



Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**

APR 11 2022

**MEMORANDUM**

**FOR :** The Executive Director  
National Water Resources Board  
8th Floor, Nia Building, EDSA  
Diliman, Quezon City

**FROM :** The , Regional Executive Director

**SUBJECT :** 1<sup>ST</sup> INDORSEMENT DATED DECEMBER 20, 2021 RE:  
COMPLAINT OF ANJOE AND ROSEMARIE PABAYOS  
AGAINST MARIA V. CINCO, PUNONG BARANGAY, CORON,  
PALAWAN (IC-OL-20-0670)



This refers to the above-cited complaint of Spouses Pabayos against Punong Barangay (PB) Cinco regarding the alleged *"deliberate cutting of the hose of the water need of the complainant and his family without any humane consideration on the water for drinking of the family, and exacerbated by the Pandemic situation xxx"*

Said complainants further alleged that on July 25, 2020, their *"water hose connecting from Mt. Tundarala water source was eventually remove and cut off. Thru the instigation of the Punong Barangay using the assistance of the police her Kagawads and Tanods"*

Perusal of the complaint shows that it involves a water well in Mount Tundarala, Barangay 6, Coron, Palawan.

In this regard, we are referring the said Complaint, including its attachments, to your office for information, records and appropriate action, please.

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

Copy furnished:

Sps. Anjoe and Rosemarie Pabayos  
Sitio Pali, Barangay 6, Coron, Palawan

Hon. Cornelio L. Somido  
Deputy Ombudsman For Luzon  
Office Of The Ombudsman  
Ombudsman Building, Agham Road  
Diliman, Quezon City 1101  
(Ref. IC-OL-20-0670)

PENRO Palawan

CENRO Coron



Department of Environment  
and Natural Resources  
MIMAROPA Region



Doc ID: 77711

ARD-MS/LD

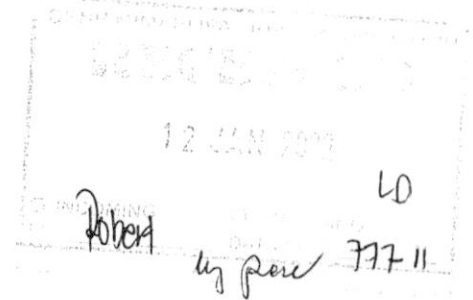
DENR By the Bay Bldg., 1515 Roxas Boulevard, 1000 Ermita, Manila  
Telephone No.: (632) 84050046 DENR VOIP (632) 82483367/82493367 local 2700  
Website: <https://mimaropa.denr.gov.ph/>  
Email: [mimaroparegion@denr.gov.ph](mailto:mimaroparegion@denr.gov.ph); [denr4blegal@gmail.com](mailto:denr4blegal@gmail.com)



Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
Ombudsman Building, Agham Road  
Diliman, Quezon City

**FIRST INDORSEMENT**

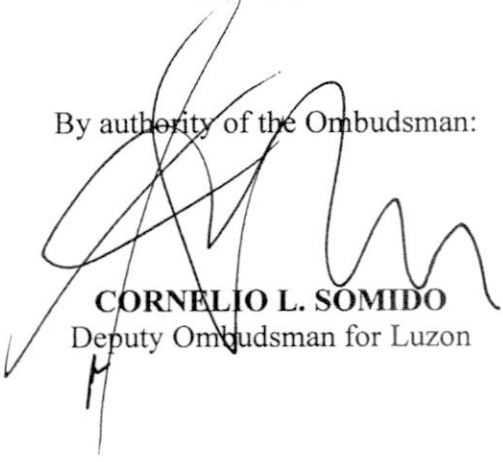
DEC 20 2021



Respectfully referred to **DIR. MA. LOURDES G. FERRER, CESO IV**, Regional Executive Director, Department of Environment and Natural Resources (DENR) – MIMAROPA, 1515 L&S Building, Roxas Boulevard, Ermita, 1000 Manila, the attached complaint of Anjoe and Rosemarie Pabayos against Maria V. Cinco, Punong Barangay, Coron, Palawan.<sup>1</sup> Your advice to this Office on the action taken by the DENR-MIMAROPA, referencing to **IC-OL-20-0670** will be highly appreciated.

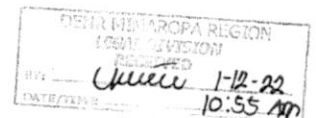
Very truly yours,

By authority of the Ombudsman:

  
**CORNELIO L. SOMIDO**  
Deputy Ombudsman for Luzon

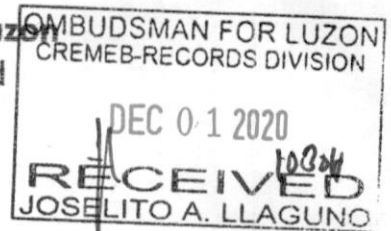
Copy furnished:  
Anjoe A. Pabayos  
Rosemarie Pabayos  
Sitio Pali, Barangay 6,  
Coron, Palawan 5316





<sup>1</sup> The referral is pursuant to Section 23 of Republic Act No. 6770 (The Ombudsman Act) and Administrative Order 07 (Rules and Procedure of the Office of the Ombudsman).

REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN  
Office of the Deputy Ombudsman for Luzon  
3<sup>rd</sup> Floor, Ombudsman Bldg. Agham Road  
Diliman, Quezon City



ANJOE A. PABAYOS  
Complainant,

OMB-L-

FOR: Malfeasance in Office  
Office

-versus-

MARIA V. CINCO  
Respondent,

X-----X

COMPLAINT-AFFIDAVIT

We, spouses ANJOE PABAYOS and ROSEMARIE PABAYOS both of legal married, Filipino, residents of Sitio Pali, Barangay 6, Coron, Palawan after having been sworn to in accordance with law depose and state that:

1. We the private complainants are bonafide residents of So. Pali, Coron, Palawan as Tax Declarant owner, actual possessor of a parcel of land .
2. That we are home owners at So. Pali and as such need potable water for our family's water consumption to which we sought the permission of their local water source called SALINTUBIG PROJECT which has a Memorandum of Agreement amongst the Municipal Government of Coron, Palawan, represented by Municipal Engineer, Ike D. Parangue as the First Party, Mayo-Barinque Family, the Second Party and the Barangay Government of Barangay 6, Coron, Palawan represented by Punong Barangay Maria V. Cinco the Third Party. We were denied thru a letter instead advising me to locate our sitio's water source and thereafter secure a water permit for the same.
3. That because our sitio has no consistent water source, the only one dries up during summer months, which could be attested thru an Inspection Report with recommendation from DENR dated June 3, 2020 hereto attached and marked as Annex 1, to form an integral part hereof. I sought the help of a co-resident, Mrs. Caabas to look for a water source at Mt. Tundarala, a mountain located at Barangay 6, Coron, Palawan , where we found a water well. That a letter addressed to Punong Barangay Cinco , copy furnished the undersigned for the same recommendation. Photocopy hereto attached and marked as Annex "2" to form an integral part hereof. We also planted some Tabuyong plants in the vicinity to preserve the water. On April 5, 2020 we acquired 27 rolls of plastic hose and connected the hose to the water source.

- 4 That on April 25, 2020 at around 10:00 o'clock in the morning, We were at Mt. Tundalara securing our hose and the water source, a group of ten persons led by Kagawad Joy Mayo Diaz arrived on the site and approached us. We asked them about their concern on the area. Kagawad Eduardo Perez and Kagawad Joy Mayo Diaz replied that they were ordered by Punong Barangay Maria V. Cinco to removed and detach the hose we connected to the water source. We beg and plead for consideration not to remove the hose thru Kagawad Joy Diaz. Ms. Diaz immediately called up Punong Barangay Cinco thru her cellphone, however "the Punong Barangay said "Tanggalin ninyo lahat ng hose dyan, ora mismo ASAP" and at same time her voice went off and her cellphone. Again, we further beg for reconsideration to Kagawad Joy Diaz despite Kagawad Eduardo Perez suggestion to his companions to give ample time for us to sustain our family's water needs yet it was ECQ due to COVID Pandemic, however, Kagawad Joy Diaz insisted to remove the hose, much to our persistence it was decided we will meet at the office of the Punong Barangay.
5. That on April 28, 2020 at 2:00 to 4:00 P.M. we were summoned by Punong Barangay Maria V. Cinco,. Present was two DENR Forresters and Engr. Ike Parangue of the Municipal Engineering Office of Coron, Palawan. We were confronted by the Punong Barangay, that we illegally connected our hose at Mt. Tundalara, because we have not ask her permission. We immediately apologized, however. I still believed that the water source at Mt. Tundalara is owned by the government hence the Punong Barangay has no jurisdiction over the water source but the Water Council of the Municipality has and in its absence the DENR-Coron Office may have jurisdiction as to the issuance of necessary permit. However, as the Water Code of the Philippines allows individual residents use of such water source for personal use such as drinking and cooking and ther like, contrary to the clclaim of the Punong Barangay.
6. That from the dates April 28, 2020 and subsequently up to May 30 30, 2020, until June 10, 2020 and June 17, 2020 the Municipal Mayor interceded to reconsider the hose in its position and function due to humane consideration and dire need for water of the undersigned. However this was set aside by the Punong Barangay. However on June 18, 2020, The DENR thru their DMO-IV Office of the CENRO, issued a letter to Punong Barangay Maria Cinco, copy furnished the undersigned, recommending not to remove the pipeline of the undersigned only for ersonal drinking water. Photocopy of DENR Letter hereto attached and marked as Annex 2, to form an integral part hereof.

8. It was on June 30, 2020 that our concern was responded by DENR- Coron Palawan and we acknowledged to have a meeting at the DENR- Office on two occasions, however the Punong Barangay was no show.
9. That on July 25 2020 our water hose connecting from Mt. Tundarala water source was eventually remove and cut off. Thru the instigation of the Punong Barangay using the assistance of the police her Kagawads and Tanods. Photocopy of Pictures marked as Annexes "3"; "3-A"; "3-B " respectively to form an integral part hereof.
10. That it is clear as stated on the Water Code that water obtained from a water source wherein a resident, uses for his personal needs likewise for his cooking and drinking need not secure a water permit. Water is life itself, our constitution provide and assure every individual of his right to liberty, property and LIFE. In this case water for me is life which the state provide, the same way the Punong Barangay and her cohorts needed to drink and cook throughout their daily lives just as we.
11. That respondent public official deliberately without legal basis refused to discharge the duties of the office of the Punong Barangay that of giving relevant barangay service in this case proper information and hearing and proper coordination with government agencies such as DENR and the like. The reason is that once an individual is elected to an office by the will of the people, the discharge of the duties of said office becomes a matter of duty, not right.
12. As a result of her deliberate refusal to render public service and assistance, and instead ordered the deliberate cutting of the hose of the water need of the complainant and his family without any humane consideration on the water for drinking of the family, and exacerbated by the Pandemic situation, to the great prejudice and detriment of the undersigned.
13. Moreover, respondent public official failed to observe that ethical standard required of public official, that she acted in bad faith and clear defiance to the required standard of personal conduct and in discharge and execution of official duties as mandated under Section 4 par. Republic Act No.6713 otherwise known as Code of Conduct and Ethical Standards for Public Officials.

**WHEREFORE,** it is most respectfully prayed of the Honorable Ombudsman that respondent be penalized for "Malfeasance in Office respectively of the Revised Penal Code, In the same manner, it is most respectfully sought that the Honorable Ombudsman render a decision finding the above-named respondent-public official administratively also liable for grave abuse of authority, incompetence and conduct unbecoming of a public official as hereto averred. 0003

Other reliefs just and equitable is respectfully prayed for.

IN WITNESS WHEREOF. we have hereunto set our hands this 11<sup>th</sup> day of August, 2020 in Coron, Palawan, Philippines.

**ANJOE PABAYOS**

Affiant

**ROSEMARIE PABAYOS**

Affiant

### VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING

We, **Anjoe Pabayos and Rosemarie Pabayos** of legal ages, and residents of So. Pali, Barangay 6, Coron, Palawan under oath declare that:

1. We are the complainants in the above - entitled complaint;
2. We have caused the preparation of the complaint.
3. We have read its contents and the allegations in the complaint are true and correct based on our personal knowledge, or based on authentic documents;
4. The complaint is not filed to harass, cause unnecessary delay, or needlessly increase the cause of litigation;
5. The factual allegations therein have evidentiary support, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
6. That we have not thereto for commenced any action or filed any claim involving the same in any court, tribunal or quasi-judicial agency and to the best of our knowledge no such other action or claim is pending therein;
7. If we should thereafter learn that the same or similar action or claim has been filed or is pending, we shall report that fact within five calendar days therefrom to the office or court wherein said complaint has been filed.

**ANJOE PABAYOS**

Complainant

**ROSEMARIE PABAYOS**

Complainant

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of August, 2020 in Coron, Palawan.

DOC. NO: 300

PAGE NO: 61

BOOK NO: 05

SERIES OF 20: 20

**ATTY. KENNY A. PE**

NOTARY PUBLIC

Until December 31, 2020

Roll No. 72548

ISP No. 110851 / Jan. 18, 2020

PTR No. 5514440 / Jan. 06, 2020

TIN No. 487-526-622

0004



Annex "1"  
6-4-2020  
1345  
8

## MEMORANDUM

FOR : The OIC, CENR Officer

FROM : Inspecting Forest Officers

SUBJECT : INSPECTION REPORT ON THE WATER SOURCE OF ANJOE A. PABAYOS LOCATED AT MOUNT DALARA, POB. 6, CORON, PALAWAN.

DATE : JUNE 3, 2020

This pertains to the letter-request of Mr. Anjoe A. Pabayos dated May 4, 2020 requesting for the inspection for their water source located at Mount Tundarala, Pob. 6, Coron, Palawan.

Please be informed that on May 22, 2020, the team coordinated to the Barangay Captain Hon. Maria Cinco regarding our purpose. According to her Mr. Anjoe A. Pabayos violated a Memorandum of Agreement between the Barangay LGU and the Municipality of Coron so that the Barangay LGU plans to remove the hose of Mr. Pabayos from his source water at Mount Tundarala. Our continuous conversation to Hon. Cinco the copy of MOA will furnished this Office unfortunately as of this date no communication received by this Office.

The team proceeded in the area (Mount Tundarala) and found out that the water source of Mr. Pabayos. Mr. Pabayos put boulders and use clay in between the boulders serves as cement to hold water and put hose. The team found out also that the water source of Mr. Pabayos is very minimal source of water. According to his wife of Mr. Pabayos who guide the team during inspection, according to her they have only lot of water during rainy season.

On our way back to our Office we observed that in down streams of water source Mr. Pabayos, the team observed that there is no sign of water and about 1 kilometer ahead the team observed that there is water sources and has several hose connecting in the water sources area. According to the residents the alleged owners are from Sitio Pali, of the said Barangay.


### Recommendation

For human consideration, the team recommends for not removing his hose from Tundarala (Water source) of Mr. Pabayos. However, upon completion of the water system project of DILG in the area, all illegal or no NWRB permits will remove and tap to proposed water system upon operational.

  
JEODY I. CAC  
F-II

  
QU ROBIN G. QUINTANA  
F-II

Red: now 2. Alvarez  
NORA Q. ALVAREZ  
Barangay Treasurer  
06/18/2020  
Engineering Office  
06/24/2020

**RECEIVED**  
OFFICE OF THE MAYOR  
Received by:   
Date: 6-19-2020

0005



Ameg 112

June 15, 2020

**Hon. Maria Cinco**  
**Barangay Captain**  
**Brgy. Poblacion 6, Coron, Palawan**

Dear Capt. Cinco,

Warm greetings from CENRO Coron !!

This is to acknowledge receipt of the copy of the MOA which we requested together with two Certifications and pictures.

Please be informed that on May 22, 2020 two of our Foresters coordinated with your office before they proceeded to conduct inspection/verification upon request of Mr. Anjoe Pabayos. Inspection and verification disclosed that the water source where Mr. Pabayos connected is only droplets from surface water wherein they put a small catchment on boulders which serves as basin of about 35-40 cm. in diameter to catch the water droplets from the wall of stones, where they attached a hose at their own expense of about two (2) kilometers long from the source going to their house for domestic use only. Accordingly, it is only during rainy season that the water source flows from the rocks.

According to the inspection team, the water tank which was constructed in the area is abandoned and not in use, instead there are several pipes downstream connected to a very good waters source (Sitio Pali) compared to the water source of Mr. Pabayos which is about one (1) kilometer away (Tundarala Water Source).


If ever the alleged water permit issued to the Local Government Unit of Coron includes that source where Mr. Pabayos is connected, only the National Water Resources Board can decide on the issue. Meanwhile for human consideration it is recommended by the team not to remove the pipeline of Mr. Pabayos which is used only for personal drinking water. However, in fairness to all residents, upon completion of the water system project of the DILG in the area, Mr. Pabayos is willing to be connected to the government water system project and pay the necessary water bills.

We will forward this issue to the National Water Resources Board which is vested by law as the national regulating and coordinating agency on water resources management and development mandated to implement the Water Code of the Philippines.

Hoping for your consideration on the matter.

Very truly yours,

For and in the absence of  
The CENR Officer:

  
**PEDRO A. VELASCO**  
DMO IV, In-Charge, Office of the CENRO  
/jpq\*



Copy Furnished:

*The Municipal Mayor*  
Coron, Palawan

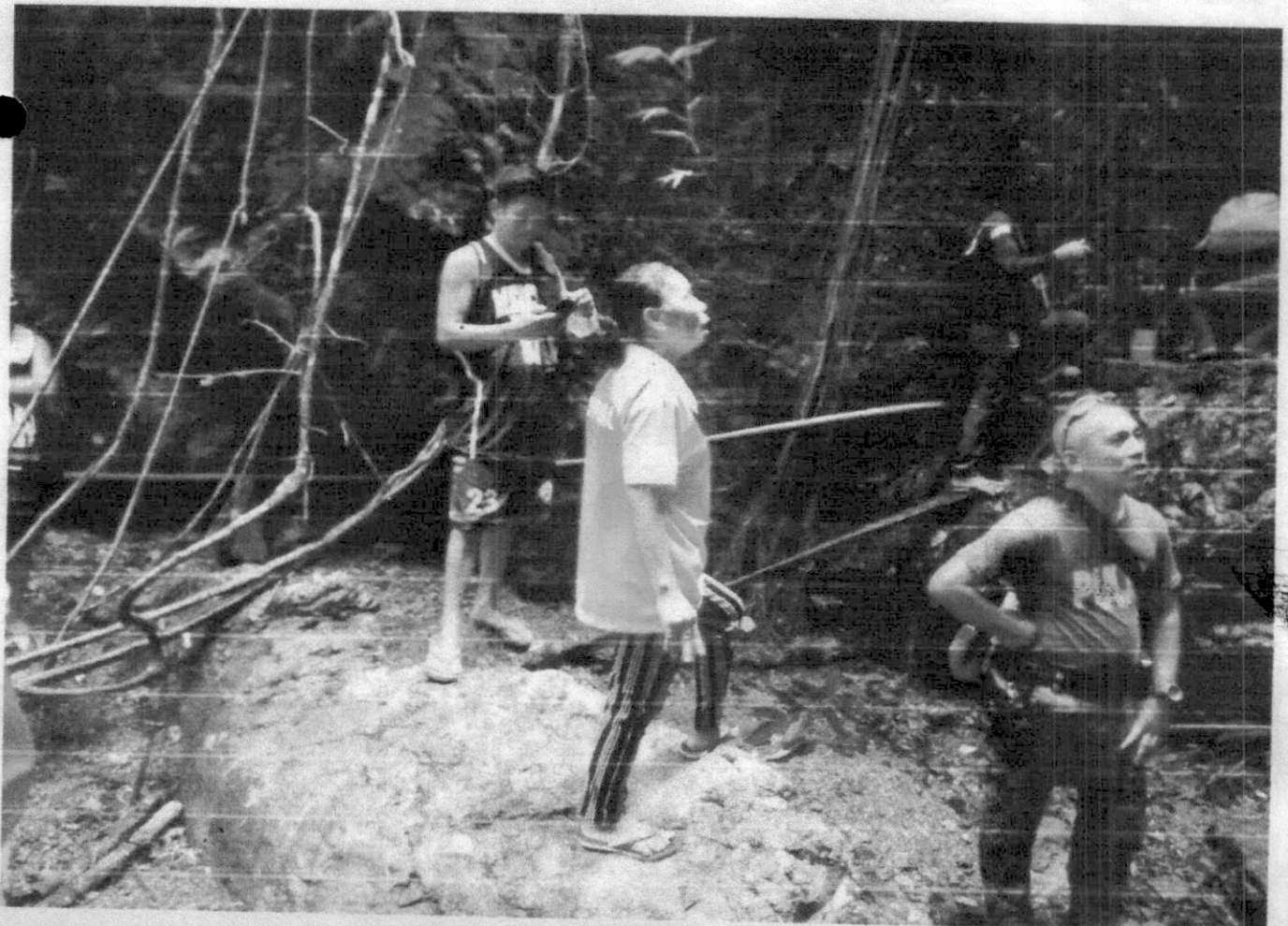
*The Municipal Engineer*  
Coron, Palawan

*Mr. Anjoe Pabayos*  
Sitio Pali, Brgy. Pob. 5

0006

Annex 3

Taken at Mt. Tudalara on July 25, 2020



0007

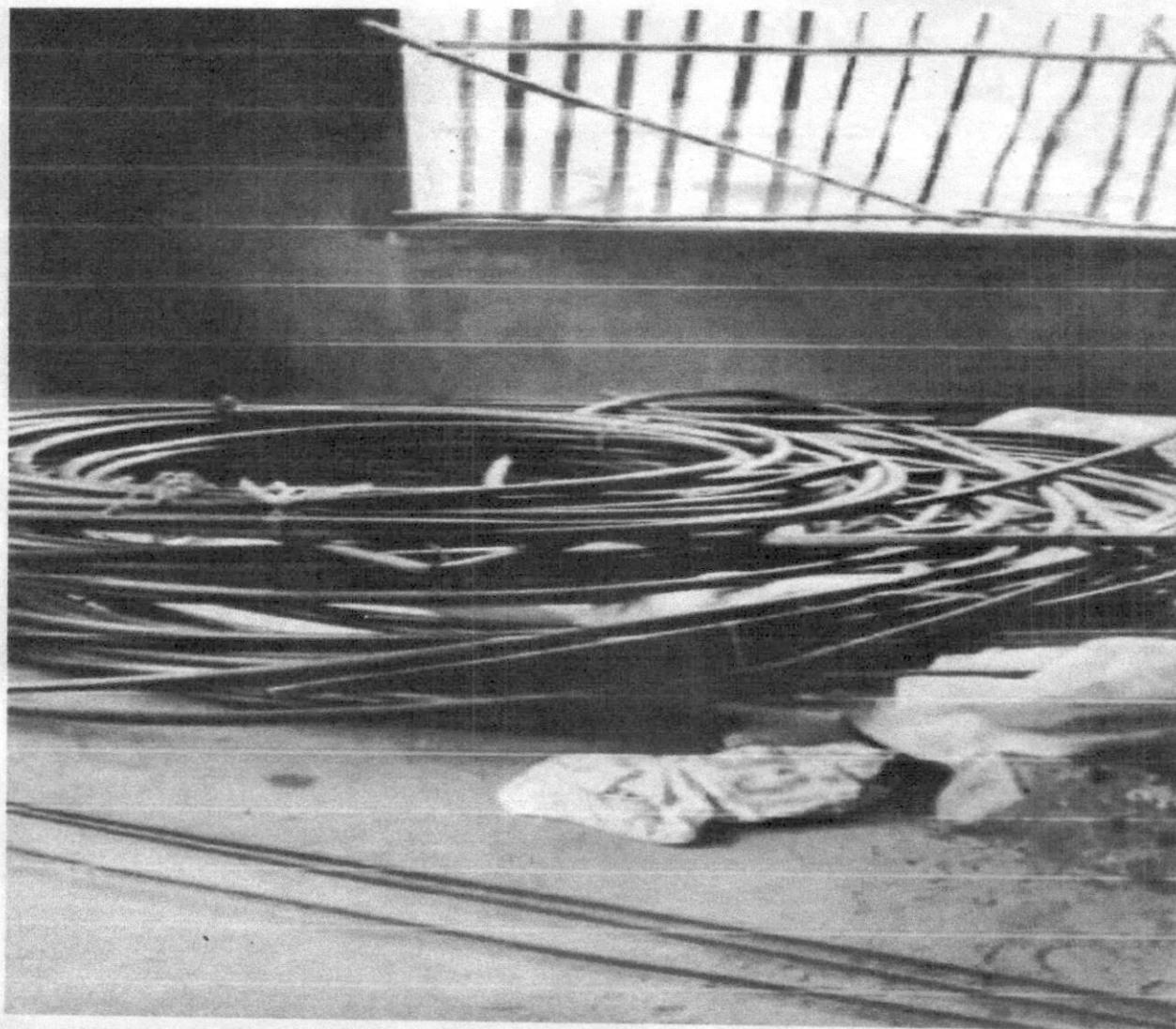
8000



Arrow '3-A'

Barangay Hall - Bagg 6.

4x10m "3-B"



REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN  
Office of the Deputy Ombudsman for Luzon  
3<sup>rd</sup> Floor, Ombudsman Bldg. Agham Road  
Diliman, Quezon City

ANJOE A. PABAYOS

Complainant,

OMB-L-

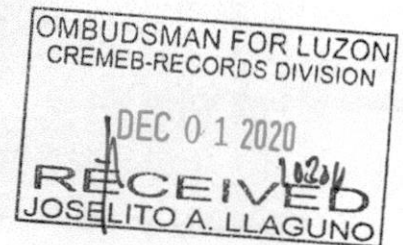
FOR: Malfeasance in Office  
Office

-versus-

MARIA V. CINCO

Respondent,

x-----x



COMPLAINT-AFFIDAVIT

*Anjo*  
*Pabayos*  
We, spouses ANJOE PABAYOS and ROSEMARIE PABAYOS both of legal age, married, Filipino, residents of Sitio Pali, Barangay 6, Coron, Palawan after having been sworn to in accordance with law depose and state that:

1. We the private complainants are bonafide residents of So. Pali, Coron, Palawan as Tax Declarant owner, actual possessor of a parcel of land .
2. That we are home owners at So. Pali and as such need potable water for our family's water consumption to which we sought the permission of their local water source called SALINTUBIG PROJECT which has a Memorandum of Agreement amongst the Municipal Government of Coron, Palawan, represented by Municipal Engineer, Ike D. Parangue as the First Party, Mayo-Barinque Family, the Second Party and the Barangay Government of Barangay 6, Coron, Palawan represented by Punong Barangay Maria V. Cinco the Third Party. We were denied thru a letter instead advising me to locate our sitio's water source and thereafter secure a water permit for the same.
3. That because our sitio has no consistent water source, the only one dries up during summer months, which could be attested thru an Inspection Report with recommendation from DENR dated June 3, 2020 hereto attached and marked as Annex 1, to form an integral part hereof. I sought the help of a co-resident, Mrs. Caabas to look for a water source at Mt. Tundarala, a mountain located at Barangay 6, Coron, Palawan , where we found a water well. That a letter addressed to Punong Barangay Cinco , copy furnished the undersigned for the same recommendation. Photocopy hereto attached and marked as Annex "2" to form an integral part hereof. We also planted some Tabuyong plants in the vicinity to preserve the water. On April 5, 2020 we acquired 27 rolls of plastic hose and connected the hose to the water source.

4. That on April 25, 2020 at around 10:00 o'clock in the morning, We were at Mt. Tundalara securing our hose and the water source, a group of ten persons led by Kagawad Joy Mayo Diaz arrived on the site and approached us. We asked them about their concern on the area. Kagawad Eduardo Perez and Kagawad Joy Mayo Diaz replied that they were ordered by Punong Barangay Maria V. Cinco to removed and detach the hose we connected to the water source. We beg and plead for consideration not to remove the hose thru Kagawad Joy Diaz. Ms. Diaz immediately called up Punong Barangay Cinco thru her cellphone, however "the Punong Barangay said "Tanggapin ninyo lahat ng hose dyan, ora mismo ASAP" and at same time her voice went off and her cellphone. Again, we further beg for reconsideration to Kagawad Joy Diaz despite Kagawad Eduardo Perez suggestion to his companions to give ample time for us to sustain our family's water needs yet it was ECQ due to COVID Pandemic, however, Kagawad Joy Diaz insisted to remove the hose, much to our persistence it was decided we will meet at the office of the Punong Barangay.
5. That on April 28, 2020 at 2:00 to 4:00 P.M. we were summoned by Punong Barangay Maria V. Cinco,. Present was two DENR Forresteres and Engr. Ike Parangue of the Municipal Engineering Office of Coron, Palawan. We were confronted by the Punong Barangay, that we illegally connected our hose at Mt. Tundalara, because we have not ask her permission. We immediately apologized, however. I still believed that the water source at Mt. Tundalara is owned by the government hence the Punong Barangay has no jurisdiction over the water source but the Water Council of the Municipality has and in its absence the DENR-Coron Office may have jurisdiction as to the issuance of necessary permit. However, as the Water Code of the Philippines allows individual residents use of such water source for personal use such as drinking and cooking and ther like, contrary to the clisaim of the Punong Barangay.
6. That from the dates April 28, 2020 and subsequently up to May 30 30, 2020, until June 10, 2020 and June 17, 2020 the Municipal Mayor interceded to reconsider the hose in its position and function due to humane consideration and dire need for water of the undersigned. However this was set aside by the Punong Barangay. However on June 18, 2020, The DENR thru their DMO-IV Office of the CENRO, issued a letter to Punong Barangay Maria Cinco, copy furnished the undersigned, recommending not to remove the pipeline of the undersigned only for ersonal drinking water. Photocopy of DENR Letter hereto attached and marked as Annex 2, to form an integral part hereof.

8. It was on June 30, 2020 that our concern was responded by DENR- Coron, Palawan and we acknowledged to have a meeting at the DENR- Office on two occasions, however the Punong Barangay was no show.
9. That on July 25 2020 our water hose connecting from Mt. Tundarala water source was eventually remove and cut off. Thru the instigation of the Punong Barangay using the assistance of the police her Kagawads and Tanods. Photocopy of Pictures marked as Annexes "3"; "3-A"; "3-B " respectively to form an integral part hereof.
10. That it is clear as stated on the Water Code that water obtained from a water source wherein a resident, uses for his personal needs likewise for his cooking and drinking need not secure a water permit. Water is life itself, our constitution provide and assure every individual of his right to liberty, property and LIFE. In this case water for me is life which the state provide, the same way the Punong Barangay and her cohorts needed to drink and cook throughout their daily lives just as we.
11. That respondent public official deliberately without legal basis refused to discharge the duties of the office of the Punong Barangay that of giving relevant barangay service in this case proper information and hearing and proper coordination with government agencies such as DENR and the like. The reason is that once an individual is elected to an office by the will of the people, the discharge of the duties of said office becomes a matter of duty, not right.
12. As a result of her deliberate refusal to render public service and assistance, and instead ordered the deliberate cutting of the hose of the water need of the complainant and his family without any humane consideration on the water for drinking of the family, and exacerbated by the Pandemic situation, to the great prejudice and detriment of the undersigned.
13. Moreover, respondent public official failed to observe that ethical standard required of public official, that she acted in bad faith and clear defiance to the required standard of personal conduct and in discharge and execution of official duties as mandated under Section 4 par. Republic Act No.6713 otherwise known as Code of Conduct and Ethical Standards for Public Officials.

**WHEREFORE,** it is most respectfully prayed of the Honorable Ombudsman that respondent be penalized for "Malfeasance in Office respectively of the Revised Penal Code, In the same manner, it is most respectfully sought that the Honorable Ombudsman render a decision finding the above-named respondent- public official administratively also liable for grave abuse of authority, Incompetence and conduct unbecoming of a public official as hereto averred.

Other reliefs just and equitable is respectfully prayed for.

**IN WITNESS WHEREOF**, we have hereunto set our hands this 11<sup>th</sup> day of August, 2020 in Coron, Palawan, Philippines.

  
**ANJOE PABAYOS**

Affiant

  
**ROSEMARIE PABAYOS**

Affiant

### **VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING**

We, **Anjoe Pabayos and Rosemarie Pabayos** of legal ages, and residents of So. Pali, Barangay 6. Coron, Palawan under oath declare that:

1. We are the complainants in the above - entitled complaint;
2. We have caused the preparation of the complaint.
3. We have read its contents and the allegations in the complaint are true and correct based on our personal knowledge, or based on authentic documents;
4. The complaint is not filed to harass, cause unnecessary delay, or needlessly increase the cause of litigation;
5. The factual allegations therein have evidentiary support, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
6. That we have not thereto for commenced any action or filed any claim involving the same in any court , tribunal or quasi-judicial agency and to the best of our knowledge no such other action or claim is pending therein;
7. If we should thereafter learn that the same or similar action or claim has been filed or is pending, we shall report that fact within five calendar days therefrom to the office or court wherein said complaint has been filed.

  
**ANJOE PABAYOS**

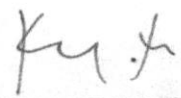
Complainant

  
**ROSEMARIE PABAYOS**

Complainant

SUBSCRIBED AND SWORN to before me this 11 th day of August, 2020 in Coron, Palawan.

DOC. NO: 300  
PAGE NO: 61  
BOOK NO: 05

  
**ATTY. KENNY A. PE**  
NOTARY PUBLIC  
Until December 31, 2020  
Roll No. 72548  
IBP No. 110851 / Jan. 18, 2020  
PTR No. 5514440 / Jan. 06, 2020  
TIN No. 487-526-622



Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
PROVINCE OF Palawan  
Email address: cenro\_coron@yahoo.com

*Annex '1'*  
*May 4, 2020*  
*1345*

# MEMORANDUM

FOR : The OIC, CENR Officer  
FROM : Inspecting Forest Officers  
SUBJECT : INSPECTION REPORT ON THE WATER SOURCE OF ANJOE A. PABAYOS LOCATED AT MOUNT DALARA, POB. 6, CORON, PALAWAN.

DATE : JUNE 3, 2020

This pertains to the letter-request of Mr. Anjoe A. Pabayos dated May 4, 2020 requesting for the inspection for their water source located at Mount Tundarala, Pob. 6, Coron, Palawan.

Please be informed that on May 22, 2020, the team coordinated to the Barangay Captain Hon. Maria Cinco regarding our purpose. According to her Mr. Anjoe A. Pabayos violated a Memorandum of Agreement between the Barangay LGU and the Municipality of Coron so that the Barangay LGU plans to remove the hose of Mr. Pabayos from his source water at Mount Tundarala. Our continuous conversation to Hon. Cinco the copy of MOA will furnished this Office unfortunately as of this date no communication received by this Office.

The team proceeded in the area (Mount Tundarala) and found out that the water source of Mr. Pabayos. Mr. Pabayos put boulders and use clay in between the boulders serves as cement to hold water and put hose. The team found out also that the water source of Mr. Pabayos is very minimal source of water. According to his wife of Mr. Pabayos who guide the team during inspection, according to her they have only lot of water during rainy season.

On our way back to our Office we observed that in down streams of water source Mr. Pabayos, the team observed that there is no sign of water and about 1 kilometer ahead the team observed that there is water sources and has several hose connecting in the water sources area. According to the residents the alleged owners are from Sitio Pali, of the said Barangay.

## Recommendation

For human consideration, the team recommends for not removing his hose from Tundarala (Water source) of Mr. Pabayos. However, upon completion of the water system project of DILG in the area, all illegal or no NWRB permits will remove and tap to proposed water system upon operational.

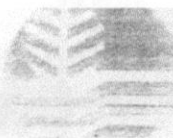
*Jeody I. CAC*  
JEODY I. CAC  
F-II

*Robinson G. Quintana*  
ROBIN G. QUINTANA  
F-II

*Red: now 2. Alvarez*  
NORA Q. ALVAREZ  
Barangay Treasurer  
06/15/2020

*Engineering Office*  
06/24/2020

**RECEIVED**  
OFFICE OF THE MAYOR  
Received by: *[Signature]*  
Date: *6-19-2020*



Armay 11 2

June 18, 2020

**Hon. Maria Cinco**  
**Barangay Captain**  
**Brgy. Poblacion 6, Coron, Palawan**

Dear Capt. Cinco,

Warm greetings from CENRO Coron !!

This is to acknowledge receipt of the copy of the MOA which we requested together with two Certifications and pictures.

Please be informed that on May 22, 2020 two of our Foresters coordinated with your office before they proceeded to conduct inspection/verification upon request of Mr. Anjoe Pabayos. Inspection and verification disclosed that the water source where Mr. Pabayos connected is only droplets from surface water wherein they put a small catchment on boulders which serves as basin of about 35-40 cm. in diameter to catch the water droplets from the wall of stones, where they attached a hose at their own expense of about two (2) kilometers long from the source going to their house for domestic use only. Accordingly, it is only during rainy season that the water source flows from the rocks.

According to the inspection team, the water tank which was constructed in the area is abandoned and not in use, instead there are several pipes downstream connected to a very good waters source (Sitio Pali) compared to the water source of Mr. Pabayos which is about one (1) kilometer away (Tundarala Water Source).

If ever the alleged water permit issued to the Local Government Unit of Coron includes that source where Mr. Pabayos is connected, only the National Water Resources Board can decide on the issue. Meanwhile for human consideration it is recommended by the team not to remove the pipeline of Mr. Pabayos which is used only for personal drinking water. However, in fairness to all residents, upon completion of the water system project of the DILG in the area, Mr. Pabayos is willing to be connected to the government water system project and pay the necessary water bills.

We will forward this issue to the National Water Resources Board which is vested by law as the national regulating and coordinating agency on water resources management and development mandated to implement the Water Code of the Philippines.

Hoping for your consideration on the matter.

Very truly yours,

For and in the absence of  
The CENR Officer:

  
**PEDRO A. VELASCO**

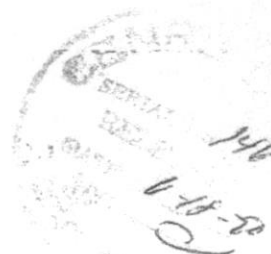
DMO IV, In-Charge, Office of the CENRO

/jppq\*

Copy Furnished:

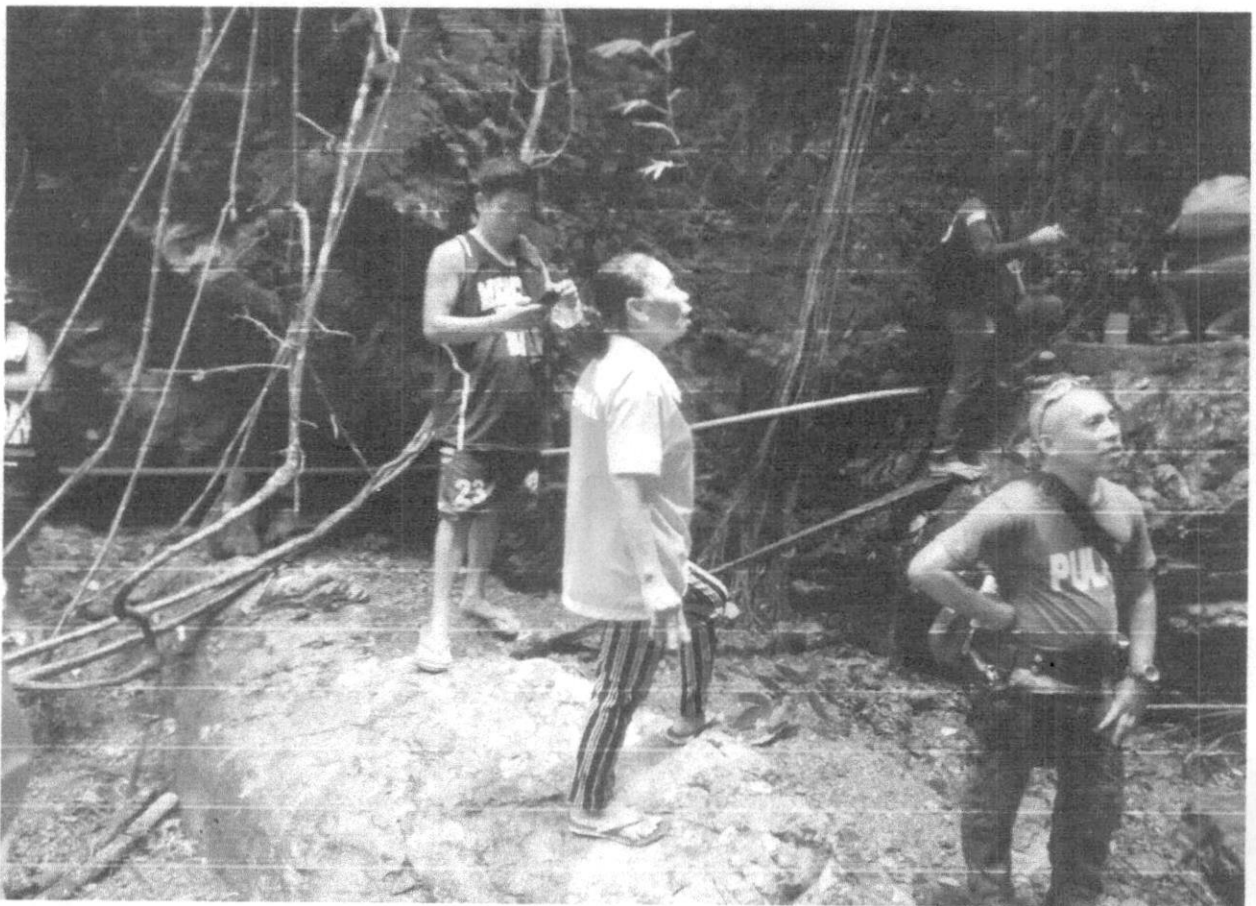
*The Municipal Mayor*  
*Coron, Palawan*

*The Municipal Engineer*  
*Coron, Palawan*



Annex '3'

Taken at Mt. Tudalara on July 25, 2020

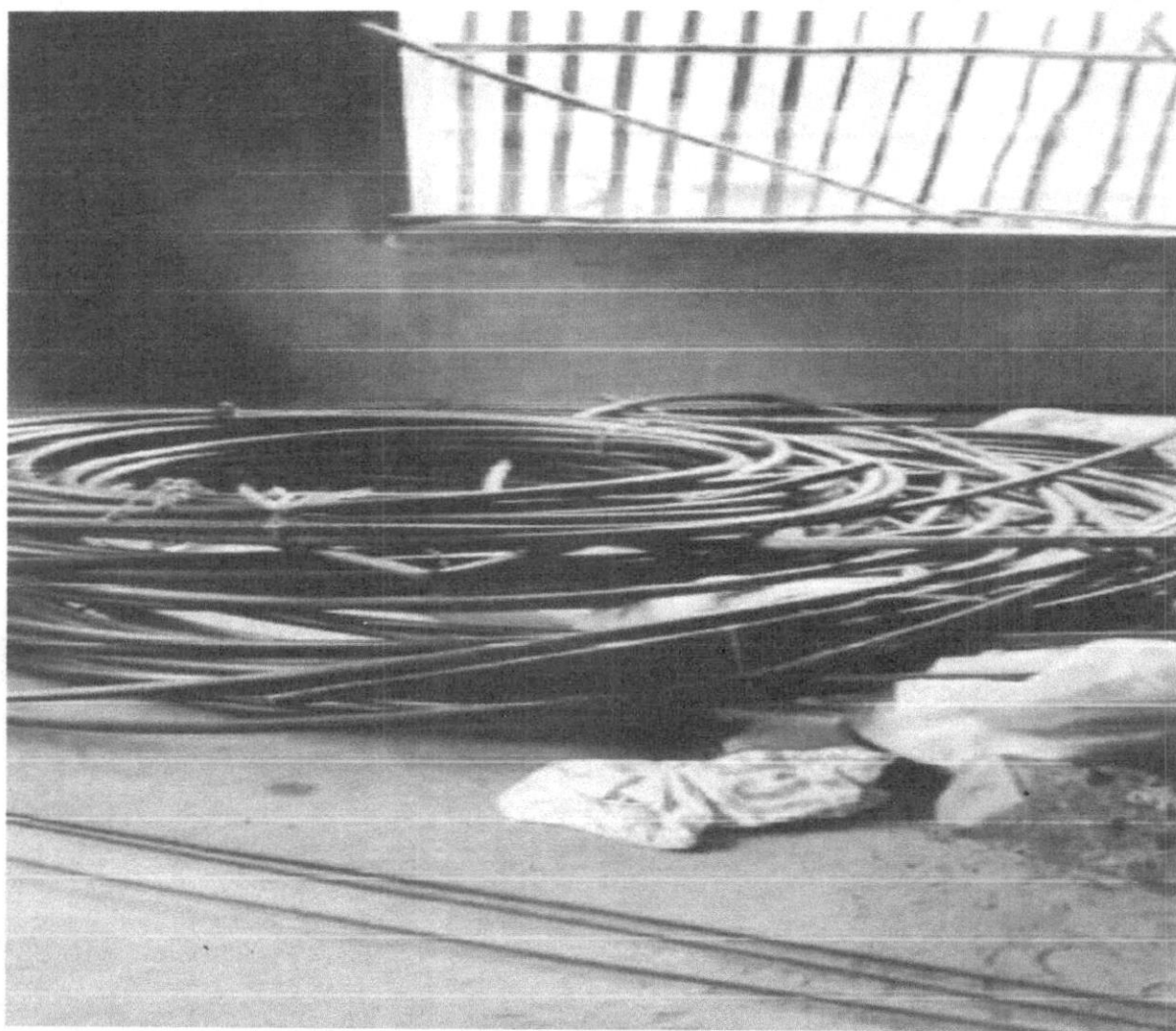


Ameg '3-A'



Bongoy Hall - Bagg 6.

Exhib "B" 15



REPUBLIC OF THE PHILIPPINES  
OFFICE OF THE OMBUDSMAN  
Office of the Deputy Ombudsman for Luzon  
3<sup>rd</sup> Floor, Ombudsman Bldg. Agham Road  
Diliman, Quezon City

ANJOE A. PABAYOS

Complainant,

OMB-L-

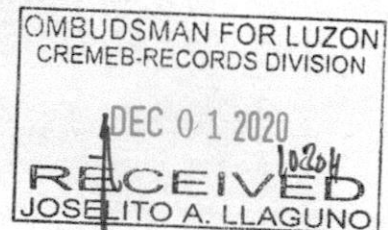
FOR: Malfeasance in Office  
Office

-versus-

MARIA V. CINCO

Respondent,

x-----x



COMPLAINT-AFFIDAVIT

*Anjo*

We, spouses ANJOE PABAYOS and ROSEMARIE PABAYOS both of legal age, married, Filipino, residents of Sitio Pali, Barangay 6, Coron, Palawan after having been sworn to in accordance with law depose and state that:

- Pabayos*
1. We the private complainants are bonafide residents of So. Pali, Coron, Palawan as Tax Declarant owner, actual possessor of a parcel of land .
  2. That we are home owners at So. Pali and as such need potable water for our family's water consumption to which we sought the permission of their local water source called SALINTUBIG PROJECT which has a Memorandum of Agreement amongst the Municipal Government of Coron, Palawan, represented by Municipal Engineer, Ike D. Parangue as the First Party, Mayo-Barinque Family, the Second Party and the Barangay Government of Barangay 6, Coron, Palawan represented by Punong Barangay Maria V. Cinco the Third Party. We were denied thru a letter instead advising me to locate our sitio's water source and thereafter secure a water permit for the same.
  3. That because our sitio has no consistent water source, the only one dries up during summer months, which could be attested thru an Inspection Report with recommendation from DENR dated June 3, 2020 hereto attached and marked as Annex 1, to form an integral part hereof. I sought the help of a co-resident, Mrs. Caabas to look for a water source at Mt. Tundarala, a mountain located at Barangay 6, Coron, Palawan , where we found a water well. That a letter addressed to Punong Barangay Cinco , copy furnished the undersigned for the same recommendation. Photocopy hereto attached and marked as Annex "2" to form an integral part hereof. We also planted some Tabuyong plants in the vicinity to preserve the water. On April 5, 2020 we acquired 27 rolls of plastic hose and connected the hose to the water source.

4. That on April 25, 2020 at around 10:00 o'clock in the morning, We were at Mt. Tundalara securing our hose and the water source, a group of ten persons led by Kagawad Joy Mayo Diaz arrived on the site and approached us. We asked them about their concern on the area. Kagawad Eduardo Perez and Kagawad Joy Mayo Diaz replied that they were ordered by Punong Barangay Maria V. Cinco to removed and detach the hose we connected to the water source. We beg and plead for consideration not to remove the hose thru Kagawad Joy Diaz. Ms. Diaz immediately called up Punong Barangay Cinco thru her cellphone, however "the Punong Barangay said "Tanggalin ninyo lahat ng hose dyan, ora mismo ASAP" and at same time her voice went off and her cellphone. Again, we further beg for reconsideration to Kagawad Joy Diaz despite Kagawad Eduardo Perez suggestion to his companions to give ample time for us to sustain our family's water needs yet it was ECQ due to COVID Pandemic, however, Kagawad Joy Diaz insisted to remove the hose, much to our persistence it was decided we will meet at the office of the Punong Barangay.
5. That on April 28, 2020 at 2:00 to 4:00 P.M. we were summoned by Punong Barangay Maria V. Cinco,. Present was two DENR Forresters and Engr. Ike Parangue of the Municipal Engineering Office of Coron, Palawan. We were confronted by the Punong Barangay, that we illegally connected our hose at Mt. Tundalara, because we have not ask her permission. We immediately apologized, however. I still believed that the water source at Mt. Tundalara is owned by the government hence the Punong Barangay has no jurisdiction over the water source but the Water Council of the Municipality has and in its absence the DENR-Coron Office may have jurisdiction as to the issuance of necessary permit. However, as the Water Code of the Philippines allows individual residents use of such water source for personal use such as drinking and cooking and ther like, contrary to the clsaime of the Punong Barangay.
6. That from the dates April 28, 2020 and subsequently up to May 30 30, 2020, until June 10, 2020 and June 17, 2020 the Municipal Mayor interceded to reconsider the hose in its position and function due to humane consideration and dire need for water of the undersigned. However this was set aside by the Punong Barangay. However on June 18, 2020, The DENR thru their DMO-IV Office of the CENRO, issued a letter to Punong Barangay Maria Cinco, copy furnished the undersigned, recommending not to remove the pipeline of the undersigned only for ersonal drinking water. Photocopy of DENR Letter hereto attached and marked as Annex 2, to form an integral part hereof.

8. It was on June 30, 2020 that our concern was responded by DENR- Coron, Palawan and we acknowledged to have a meeting at the DENR- Office on two occasions, however the Punong Barangay was no show.
9. That on July 25 2020 our water hose connecting from Mt. Tundarala water source was eventually remove and cut off. Thru the instigation of the Punong Barangay using the assistance of the police her Kagawads and Tanods. Photocopy of Pictures marked as Annexes "3"; "3-A"; "3-B " respectively to form an integral part hereof.
10. That it is clear as stated on the Water Code that water obtained from a water source wherein a resident, uses for his personal needs likewise for his cooking and drinking need not secure a water permit. Water is life itself, our constitution provide and assure every individual of his right to liberty, property and LIFE. In this case water for me is life which the state provide, the same way the Punong Barangay and her cohorts needed to drink and cook throughout their daily lives just as we.
11. That respondent public official deliberately without legal basis refused to discharge the duties of the office of the Punong Barangay that of giving relevant barangay service in this case proper information and hearing and proper coordination with government agencies such as DENR and the like. The reason is that once an individual is elected to an office by the will of the people, the discharge of the duties of said office becomes a matter of duty, not right.
12. As a result of her deliberate refusal to render public service and assistance, and instead ordered the deliberate cutting of the hose of the water need of the complainant and his family without any humane consideration on the water for drinking of the family, and exacerbated by the Pandemic situation, to the great prejudice and detriment of the undersigned.
13. Moreover, respondent public official failed to observe that ethical standard required of public official, that she acted in bad faith and clear defiance to the required standard of personal conduct and in discharge and execution of official duties as mandated under Section 4 par. Republic Act No.6713 otherwise known as Code of Conduct and Ethical Standards for Public Officials.

**WHEREFORE,** it is most respectfully prayed of the Honorable Ombudsman that respondent be penalized for "Malfeasance in Office respectively of the Revised Penal Code, In the same manner, it is most respectfully sought that the Honorable Ombudsman render a decision finding the above-named respondent- public official administratively also liable for grave abuse of authority, Incompetence and conduct unbecoming of a public official as hereto averred.

Other reliefs just and equitable is respectfully prayed for.

IN WITNESS WHEREOF, we have hereunto set our hands this 11<sup>th</sup> day of August, 2020 in Coron, Palawan, Philippines.

  
ANJOE PABAYOS

Affiant

  
ROSEMARIE PABAYOS

Affiant

### VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING

We, Anjoe Pabayos and Rosemarie Pabayos of legal ages, and residents of So. Pali, Barangay 6. Coron, Palawan under oath declare that:

1. We are the complainants in the above - entitled complaint;
2. We have caused the preparation of the complaint.
3. We have read its contents and the allegations in the complaint are true and correct based on our personal knowledge, or based on authentic documents;
4. The complaint is not filed to harass, cause unnecessary delay, or needlessly increase the cause of litigation;
5. The factual allegations therein have evidentiary support, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
6. That we have not thereto for commenced any action or filed any claim involving the same in any court, tribunal or quasi-judicial agency and to the best of our knowledge no such other action or claim is pending therein;
7. If we should thereafter learn that the same or similar action or claim has been filed or is pending, we shall report that fact within five calendar days therefrom to the office or court wherein said complaint has been filed.

  
ANJOE PABAYOS

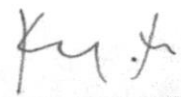
Complainant

  
ROSEMARIE PABAYOS

Complainant

SUBSCRIBED AND SWORN to before me this 11<sup>th</sup> day of August, 2020 in Coron, Palawan.

DOC. NO: 300  
PAGE NO: 61  
BOOK NO: 05

  
ATTY. KENNY A. PE  
NOTARY PUBLIC  
Until December 31, 2020  
Roll No. 72548  
IBP No. 110851 / Jan. 18, 2020  
PTR No. 5514440 / Jan. 06, 2020  
TIN No. 487-526-622



Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
PROVINCE OF Palawan  
Email address: cenro\_coron@yahoo.com

Annex '1'  
May 2020  
1345

## MEMORANDUM

FOR : The OIC, CENR Officer  
FROM : Inspecting Forest Officers  
SUBJECT : INSPECTION REPORT ON THE WATER SOURCE OF ANJOE A. PABAYOS LOCATED AT MOUNT DALARA, POB. 6, CORON, PALAWAN.

DATE : JUNE 3, 2020

This pertains to the letter-request of Mr. Anjoe A. Pabayos dated May 4, 2020 requesting for the inspection for their water source located at Mount Tundarala, Pob. 6, Coron, Palawan.

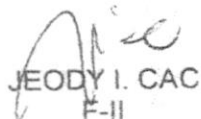
Please be informed that on May 22, 2020, the team coordinated to the Barangay Captain Hon. Maria Cinco regarding our purpose. According to her Mr. Anjoe A. Pabayos violated a Memorandum of Agreement between the Barangay LGU and the Municipality of Coron so that the Barangay LGU plans to remove the hose of Mr. Pabayos from his source water at Mount Tundarala. Our continuous conversation to Hon. Cinco the copy of MOA will furnished this Office unfortunately as of this date no communication received by this Office.

The team proceeded in the area (Mount Tundarala) and found out that the water source of Mr. Pabayos. Mr. Pabayos put boulders and use clay in between the boulders serves as cement to hold water and put hose. The team found out also that the water source of Mr. Pabayos is very minimal source of water. According to his wife of Mr. Pabayos who guide the team during inspection, according to her they have only lot of water during rainy season.

On our way back to our Office we observed that in down streams of water source Mr. Pabayos, the team observed that there is no sign of water and about 1 kilometer ahead the team observed that there is water sources and has several hose connecting in the water sources area. According to the residents the alleged owners are from Sitio Pali, of the said Barangay.


### Recommendation

For human consideration, the team recommends for not removing his hose from Tundarala (Water source) of Mr. Pabayos. However, upon completion of the water system project of DILG in the area, all illegal or no NWRB permits will remove and tap to proposed water system upon operational.

  
JEODY I. CAC  
F-II

  
ROBIN G. QUINTANA  
F-II

Red: now 2. Alvarez  
NORA Q. ALVAREZ  
Barangay Treasurer  
06/18/2020  
Engineering Office  
06/24/2020

**RECEIVED**  
OFFICE OF THE MAYOR  
Received by:   
Date: 6-19-2020



Amey 11 2

June 18, 2020

**Hon. Maria Cinco**  
**Barangay Captain**  
**Brgy. Poblacion 6, Coron, Palawan**

Dear Capt. Cinco,

Warm greetings from CENRO Coron !!

This is to acknowledge receipt of the copy of the MOA which we requested together with two Certifications and pictures.

Please be informed that on May 22, 2020 two of our Foresters coordinated with your office before they proceeded to conduct inspection/verification upon request of Mr. Anjoe Pabayos. Inspection and verification disclosed that the water source where Mr. Pabayos connected is only droplets from surface water wherein they put a small catchment on boulders which serves as basin of about 35-40 cm. in diameter to catch the water droplets from the wall of stones, where they attached a hose at their own expense of about two (2) kilometers long from the source going to their house for domestic use only. Accordingly, it is only during rainy season that the water source flows from the rocks.

According to the inspection team, the water tank which was constructed in the area is abandoned and not in use, instead there are several pipes downstream connected to a very good waters source (Sitio Pali) compared to the water source of Mr. Pabayos which is about one (1) kilometer away (Tundarala Water Source).

If ever the alleged water permit issued to the Local Government Unit of Coron includes that source where Mr. Pabayos is connected, only the National Water Resources Board can decide on the issue. Meanwhile for human consideration it is recommended by the team not to remove the pipeline of Mr. Pabayos which is used only for personal drinking water. However, in fairness to all residents, upon completion of the water system project of the DILG in the area, Mr. Pabayos is willing to be connected to the government water system project and pay the necessary water bills.

We will forward this issue to the National Water Resources Board which is vested by law as the national regulating and coordinating agency on water resources management and development mandated to implement the Water Code of the Philippines.

Hoping for your consideration on the matter.

Very truly yours,

For and in the absence of  
The CENR Officer:

  
**PEDRO A. VELASCO**

DMO IV, In-Charge, Office of the CENRO  
/jppq\*

Copy Furnished:

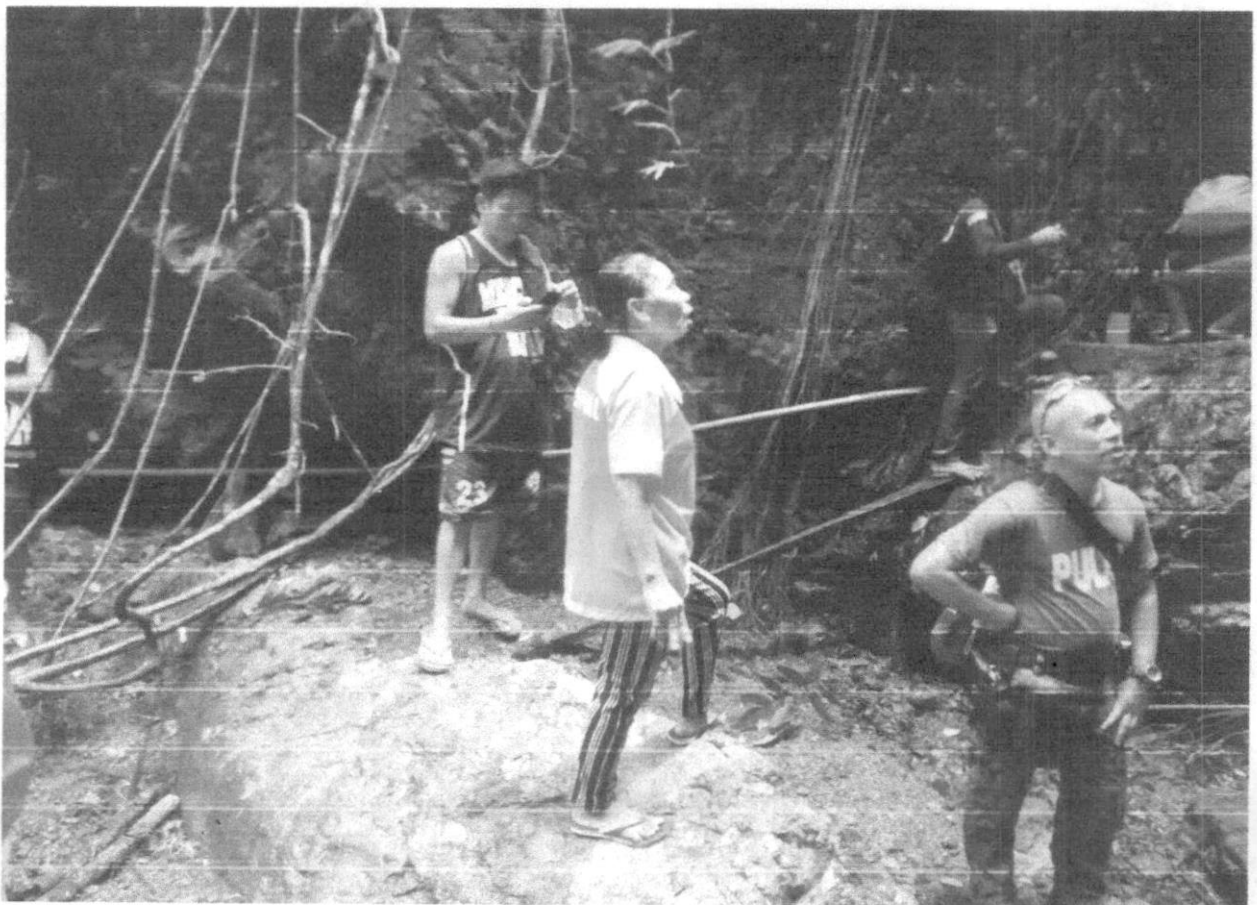
*The Municipal Mayor*  
*Coron, Palawan*

*The Manicipal Engineer*  
*Coron, Palawan*



Annex '3'

Taken at Mt. Tudalara on July 25, 2020



Ameg '3-A'



Barrington Hall - Buggy 6.

Amey 3-B"

