



**IN RE : COMPLAINT OF A CERTAIN RODEL JACINTO AGAINST LAND
MANAGEMENT OFFICER (LMO) III NANETH(SIC) BANAWA**

X-----X

RESOLUTION

This case stemmed from an email complaint dated July 15, 2021 of Mr. Jacinto against Naneth(sic) Banawa wherein he stated that:

The complaint alleged that:

"Lumapit po ako sa hepe ng Lands sa DENR San Mariano Oriental Mindoro upang makabili ng lupa. Nagbayad po ako sa kanya ng halos 900,000 pesos para sa lupa na aking binili. Ngunit laking gulat ko ng malaman na ang lupa na aking binili ay may ibang nagmamay ari.

Kinausap ko si G. Naneth upang maayos ang problema ko sa lupa at nabigay ulit ako sa kanya ng pera na mahigit isang daang libong piso. Ngunit hanggang ngayon ay hindi pa din ito naaayos. Hinde din ibinalik ang mga naibayad ko bagkus gusto nia na bigyan na lang ako ng lupa sa bulalacao. Ngunit hindi ko ito tinanggap dahil malayo at wala akong kakilala doon. Sana ay matulongan niyo ako dahil nasayang ang aking mga naipundar. Napunta lang sa kurakot na opisyal ng denr"

The said complaint of Mr. Jacinto has no attachment.

Records show that a Show-Cause Memorandum dated August 13, 2021 was issued to LMO III Nanette B. Capacio of CENRO Roxas, Oriental Mindoro. In the said Memorandum, she was enjoined to submit within five (5) days from receipt thereof her written explanation (comment/counter-affidavit/explanation) under oath why no administrative case should be filed against her. Failure to submit the said document/s shall be considered a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/comment/explanation.

In her *Affidavit of Denial* dated September 30, 2021, LMO III Capacio stated, among others, that:

"2. I do not know any person by the name of Rodel Jacinto purportedly a resident of Dalahican, San Jose, Roxas, Oriental Mindoro, much less have I transacted with the said fellow whereby I allegedly sold to him a piece of land after receiving from him the alleged amount of NINE HUNDRED THOUSAND (Php 900,000.00) PESOS, as he would have the distinguished DENR Regional Executive Director for MIMAROPA believe;

3. Claiming to have worked and earned enough money abroad with which to buy a real property, Mr. Rodel Jacinto, if indeed he parted with Php 900,000.00 which he allegedly paid to me, would have at least demanded of me to issue to him an acknowledgment receipt, so he will be able to prove that he paid such huge amount to me;

XXX-XXX

5. Mr. Rodel Jacinto should be required to swear by his statement imputing the crime of estafa against me, so that I will have a recourse against him, at least for perjury, and for destroying my honor, character and reputation;

6. I categorically deny all the accusations against me by Mr. Rodel Jacinto, who, I believe is a fictitious person, as certified to by the certification issued by the Punong Barangay of San Jose, Roxas, Oriental Mindoro, Hon. Danny G. Talamisan xxx"

In the Certification/Pagpapatunay dated August 04, 2021 issued by Punong Barangay Danny G. Talamisan, he stated that:

"Ito ay pagpapatunay na ang pangalang RODEL JACINTO ay hindi residente ng Barangay San Jose, Roxas, Oriental Mindoro"

In administrative proceedings, complainants carry the burden of proving their allegations with substantial evidence or "such relevant evidence as a reasonable mind will accept as adequate to support a conclusion."¹

Per Certification of Punong Barangay Talamisan, Rodel Jacinto is not a resident of Barangay San Jose, Roxas, Oriental Mindoro. As such, his complaint will be treated as "anonymous".

The subject complaint, being "anonymous", is covered under administrative disciplinary cases which do not require any investigation. As such, the subject complaint warrants outright dismissal. Section 2.1.1. of DENR Memorandum Circular No. 2010-18 (Guidelines in the Resolution and Disposition of Administrative Disciplinary Cases) dated November 23, 2010, reads:

"The following are administrative disciplinary cases which do not require any investigation:

Anonymous Complainant/s. *Complaints by any "concerned citizens" or DENR employees shall be dismissed outright through the issuance of a standard Order to be signed by the Secretary/RED/Bureau Head/RD or his/her duly authorized representative."*

Moreover, Section 12 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) provides that *"no anonymous complaint shall be entertained unless the act complained of is of public knowledge or the allegations can be verified or supported by documentary or direct evidence"*.

Jurisprudence dictates that in administrative proceedings, complainants bear the burden of proving the allegations in their complaints by substantial evidence. If they fail to show in a satisfactory manner the facts upon which their claims are based, the respondents are not obliged to prove their exception or defense.²

WHEREFORE, premises considered, the subject complaint against LMO III Capacio is hereby **DISMISSED** for lack of merit.

SO ORDERED.

City of Manila, Philippines. FEB 24 2022


LORMELYN E. CLAUDIO, CESO IV
OIC, Regional Executive Director

Copy furnished:

Mr. Rodel Jacinto
(rodeljacinto88@gmail.com)

Nanette B. Capacio
Land Management Officer III
c/o CENRO Roxas, Oriental Mindoro

PENRO Oriental Mindoro
CENRO Roxas, Oriental Mindoro

The OIC, Undersecretary for Field Operations – Luzon
(DENRCO-OSEC-2021-000507)

DENR Action Center
(denr@8888.gov.ph)
(actioncenter@denr.gov.ph)

Administrative Division



Atty. Raquel Rosario M. Cunanan-Marayag
Director
Public Assistance and Corruption Prevention Bureau
Office of the Ombudsman
Office of the Deputy Ombudsman for Luzon
Agham Road, Diliman, Quezon City 1104

Jaime Liaguno Mabilin
Director IV
Presidential Complaint Center
PCC Code No. PCC-CYR-07-15-2021-158
(pcc@malacanang.gov.ph)

¹ Office Of The Ombudsman v. Loving F. Fetalvero, Jr., G.R. No. 211450, July 23, 2018, citing De Jesus v. Guerrero III, 614 Phil. 520, 528-529 (2009)
² RE: Letter of Lucena Ofendoreyes alleging illicit activities of a certain Atty. Cajayon involving cases in the Court of Appeals, Cagayan De Oro City, A.M. No. 16-12-03-CA, citing *Bruselas, Jr. v. Mallari*, A.C. No. 9683, IPI No. 17-250-CA-J, IPI No. 17-251-CA-J, et al., February 21, 2017
ARD-MS/LD 1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000