29, 2022 through our counsel although Mr. Dewaste have a question why we paid additional PHP 50,000.

Finally, on May 14, 2022 the survey team arrived with Eng. Martillana, Mr. Salvador Glori, and Engr. Gigi Jugno of DENR MIMAROPA Office together Engr. Oscar Castro. Their actual survey have positive result but we were saddened when the report came out Engr. Castro was a private geodetic engineer and not a DENR engineer. Mr. Dewaste was dumbfounded for the survey had no bearing even if the survey result is excellent because he is not an official geodetic engineer.

pp.3

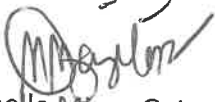
The worst outcome was in June 14, 2022 hearing, our counsel submitted a motion of absence for the hearing with a medical certificate due to his sickness at the time and requested for another schedule. Sadly, presiding Judge Rico dismissed our case due to failure of presenting our verification survey. Mr. Dewaste is asking why the judge did such a thing? Yes, we didn't appear in the hearing, but, we have motion with medical certificate that our counsel is truly sick while the defendant never showed up for four (4) times, no motion, even the counsel have no appearance as well but still, the judge give them a chance.

Mr. President, the only request of Mr. Franck Albert Jules Dewaste that the DENR will acknowledge the report of Engr. Castro since it was the DENR MIMAROPA Regional Office who brought him to conduct the geodetic survey (their reason was no available geodetic engineer from regional office) and that we paid an amount of PHP 150,000.00. That money is hard-earned.

Hoping for your kind consideration and immediate action regarding this matter

May God Continuously Bless You!

Respectfully Yours,



Michelle Miran Gajetos
Attorney-In-Fact