Republic of the Philippines
**Department of Environment and Natural Resources**
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy.Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

**MEMORANDUM**

**FOR** : The Regional Executive Director
DENR-MIMAROPA Region
1515 L&S Bldg. Roxas Blvd. Ermita Manila

**FROM** : The Community Environment and Natural Resources Officer
Sablayan, Occidental Mindoro

**SUBJECT** : **IRREGULARITIES ON THE ISSUED PERMITS AND DOCUMENTS OF MS. EVELINDA MENDOZA AND MR. PRIMITIVO PAMANILAY THAT RESULTED TO THE CUTTING OF 14,047.75 BD. FT OF GMELINA TREES INSIDE DENR'S REFORESTATION AREA.**

On January 26, 2022, the DENR-CENRO Sablayan apprehended 14,047.75 bd ft. of gmelina square logs at So. Cabacao, Brgy. Mamburao, Occidental Mindoro. During the investigation and verification of the subject apprehension, we found out that the gmelina square logs are owned by a certain Ms. Evelinda Mendoza and Mr. Primitivo Pamanilay. Both acquired respective CTPO's for their titled properties and applied for Tree Cutting Permits in our office. However, upon verification, their cuttings were made not inside their titled properties but rather inside DENR's reforestation area. Completed Staff Work report of the said cases were sent to the Regional Office recommending an in-depth investigation be conducted by the Regional Enforcement Division with regards to the observed irregularities on the documents issued.

Cases were filed against Ms. Evelinda Mendoza (NPS-IV-06a-INV-22B-00028) and Mr. Primitivo Pamanilay (NPS-IV-06a-INV-22B-00044) at the Prosecutor's Office. However, on May 16 and May 12, 2022, the said cases were dismissed for lack of probable cause, citing that the respondents should not be faulted for the "***misrepresentation, inefficiency and negligence of DENR's employees***."

On April 13, 2022, PENRO Ernesto E. Tañada issued Show Cause Memoranda for Chief of Regulation and Permitting Section/LMO III Rolando A. Matanguihan, Chief of Permitting Unit/ECOMS II Pedro A. Marmol, FR Joseph A. Panganiban and Park Ranger Allan L. Calanao in relation to the above cited cases. They were given 72 hours to submit their explanation about the alleged irregularities found on the issued documents of Ms. Mendoza and Mr. Pamanilay. We were only informed about the said show cause when we were given copies of their respective replies.

Republic of the Philippines
**Department of Environment and Natural Resources**
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy.Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

On May 22, 2022, we submitted our response on the Reply made by ECOMS II Pedro A. Marmol and For. Jose A. Panganiban. We were not convince in their defense of good faith without showing evidence that their intentions are still in the interests of public service. Their statements were purely self-serving for denial is inherently a weak defense.

Therefore, this office recommends the filing of administrative cases on the parties involved in the preparation of documents that were issued in favor of Ms. Evelinda Mendoza and Mr. Primitivo Pamanilay.

Attached are the copies of the following documents:

1. Resolutions of the cases against Ms. Mendoza and Mr. Pamanilay
2. Replies of the subject persons to the show cause memoranda from the PENRO
3. Response to the replies of the subject persons from the CENRO

For information, evaluation, and further action, if any.

**FOR. ANASTACIO A. SANTOS, MPA**

Republic of the Philippines
Department of Justice
National Prosecution Service

**OFFICE OF THE PROVINCIAL PROSECUTOR**

Mamburao, Occidental Mindoro
oppmamburaooksimin@gmail.com



**CENRO ANASTACIO A. SANTOS,**
Complainant,

**-versus-**

**NPS-IV-06a-INV-22B-00044**
For: **Sec. 77, PD 705, as amended**

**PRIMITIVO PAMANILAY,**
Respondent.

x----------x

# RESOLUTION

For resolution is the complaint of **CENRO ANASTACIO A. SANTOS** of CENRO Sablayan, Occidental Mindoro against **PRIMITIVO PAMANILAY** of Barangay Fatima, Mamburao, this province for violation of Sec. 77, PD 705, as amended.

In support thereof is the complainant's complaint affidavit with attachments (Annexes "A" - "K").

Complainant avers that on January 7, 2022, he received information from Forester II/EMS Chief Ariston SJ Ramos of illegal logging activity at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro.[1] On the same day, he sent a team (Regulation and Permitting Section (RPS) – Utilization) thereto to inspect and verify said report.

After coordination with the Barangay, the team was accompanied by Barangay Kagawad Rudolfo Causapin.[2] As the team was conducting inspection activities, they noticed stockpiles of gmelina square logs on the banks of Banabaan River.[3] Upon querry, Kagawad Causapin informed the team that the logs are owned by one Tebong (Primitivo Pamanilay). The team contacted Tebong and was asked to show his documentations therefor at the DENR-CENRO Sablayan Coordinating Office in Mamburao. Tebong reported thereat on the same day along with his documentations in the name of Matias Cortuna. Respondent stated that he has a Special Power of Attorney (SPA) from Mr. Coortuna authorizing him to administer the parcel of land covered by TCT No.

---

[1] See Annex "A", Criminal Complaint Affidavit.
[2] See Annex "C" and series, Id.
[3] Id.

CLOA-T-7562. Respondent was then requested to postpone hauling the logs pending verification.

On January 13, 2022, the team (Regulation and Permitting Section (RPS) – Utilization) and Tebong returned to the logs by the river. The team and Tebong crossed the other side of the river where Tebong's plantation was allegedly located. Upon reaching the banks on the other side of the river, they noticed another stockpile of gmelina square logs. After inquiry, Tebong informed that the same belongs to respondent Evelinda Mendoza @ "Binday".

On January 18, 2022, the team (Regulation and Permitting Section (RPS) – Utilization) where able to cross the Banabaan River to reach respondent's and one Bindya's plantation where the actual cutting took place. The team conducted geotagging of actual tree stumps found thereon.[4]

The verification showed that respondent and Binday are cutting trees outside of their respective CLOAS.[5] Hence, on January 26, 2022, the Enforcement and Monitoring Section of CENRO Sablayan apprehended and seized a total of 14,047.75 bd. ft of logs, 4,173.17 bd. ft. of which belongs to respondent, valued at ₱187,729.65.[6]

On February 1, 2022, another team (GIS Operator/Tamaraw Rangers and Forest Protection Officers) went to inspect respondent's plantation as described under TCT-CLOA-T-7562. The inspection showed that there are no gmelina tree plantation on the said CLOA-covered land.[7]

Ariston SJ Ramos, Forester II/EMS Chief, corroborates the material assertions of the complainant.

A subpoena was issued against respondent.

Respondent denies the accusations against him. In his defense, he alleged that the timbers should be considered as "planted evidence" and are just being implicated upon him. He alleges that another person, Evelinda Mendoza @ "Binday" has already acknowledged ownership of the subject logs. He added that there is no actual witness implicating him to the subject logs.

Respondent avers that on January 7, 2022, while he was at his house at Barangay Fatima, Mamburao, Occidental Mindoro, he received a call from an employee of the DENR-CENRO Office in Mamburao asking him to report thereat with his cutting permits for an inspection of the logs at Cabacao. This surprise him since he is aware that his cutting permit has already expired, and he has no logs at the said barangay. In deference to the DENR, he went thereto on the afternoon of that day and was met by Mr. Dan Diwa,

[4] See Annex "E", Id.
[5] See Annex "K", Id.
[6] See Annex "H", Id.
[7] See Annex "j-1", Id.

Cartographer II. Respondent showed his cutting permit[8], consisting of 19 pages, to Mr. Diwa.

Mr. Diwa asked him if he owns the logs at the banks of Binabaan River in Cabacao. He replied *"wala na po akong kahoy doon sir matagal na dahil ang permit ko po na hawak ay ire-renew pa namin."*[9] He was asked to surrender his cutting permits and to postpone hauling the logs.

On January 13, 2022, he again received a call from the DENR-CENRO Mamburao to proceed to Banabaan River, Barangay Cabacao, Abra de Ilog, Occidental Mindoro for an inspection and verification in relation to the logs seen thereat on January 7, 2022. He obliged, and met with DENR-CENRO Mamburao employees, Mr. Dan Diwa, Mr. Randy Paguio, Mr. Ronald Tendido, and Mr. Rodrigo Castillo at the logpan of Evelinda Mendoza @ "Binday". He was asked to join the DENR-CENRO employee in crossing the river to check his source of gmelina logs. Before they could even reach their destination, they saw along their way piles of gmelina square logs. Respondent was again asked of its ownership, which he denied, *"HINDI PO SA AKIN YAN at wala naman akong kahoy sa lugar na ito."*[10]

Respondent likewise questions the arbitrary imputation against him of about 4,173.17 board feet out of the 14,047.75 board feet of the confiscated logs, reflected on the Narrative Report[11] prepared duly signed by Sherwin Jed David, Forest Ranger; noted by Ariston SJ. Ramos, Forester II/Chief, EMS; and attested to by the complainant himself, Anastacio A. Santos, CENR Officer.

Respondent added that, in the same Narrative Report[12], one Evelinda Mendoza claimed ownership of the subject gmelina square logs. Hence, he is in a quandary why Evelinda Mendoza was not arrested, and her logs are being imputed on him. The report does not also mention his name or presence at the place and time of the incident.

Respondent calls our attention to the fact that his only link to this case is the statement of Barangay Kagawad Rudolfo Causapin implicating him as the owner of the logs, which is not supported by any proof, hence hearsay.

Additionally, he points to the Apprehension Receipt[13] which clearly states that the logs are "abandoned".

Replies and Rejoinders, coupled with affidavits of witnesses, were filed reiterating their allegations and arguments.

We now resolve the instant case.

---

[8] Annex "1", Counter-Affidavit.
[9] Par. 7, Id.
[10] Par. 9, Id.
[11] Part of Annex "G", Criminal Complaint Affidavit; Annex "2", Counter-Affidavit.
[12] Id.
[13] Annex "G", Criminal Complaint Affidavit; Annex "3", Counter-Affidavit.

As observed by the respondent, there is no evidence pointing to him as the owner of the gmelina square logs found by the river banks of Banabaan River, Barangay Cabacao, Abra de Ilog, Occidental Mindoro. The only reason why respondent is being implicated hereto is the imputation made by Barangay Kagawad Rudolfo Causapin, which is not supported by any concrete evidence. The DENR-CENRO took Causapin's word hook, line and sinker.

> x x x They were assisted by Barangay Kagawad Rudolfo Causapin who **stated during the verification that the first stockpiled (See Annex C-C2 of the complaint) seen in the area was owned by a certain "Tebong", later known as Mr. Primitivo Pamanilay.**[14] x x x (Emphasis supplied.)

Moreover, as admitted by the complainant in his Reply, *x x x The Narrative Report reflects the total volume of gmelina logs apprehended on January 26, 2022. We decided not to put the exact volume on what are owned by "Binday" and "Tebong" to avoid factual mistake because that time, their alleged papers were still undergoing investigation and verification. Hence, the word "abandoned" on the Apprehension receipt.*[15] *x x x*

Complainant, however, by commingling the logs, has muddled the evidence. As can further be observed from complainant's submissions, the alleged logs are not properly marked as to its alleged ownership. With the said commingling of logs from two different respondents involving two different cases, how can now we determine the exact liability of herein respondent?

**WHEREFORE**, premises considered, we find the evidence **insufficient to establish probable cause** to indict respondent for violation of Sec. 77, PD 705, as amended.

The instant case is hereby **DISMISSED**.

**SO RESOLVED**.

Mamburao, Occidental Mindoro; May 12, 2022.

**STEPHEN A. LAMANILAO**[16]
Associate Provincial Prosecutor

Approved:

**DANTE V. RAMIREZ**[17]
Provincial Prosecutor

cc: All concerned.

---

[14] Par. 3, Reply.
[15] Par. 4, Id.
[16] Roll of Attorneys No. 57985; MCLE Compliance No. VII-0012014; IBP 196269 – January 5, 2022.
[17] Roll of Attorneys No. 35426; MCLE Compliance No. VI-0002079.

Republic of the Philippines
Department of Justice
National Prosecution Service

# OFFICE OF THE PROVINCIAL PROSECUTOR

Mamburao, Occidental Mindoro
oppmamburaooksimin@gmail.com

**CENRO ANASTACIO A. SANTOS,**
Complainant,

**-versus-**

**NPS-IV-06a-INV-22B-00028**
For: **Sec. 77, PD 705, as amended**

**EVELINDA MENDOZA,**
Respondent.
x----------x


# RESOLUTION

For resolution is the complaint of **CENRO ANASTACIO A. SANTOS** of CENRO Sablayan, Occidental Mindoro against **EVELINDA MENDOZA** of Barangay Cabacao, Abra de Ilog, this province for violation of Sec. 77, PD 705, as amended.

In support thereof is the complainant's complaint affidavit with attachments (Annexes "A" – "L").

Complainant avers that on January 7, 2022, he received information from Forester II/EMS Chief Ariston SJ Ramos of illegal logging activity at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro.[1] On the same day, he sent a team (Regulation and Permitting Section (RPS) – Utilization) thereto to inspect and verify said report.

After coordination with the Barangay, the team was accompanied by Barangay Kagawad Rudolfo Causapin.[2] As the team was conducting inspection activities, they noticed stockpiles of gmelina square logs on the banks of Banabaan River.[3] Upon querry, Kagawad Causapin informed the team that the logs are owned by one Tebong (Primitivo Pamanilay). The team contacted Tebong and was asked to show his documentations therefor at the DENR-CENRO Sablayan Coordinating Office in Mamburao. Tebong reported thereat on the same day and was requested to postpone hauling the logs pending verification.

---

[1] See Annex "A", Criminal Complaint Affidavit.
[2] See Annex "C" and series, Id.
[3] Id.

On January 13, 2022, the team (Regulation and Permitting Section (RPS) – Utilization) and Tebong returned to the logs by the river. The team and Tebong crossed the other side of the river where Tebong's plantation was allegedly located. Upon reaching the banks on the other side of the river, they noticed another stockpile of gmelina square logs.[4] After inquiry, Tebong informed that the same belongs to respondent Evelinda Mendoza @ "Binday". The team contacted respondent through her brother Jerry. Respondent was also asked to show her documentations therefor and to postpone hauling thereof pending verification.

On January 18, 2022, the team (Regulation and Permitting Section (RPS) – Utilization) where able to cross the Banabaan River to reach respondent's and Tebong's plantation where actual cutting took place. The team conducted geotagging of actual tree stumps found thereon.[5]

The verification showed that respondent and Tebong are cutting trees outside of their respective CLOAS.[6] Hence, on January 22, 2022, the Enforcement and Monitoring Section of CENRO Sablayan apprehended and seized a total of 14,047.75 bd. ft of logs, 9,874 bd. ft. of which belongs to respondent, valued at ₱444,356.10.[7]

During the apprehension and hauling of the same by the CENRO Officers, respondent came to the site and insisted on her permits and other legal documentations.[8] She was asked again to point to her plantation. Unfortunately, respondent pointed to areas which are considered as open forestland (DENR's Reforestation Area).

On February 1, 2022, another team (GIS Operator/Tamaraw Rangers and Forest Protection Officers) went to inspect respondent's plantation as described under TCT-CLOA-T-6427. The inspection showed that there are no gmelina tree plantation on the said CLOA-covered land.[9]

Ariston SJ Ramos, Forester II/EMS Chief, corroborates the material assertions of the complainant.

A subpoena was issued against respondent.

In defense, respondent filed her Sinumpaang Kontra-Salaysay with attachments, to wit: **a.)** Copy of TCT No. CLOA-T-6427[10]; **b.)** Copy of Bilihan ng Lupa covering TCT No. CLOA-T-6427[11]; **c.)** Pagpapatunay from Punong Barangay of Cabacao, Abra de Ilog[12]; **d.)** Copy of Hand-written Letter

---

[4] See Annex "D" and series, Id.
[5] See Annex "E", Id.
[6] See Annex "K", Id.
[7] See Annex "H", Id.
[8] See Annex "I" and series, Id.
[9] See Annex "J-1", Id.
[10] Annex "1", Sinumpaang Kontra-Salaysay of Evelinda Mendoza.
[11] Annex "2", Id.
[12] Annex "3", Id.

of respondent addressed to Engr. Caesar Quebec of CENRO Mamburao[13]; **e.)** Pictures[14]; **f.)** Copy of Joint Affidavit, and Certifications of Pedro A. Marmol, Jr. and Joseph A. Panganiban, both of CENRO Sablayan[15]; **g.)** Copy of Certification of Registration of Tree Plantation in Private Lands[16]; **h.)** Copy of Tree Plantation Record Form[17]; **i.)** Copy of Clerance (Cutting Permit)[18].

She also filed the Sinumpaang salaysay of Edgardo Codico.

Respondent avers that she acquired the rights over the parcel of land covered by TCT No. CLOA-T-6427, registered in the name of Jose D. Cortuna, by virtue of a Bilihan ng Lupa[19] executed in her favor by Lucing Claudio, the registered owner's heir.

When she bought the said parcel of land, its whereabouts were pointed to her by Lucing Claudio and one Ernani Pintulan, a mangyan leader (mayor). They also informed her that they planted gmelina trees thereon.

As the gmelinas were numerous, respondent asked the DENR on how she could capitalize on the same. She observed the rules mandated by the DENR. She secured a Certification from the Barangay having jurisdiction over her property. [20]

She also asked permission from Engr. Caesar Quebec of CENRO Mamburao through a letter.[21] Pursuant thereto, an inspection and verification of her property was directed. Pedro A. Marmol, Jr, ECOMS I/Chief, Permitting Unit, and Joseph A. Panganiban, Forest Ranger, conducted the inspection and verification.[22] They also conducted an inventory and marking of Two Hundred Six (206) planted gmelina trees.[23] The two CENRO Officers (Marmol, Jr. and Panganiban) executed a Joint Affidavit[24], Certifications[25] and Tally Sheets[26] to that effect. They also issued a recommendation for the issuance of cutting permit for the gmelina trees inspected and inventoried by them.[27]

Engr. Quebec issued a Certification of Registration of Tree Plantation in Private Lands[28] and a Tree Plantation Records Form[29]. On December 23, 2021, respondent was granted Clearance[30] on her request for cutting permit.

---

13 Annex "4", Id.
14 Annex "5" and series, Id.
15 Annex "6" and series, Id.
16 Annex "7", Id.
17 Annex "8", Id.
18 Annex "9", Id.
19 Annex "2", Supra.
20 Annex "3", Supra.
21 Annex "4", Supra.
22 See sidenote, Id.
23 See Annex "5", Id.
24 Annex "6:, Supra.
25 Annexes "6-A" to "6-C", Supra.
26 Annexes "6-D" to "6-I", Supra.
27 See Annex "6-J", Id.
28 Annex "7", Supra.
29 Annex "8", Supra.

On December 27, 2021, respondent started cutting the marked trees. By January 13, 2022, they were able to cut fifty-four (54) trees. Respondent again wrote to the DENR to request inspection of the fallen trees and to apply for a travel permit.

On January 26, 2022, the new CENRO, herein complainant, visited respondent's area. There complainant saw many log or timbers, including that of other persons. Respondent showed her documentation but complainant would have none of it.

Respondent stressed on the sufficiency of her documents and on her observance of the DENR's rules pertaining to the cutting of trees. She likewise raised that the DENR is now estopped from questioning her actions since all of which were based on and supported by documentations issued by the DENR itself.

Edgardo Codico stated in his Sinumpaang Salaysay that on September 7, 2021, he saw the two DENR Officers and Ernani Pintulan marking the gmelina trees of respondent.

By way reply, CENRO Anastacio questions the authenticity of respondent's documentary evidence, in the light of respondent's pronouncements in the administrative proceedings against her before the CENR Officer.

Complainant added that *x x x permits and licenses issued by the DENR are considered public documents*[31] *x x x*, pursuant to the Rules of Evidence and jurisprudence; as such *x x x need not be authenticated and are presumed to be valid and genuine* ***until the contrary is shown by clear and convincing proof.***[32]

However, complainant directed our attention on the fact that respondent's supposed pieces of evidence are *x x x* ***unnotarized, undated and bears incomplete signatures.***[33]

Furthermore, complainant avers that effective August 19, 2021, a new set of requirements are needed before tree cutting permits are issued, which respondent's alleged permits does not conform with. *x x x Pursuant to DAO 2020-18, cutting permits for private plantations will no longer be issued and signed by the PERN Officer. For a tree cutting permit to be valid, the followinh documents shall be issued:*

1. *Privet Tree Plantation Registration certified by the CERN Officer.*
2. *Certification of a Forester Certifier*
3. *Notice to proceed Cutting (for monitoring purposes)*[34]

---

[30] Annex "9", Supra.
[31] Par. 4, Reply.
[32] Par. 5, Id.
[33] Par. 6, Id.
[34] Id.

Complainant relied heavily on the administrative proceedings before their (complainant) office

Respondent was subpoenaed to file rejoinder.

In her rejoinder, she stressed that the DENR should be considered as being in estoppel, considering that her documentations were all issued by their (DENR) office, which authenticity they never questioned.

Respondent also pointed that complainant never denied that the signatories therein are officers and employees of the DENR. As such, their actions and issuances carry the presumption of regularity; the same being in the performance of official duties.

Respondent added that at the time of the issuance of her permits, the CENRO is Engr. Ceasar Quebec. Quebec himself gave her the requirements needed for the tree cutting permit, which she lawfully and completely complied with.

Moreover, respondent agreed with the complainant that the permits and licenses issued by the DENR are *x x x Public Documents on its own*[35] *x x x*. Hence the same are valid even in the absence of notarization; as in fact it does not require one.

In resolving the instant case, we will not touch on the supposed administrative proceedings before the office of the CENRO as it does not appear from the records that respondent was represented therein by any competent lawyer.

Complainant did not deny the existence and issuance of the permits and certifications[36] necessary to the conduct respondent's enterprise.

While complainant has raised in issue the completeness of the signatures of the DENR employees therein, the authenticity of the signatures appearing therein, albeit allegedly incomplete, were never questioned. Moreover, complainant has not even presented the purported complete signatures of his employees.

Complainant also insisted that being public documents, the permits they issued *x x x need not be authenticated and are presumed to be valid and genuine* ***until the contrary is shown by clear and convincing proof.***[37] Yet, complainant is attacking the very authenticity of the same permits for being ***x x x unnotarized [and] undated***[38] ***x x x***.

---

[35] Par. 7, Rejoinder.
[36] Annexes "6-A" to "6-J"; "7", "8', and "9", Sinumpaang Kontra-Salaysay.
[37] Par. 5, Reply.
[38] Par. 6, Reply.

> **Public documents as evidence. – Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated.** All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.[39] (Emphasis supplied.)

The permits and certifications issued to herein respondent, being admitted by complainant as public documents, need no longer be notarized.

Assuming *arguendo* that it still requires notarization; it begs the question **why the permits and certifications are being released unnotarized, undated and incomplete?** Surely, complainant do not expect to have the permits and certification, issued by his office, be notarized without his (complainant) employees appearing before the Notary Public or any officer authorized to administer oaths. That would be in violation of the Rules on Notarial Practice.

As pointed by respondent, those who issued the subject permits and certifications are complainant's regular employees, whose actions and decisions, done in the performance of their official duties, are afforded by law with the presumption of regularity; yet even without showing proof to the contrary, complainant now faults respondent for relying on his (complainant) employees' actions and decisions.

It must be stressed that respondent has complied with the requirements set forth by Engr. Ceasar Quebec, then CENR Officer, necessary for her to cut the gmelina trees on her property at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro, covered by TCT No. CLOA-T-6427. The said application was given due course by Engr. Quebec only after the inspection and verification made by Pedro A. Marmol, Jr., ECOMS I/Chief, Permitting Unit; and Joseph A. Panganiban, Forest Ranger. Pursuant to the Certifications issued by Marmol and Panganiban, Engr. Quebec granted a clearance to herein respondent for her application for tree cutting permit at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro.

A closer reading of Annexes "6-A" to "6-J", "7", "8", and "9" of respondent's Reply, all shows that respondent's trees are located at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro, and in the parcel of land covered by TCT No. CLOA-T-6427.

Complainant never denied that the trees were inventoried and numbered during the inspection and verification made by Marmol and Panganiban, and that respondent possesses the corresponding permits at the time of cutting. Hence respondent could not be said to have illegally cut the subject trees.

---

[39] Sec. 23, Rule 132, Rules of Court.

Respondent should not be faulted for the misrepresentation, inefficiency and negligence of complainant's employees.

**WHEREFORE**, premises considered, we find the evidence **insufficient to establish probable cause** to indict respondent for violation of Sec. 77, PD 705, as amended.

The instant case is hereby **DISMISSED**.

**SO RESOLVED**.

Mamburao, Occidental Mindoro; May 16, 2022.

**STEPHEN A. LAMANILAO**[40]
Associate Provincial Prosecutor

Approved:

**DANTE V. RAMIREZ**[41]
Provincial Prosecutor

cc: All concerned.

[40] Roll of Attorneys No. 57985; MCLE Compliance No. VII-0012014; IBP 196269 – January 5, 2022.
[41] Roll of Attorneys No. 35426; MCLE Compliance No. VI-0002079.

April 21, 2022

**MR. ERNESTO E. TAÑADA**
*OIC, PENR Officer*
Purok Pa-asa, Brgy. Payompon,
Mamburao, Occidental Mindoro

Cc: **MR. ANASTACIO A. SANTOS**
*CENR Officer*
Sablayan, Occidental Mindoro

**Reply on Show Cause Memorandum dated April 13, 2022**

Dear PENRO Tañada:

This is in response to a show cause memorandum issued by your good office dated April 18, 2022 giving me seventy-two (72) hours within which to submit my notarized written explanation about the apprehended 14,047.75 board feet of Gmelina species at So. Pakil, Brgy. Cabacao, Abra de Ilog, Occidental Mindoro. Hence, the following explanations:

1. Allegedy, there were irregularities found on the issued documents to Matias Cortuna, such that the actual location of the first and last tree shown in the GIS Map of the Inventory Report used for the issuance of Clearance to Cut did not conform to the GIS Map prepared by the CENRO Investigation Team.

2. I humbly submit that I exercised due diligence in issuing the Memorandum dated August 19, 2021 to the CENR Officer as Chief of the Permitting Unit. The said Memorandum contained our recommendation for the issuance of a clearance that was intended for the cutting of Gmelina planted trees of one Matias P. Cortuna in his registered tree plantation covered by TCT No. CLOA-T-7562.

3. All the necessary supporting documents have been collated by the office to facilitate and act on the application of Mr. Cortuna. In fact, he submitted a personal letter addressed to then CENR Officer and represented that he owned a parcel of land covered by a title and that he planted Gmelina trees therein. In support thereof, Mr. Cortuna submitted an authenticated copy of his title, a Pagpapatunay from the Office of Barangay Cabacao, and a certification from DAR MAPSA Cluster Team Leader. Upon Mr. Cortuna's request for inventory and inspection, I in-charged Joseph A. Panganiban, *Forest Ranger* and Dante N. Gordovez, *Forest Ranger*, to perform such inspection and inventory preparation. Thereafter, necessary reports were submitted before me for the necessary attestation.

4. Considering the presumption of regularity of the performance of duty of the above-named government officers, from the issuance of the barangay's Pagpapatunay upto the reports prepared by Mr. Panganiban, I made such recommendation for the issuance of clearance for cutting of trees. On the face of the documents I reviewed and endorsed to the CENR Officer Sablayan per Memorandum dated August 19, 2021, no irregularity can be attributed therein. I did not personally cause for any misrepresentation considering that actual inspection and photographing of the subject trees have been performed by the one assigned. The actual location of the trees was ascertained by the coordinates shown in the photos. The plotting of the coordinates was performed by the office's authorized ArcGIS Operator.

5. I had no hand in the preparation of the map showing the plantation site owned by Matias Cortuna vis-à-vis the plotted, inventoried and photographed trees, except that I attested that it was performed by the assigned employees: Mr. Allan L. Calanao, *Forest Extension Officer, ArcGIS Operator* who prepared the Map, and Mr. Joseph A. Panganiban, *Forest Ranger,* who surveyed and inventoried the trees. Any discrepancy or irregularity could be best explained by and addressed to the one who actually prepared the plotting of the coordinates of the trees in relation to the technical description of the title.

6. For these reasons, the undersigned respectfully prays that a finding of lack of prima facie case be appreciated in my favor.

Thank you very much and I hope that you find the foregoing explanation sufficient and meritorious for your purposes.

Very truly yours,

**PEDRO A. MARMOL**
*ECOMS II*
CENRO Sablayan

**SUBSCRIBED AND SWORN** to before me this ___ day of APR 22 2022, in Mamburao, Occidental Mindoro. I further certify that I have personally examined the affiant herein and that I am convinced that he voluntarily executed this affidavit and that he understood the contents thereof.

Doc. No. 190
Page No. 039
Book No. LXXI
Series of 2022.

ATTY. KATHRINE ANN AGILO ABELEDA
Notary Public
Mamburao, Occidental Mindoro
Notarial Commission valid until 12/31/2023
Roll of Attorney's No. 59624
MCLE No. VI-0024830 valid until 04/14/2022
IBP No. 196784 -2022, Occ. Mindoro
PTR No. 4766629 -2022, Occ. Mindoro

April 22, 2022

**To:** **MR. ERNESTO E. TAÑADA**
OIC, PENR Officer
**PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE**
Department of Environment and Natural Resources
Region IV-B MIMAROPA Region
Purok Pag-asa, Brgy. Payompon, Mamburao, Occidental Mindoro

**Thru:** **MR. ANASTACIO A. SANTOS**
CENR Officer
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**
Department of Environment and Natural Resources
Region IV-B MIMAROPA Region
National Road, Brgy. Sto. Niño, Sablayan, Occidental Mindoro

**Re:** **Show Cause Memorandum dated April 13, 2022.**

Dear PENRO Tañada:

I am respectfully addressing the Show Cause Memorandum dated April 13, 2021 that I received on April 21, 2022. I was given seventy-two (72) hours within which to submit my notarized written explanation about the apprehension of 14,047.75 board feet of Gmelina species at So. Pakil, Brgy. Cabacao, Abra de Ilog, Occidental Mindoro. In relation to said report, I am being asked about the alleged irregularities found on the issued documents to Matias Cortuna, such that the actual location of the first and last tree shown in the GIS Map of the Inventory Report used for the issuance of Clearance to Cut did not conform to the GIS Map prepared by the CENRO Investigation Team.

Procedurally, being the Chief of the Regulation and Permitting Section, I am tasked to receive and review the clearance application, in this case by one Mr. Matias Cortuna, and assign inspection team to conduct site inspection. However, the said application for the tree cutting permit for planted trees in the alleged private land of Mr. Matias Cortuna did not reach my knowledge. Hence, I am also not the one who reviewed the inspection report and made a recommendation thereto to the CENRO.

Considering the lack of personal knowledge on the questioned documents issued to Mr. Matias Cortuna, I came to know about his alleged application only after the apprehension of the above-mentioned Gmelina trees performed by the Monitoring and Enforcement Section of CENRO. In fact, I was able to derive documents in relation to such application only upon receipt of this formal show cause memorandum.

As may be gleaned from the map showing the plantation site owned by Matias Cortuna in relation to the plotted, inventoried and photographed trees, the same has been prepared by the ArcGIS Operator. Thus, it is my humble opinion that any discrepancy or irregularity could be best explained by the person who actually prepared the plotting of the coordinates of the trees in relation to the technical description of the title.

It can be noticed that I have not signed in any of the documents prepared and submitted for the tree cutting permit of Mr. Matias Cortuna, and neither did I issue a Recommendation thereto. Therefore, there is no prima facie administrative case that may be instituted against me.

With all these, I hope that this reply addresses your concern, and aid the conduct of investigation of our reputable office.

Thank you and more power.

Sincerely,

**ROLANDO L. MATANGUIHAN**
Chief, Regulation and Permitting Section
CENRO Sablayan

## OATH

**SUBSCRIBED AND SWORN** to before me this __ day APR 25 2022 , in Mamburao, Occidental Mindoro. I further certify that I have personally examined the affiant herein and that I am convinced that he voluntarily executed this affidavit and that he understood the contents thereof.

Doc. No. 273
Page No. 056
Book No. LXXI
Series of 2022.

ATTY. KATHRINE AURA SINO ABELEDA
Notary Public
Mamburao, Occidental Mindoro
Notarial Commission valid until 12/31/2023
Roll of Attorney's No. 59624
MCLE No. VI-0024830 valid until 04/14/2022
IBP No. 196784 -2022, Occ. Mindoro
PTR No. 4766629 -2022, Occ. Mindoro

April 22, 2022

**MR. ERNESTO E. TAÑADA**
OIC, PENR Officer
Purok Pa-asa, Brgy. Payompon,
Mamburao, Occidental Mindoro

Thru: **MR. ANASTACIO A. SANTOS**
*CENR Officer*
Sablayan, Occidental Mindoro

RE: **Reply on Show Cause Memorandum dated April 13, 2022**

Dear PENRO Tañada:

Greetings!

This has reference to the Show Cause Memorandum that I received on April 19, 2022 wherein I was given seventy-two (72) hours within which to submit my written explanation under oath about the report on the apprehended 14,047.75 board feet of Gmelina species at So. Pakil, Brgy. Cabacao, Abra de Ilog, Occidental Mindoro. Accordingly, I am being ask about the alleged irregularities found on the issued documents to Matias Cortuna, such that the actual location of the first and last tree shown in the GIS Map of the Inventory Report used for the issuance of Clearance to Cut did not conform to the GIS Map prepared by the CENRO Investigation Team.

I remember that I signed various documents in relation to the application for clearance to cut planted Gmelina species within the claimed registered plantation of Mr. Cortuna. This was made in the performance of my duties after being assigned to make the inventory of the trees to be cut. In our Memorandum dated August 19, 2021, having co-signed by Mr. Pedro A. Marmol as the Chief of the Permitting Unit and was submitted to the CENR Office, there appears that all the required documents have been satisfied for such recommendation.

I respectfully and vehemently deny any participation in the alleged irregularity in the preparation of the Map showing the Plantation Site owned by Matias Cortuna. In the said document, it provides that I made the survey and inventory of the trees to be cut, and that is true. I personally conducted on August 3, 2021 the inventory of the one hundred four (104) planted trees at So. Banabaan, Brgy. Cabacao, Abra de Ilog, Occidental Mindoro after being guided in the represented area of Matias Cortuna. The trees have been identified, marked and photographed using the Geocam for its submission to the GIS Operator, who in this given application is Mr. Allan L. Calanao. Upon actual and physical inspection, I had no means to verify whether the trees requested to be cut actually falls on the technical description of the land. Hence, my output has been submitted to our GIS Operator considering that it is his function to actually

determine whether the areas of the trees per coordinates appearing in the photographs would match the area of the applicant.

In fact, there are previous instances where our office would deny applications after finding that the titled area and the location of the trees to be cut do not match. And this matter is being discovered after plotting the tree coordinates in the GIS, which I have no personal knowledge to perform. Such verification and plotting are already beyond the scope of my assigned duty. I understand that I must conduct the inspection and inventory but these works are basically performed on the basis of the representation of the client who would guide me to the trees to be inspected. From what I have heard, our GIS operator who made the map of Mr. Cortuna is already washing his hands and pointing to persons his mistake. The confirmation and verification of the location of the trees are the things being done by the GIS operator and expert. It would be unjust for me to be blamed.

I had no reason or ill motive to mislead the CENR Office regarding the location of the trees to be cut. I merely abided by the function assigned to me in the inspection and inventory of the trees. I provided for the photographs needed in the preparation of the Map. However, I could not answer or explain the GIS Map made by Mr. Calanao showing the plantation site owned by Matias Cortuna vis-à-vis the plotted, inventoried and photographed trees, except that I signed in such document as the one who surveyed and made the inventory. It is my humble opinion that any discrepancy or irregularity could be best explained by and addressed to the one who actually prepared the plotting of the coordinates of the trees in relation to the technical description of the title.

Thus, I am appealing to our office to consider the following explanations and to appreciate the lack of administrative case against me.

Thank you very much.

Respectfully yours,

**JOSEPH A. PANGANIBAN**
*Forest Ranger*
CENRO Sablayan

**SUBSCRIBED AND SWORN** to before me this ___ day of APR 22 2022, in Mamburao, Occidental Mindoro. I further certify that I have personally examined the affiant herein and that I am convinced that he voluntarily executed this affidavit and that he understood the contents thereof.

Doc. No. 191
Page No. 040
Book No. XXXI
Series of 2022.

ATTY. KATHRINE ARUAST CABELEDA
Notary Public
Mamburao, Occidental Mindoro
Notarial Commission valid until 12/31/2023
Roll of Attorney's No. 59624
MCLE No. VI-0024830 valid until 04/14/2022
IBP No. 196784 -2022, Occ. Mindoro
PTR No. 4766629 -2022, Occ. Mindoro

April 25, 2022

**For. ERNESTO E. TAÑADA**
OIC, PENRO
Mamburao, Occidental Mindoro

4-25-22

Dear PENRO,

Good day sir

This letter is in connection with the show cause memorandum dated April 13, 2022 from your Office regarding the report on the alleged / observed irregularities in the issued documents to Matias Cortuna relative to the apprehension of undocumented forest products (14,047.75 Board Feet) at Sc. Pakil, Brgy. Cabacao, Abra de Ilog, Occidental Mindoro that I received on April 22, 2022

I prepared the map using Arc GIS Software based on the Technical Description of CLOA, Geotagged Pictures and instructions given to me by Mr. Joseph Panganiban

Mr. Joseph Panganiban approached me asking for help in preparing the map of Matias Cortuna. According to him the first map that I submitted to him was declined by the higher authority due to the incomplete details, then, he came back to me for the rectification of the map which he said that is required to insert the pictures showing the first and last tree inside the area of CLOA. When I overlayed the pictures in the Arc GIS software, I informed him that the pictures were falls outside of the area of CLOA, he said that the trees were planted by the 'kalutubo' and he instructed me to insert the geotagged pictures of first and last tree and insisted to reflect it in the map

I followed his instructions considering that he is a permanent personnel of this agency which expected to do the righteous act in terms of doing the public service I have no intention in participating in any forms of irregularity activities, in line with this issue I just assisted him in preparing the map based on the data and instructions given to me by Mr. Panganiban

For your consideration and record

ALLAN L. CALANAO

TIN 405-102-938-000

2022

Republic of the Philippines
**Department of Environment and Natural Resources**
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy.Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

May 2, 2022

**MEMORANDUM**

**FOR** : The OIC PENR Officer
Mamburao, Occidental Mindoro

**FROM** : The CENR Officer

**SUBJECT** : **RESPONSE ON THE REPLY MADE BY FOREST RANGER JOSEPH A. PANGANIBAN ON THE SHOW CAUSE MEMORANDUM ISSUED AGAINST HIM ON APRIL 13, 2022.**

We were copy-furnished of FR. Joseph A. Panganiban's reply on the show cause memorandum issued against him dated April 13, 2022. The said show cause order is about the irregularities found on the issued documents to Mr. Matias Cortuna which resulted to the apprehension of 14,047.75 board feet of Gmelina species at So. Pakil, Brgy. Cabacao, Abra-de Ilog, Occidental Mindoro.

As per the Completed Staff Work Reports sent to the PENRO on February 22 and February 28, 2022, the apprehension procedure that took place on January 26, 2022, at the subject area resulted to the apprehension of 14,047.75 bd ft. of undocumented gmelina species. ***As a result, irregularities were found on the issued documents not only of that of Mr. Matias Cortuna but also the ones issued to Ms. Evelinda Mendoza.***

We would like to reiterate that irregularities in Mr. Cortuna's documents were not only seen in the preparation of the Map that shows his plantation site.

Mr. Matias Cortuna and Ms. Evelinda Mendoza's plantations were both surveyed and inventoried by Mr. Joseph Panganiban. Series of documents were issued in favor of the two bearing Mr. Panganiban's signature.

His vehemently denial of participation in any kind of irregularities present on Mr. Cortuna and Ms. Mendoza's paper is a weak defense. It is long settled rule that denial is inherently a weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving.

Section 39, Chapter 9, Book 1 of the Administrative Code of 1987 cover the liabilities of officers for acts done in the performance of official duties.

Section 39. Liability of Subordinate Officers.

- No subordinate officer or employee shall be civilly liable for acts done by him in good faith in the performance of his duties. ***However, he shall be liable for willful or negligent acts done by him which are contrary to law, morals, public policy, and good***

Republic of the Philippines
**Department of Environment and Natural Resources**
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

***customs even if acted under orders or instructions of his superiors.***

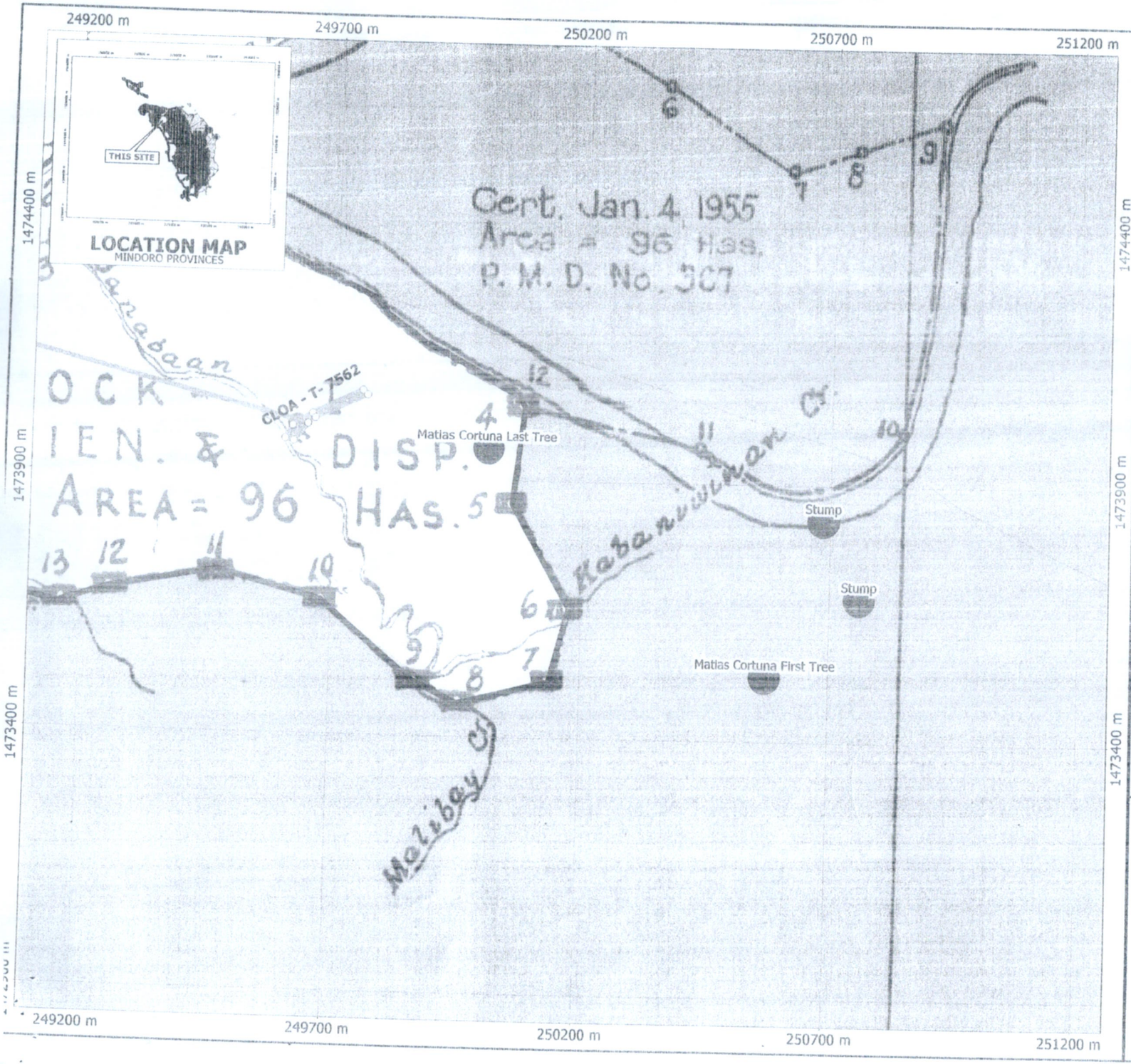
Officers cannot hide behind the defense of good faith without showing evidence that their intentions are still in the interests of public service.

Lastly, we would like to request that Mr. Allan A. Calanao be also served a show cause order to allow him to explain himself.

For your information and record.

**ANASTACIO A. SANTOS**

Cc:
Forest Ranger Joseph A. Panganiban
DENR-CENRO Sablayan




Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA IV-B
Community Environment and Natural Resources Office
So. Bahad, Brgy. Sto. Nino, Sablayan, Occidental Mindoro

# MAP SHOWING THE RELATIVE LOCATION OF CLOA-T-7562

OF

## *MATIAS P. CORTUNA*

LOCATED AT BRGY. CABACAO, MUNICIPALITY OF ABRA DE ILOG, OCCIDENTAL MINDORO

Projection : Universal Transverse Mercator - Zone 51 (N)
Datum : WGS 1984

SCALE : 1:10000

**LEGEND**

- Timberland Boundary
- Lot Corner
- Matias Cortuna First & Last Tree
- Stump
- MATIAS P. CORTUNA
- Timberland
- **LC1597**

Prepared by:

DENNIS E. FERATERO
FT-1, GIS Operator

Verified by:

ISAIAS P. QUIMOD
Deputy CENRO

Noted by:

ANASTACIO A. SANTOS
CENR Officer

26/04/2021

Republic of the Philippines
**Department of Environment and Natural Resources**
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy.Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

May 2, 2022

**MEMORANDUM**

**FOR** : The OIC PENR Officer
Mamburao, Occidental Mindoro

**FROM** : The CENR Officer

**SUBJECT** : **RESPONSE ON THE REPLY MADE BY ECOMS II PEDRO A. MARMOL ON THE SHOW CAUSE MEMORANDUM ISSUED AGAINST HIM ON APRIL 13, 2022.**

We were copy-furnished of ECOMS II Pedro A. Marmol's reply on the show cause memorandum issued against him dated April 13, 2022. The said show cause order is about the irregularities found on the issued documents to Mr. Matias Cortuna which resulted to the apprehension of 14,047.75 board feet of Gmelina species at So. Pakil, Brgy. Cabacao, Abra-de Ilog, Occidental Mindoro.

As per the Completed Staff Work Reports sent to the PENRO on February 22 and February 28, 2022, the apprehension procedure that took place on January 26, 2022, at the subject area resulted to the apprehension of 14,047.75 bd ft. of undocumented gmelina species. ***As a result, irregularities were found on the issued documents not only of that of Mr. Matias Cortuna but also the ones issued to Ms. Evelinda Mendoza.***

In relation to the Reply of ECOMS II Pedro A. Marmol, we would like to negate his statement that he exercised due diligence in issuing the memorandum dated August 19, 2021 to the CENR Office recommending the issuance of a clearance to cut in favor of one Matias Cortuna.

Procedurally, the Chief of the Regulation and Permitting Section is tasked to review all the clearance application received by the office. The Chief will then assign an investigation team to conduct site inspection. In this case, Mr. Marmol initiated the review of the application, he assigned the inspection team and recommended to the then CENR Officer the issuance of a clearance to cut in favor of Mr. Cortuna without informing LMOIII Rolando L. Matanguihan as the Chief of the Regulation and Permitting Section. The said act clearly shows an intent to bypass superior authorities.

According to Mr. Marmol, all the necessary reports were submitted before him for ***necessary attestation***. We agree, because all the necessary documents issued in favor of Mr. Cortuna bears his signature including the map prepared by Forest Extension Officer Allan L. Calanao. However, we do not agree with his statement that his attestation in the subject map was only to certify that it was indeed prepared and performed by Mr. Calanao and Mr. Jose Panganiban surveyed and inventoried the trees.

Republic of the Philippines
**Department of Environment and Natural Resources**
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy.Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

***Attestation is defined as a declaration that something exists. It is also defined as the action of being a witness to or formally or certifying something.***

ECOMS Pedro A. Marmol has undergone Geographic Information System (GIS) training making him equipped with the ability and skill to verify the map prepared by FES Allan L. Calanao.

Dishonesty as defined by DENR MC No. 13, Series of 2021 refers to "the concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive or betray and an intent to violate the truth." Mr. Marmol cannot hide behind the defense of good faith without showing an evidence that his intentions are still in the interests of public service.

Attached is the GIS Map prepared by FTI/GIS Operator Dennis E. Feratero, plotting the coordinates of the First Tree and Last Tree pictures taken by FR. Joseph a. Panganiban and FR. Dante N. Gordovez during their inspection. Both pictures were signed by FR. Panganiban and ECOMS II Marmol.

Lastly, we would like to request that Mr. Allan A. Calanao be also served a show cause order to allow him to explain himself.

For your information and record.

**ANASTACIO A. SANTOS**

Cc:
ECOMSII Pedro A. Marmol
Chief of the Permitting Unit
DENR-CENRO Sablayan