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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
OFFICE OF THE PROVINCIAL PROSECUTOR
Puerto Princesa City
Province of Palawan

PEOPLE OF THE PHILIPPINES, NPS Docket No. IV-08-INV-22E-0058
Complainant,

-versus-

Criminal Case No._____
For: **Violation of Section 69 of Presidential Decree 705 (Revised Forestry Code of the Philippines, and re-numbered as Section 78 through Republic Act 7161)**

RICARDO CANALES, MARIA LISA CANALES, ANABEL PILAPIL, GABRIEL HERMEDA, FREDDIE D. AREVALO, SAMUEL PARELIA, RUBEN T. LALAGUNA, CRISTITUTO M. WITE, IMELDA C. AGUIRRE, ARNOLD TIU, EDISON N. LUMITAO, DESIREE L. ZARAGOSA, ROMEO DURAN, REYNALDO F. BORINAGA, ALLAN V. AVANCEÑA, QUIOLINDA BAGUIO, QUEENNY BOBBES, BELINDA R. GABUCO, JERICK V. SULAD, JEROL SULAD, ROSALINDA SULAD, ARNOLD B. AVANCEÑA, LARVE RAMOS, REYNALDO DOCE, RODELIO DOCE, ROMELYN G. YARA, JOSELITO S. ARONG, NESTOR O. RAMOS, ELENITA RAMOS, ANGELITO D. TANILON, ERME B. RUADO, JAYVAY N. RUADO, ANA FE RAMOS, JACKY RUADO,

NIEVES CAMITOS, JUNICK B. SABUERO, VIRGIE VALDEZ, CHARITY SULAD, AMADO R. NEGRIDO, RICO A. LAUDATO,
Respondents.

COMPLAINT-AFFIDAVIT

I, JO-ANN BERONILLA ACHURRA, of legal age, Filipino, married, and with address in Port Barton, San Vicente, Palawan, after being sworn in accordance with law, hereby depose and state: ***THAT*** –

THE PARTIES

1. I am the lawful and the rightful occupant, possessor, protector, rehabilitator, developer, and manager of a **Social Forestry Area/CBFM Area on a portion of a forest land** situated in Sitio Logpond, Barangay Port Barton, Municipality of San Vicente, Province of Palawan, containing an area of three (3) hectares, more or less (herein referred to as **"THE SUBJECT LOT"**).

1.1. I may be served with subpoenas, writs and other processes of this Honorable Office at my address in Port Barton, San Vicente, Palawan.

2. Respondents, composed of about forty (40) households, more or less (herein collectively referred to as **"THE RESPONDENTS"**), are unlawful occupants of portions of the subject lot since 2009, and are continuously unlawfully occupying said portions thereof up to present.

2.1. Individually, Respondents are known to me as follows:

2.1.1. **RICARDO CANALES;**
2.1.2. **MARIA LISA CANALES;**
2.1.3. **ANABEL PILAPIL;**
2.1.4. **GABRIEL HERMEDA;**
2.1.5. **FREDDIE D. AREVALO;**
2.1.6. **SAMUEL PARELIA;**

2.1.7. **RUBEN T. LALAGUNA;**
2.1.8. **CRISTITUTO M. WITE;**
2.1.9. **IMELDA C. AGUIRRE;**
2.1.10. **ARNOLD TIU;**
2.1.11. **EDISON N. LUMITAO;**
2.1.12. **DESIREE L. ZARAGOSA;**
2.1.13. **ROMEO DURAN;**
2.1.14. **REYNALDO F. BORINAGA;**
2.1.15. **ALLAN V. AVANCEÑA;**
2.1.16. **QUIOLINDA BAGUIO;**
2.1.17. **QUEENNY BOBBES;**
2.1.18. **BELINDA R. GABUCO;**
2.1.19. **JERICK V. SULAD;**
2.1.20. **JEROL SULAD;**
2.1.21. **ROSALINDA SULAD;**
2.1.22. **ARNOLD B. AVANCEÑA;**
2.1.23. **LARVE RAMOS;**
2.1.24. **REYNALDO DOCE;**
2.1.25. **RODELIO DOCE;**
2.1.26. **ROMELYN G. YARA;**
2.1.27. **JOSELITO S. ARONG;**
2.1.28. **NESTOR O. RAMOS;**
2.1.29. **ELENITA RAMOS;**
2.1.30. **ANGELITO D. TANILON;**
2.1.31. **ERME B. RUADO;**
2.1.32. **JAYVAY N. RUADO;**
2.1.33. **ANA FE RAMOS;**
2.1.34. **JACKY RUADO;**
2.1.35. **NIEVES CAMITOS;**
2.1.36. **JUNICK B. SABUERO;**
2.1.37. **VIRGIE VALDEZ;**
2.1.38. **CHARITY SULAD;**
2.1.39. **AMADO R. NEGRIDO; and,**
2.1.40. **RICO A. LAUDATO**

2.2. Respondents are known to me to be of legal age, Filipino, and with known address within the subject lot in Port Barton, San Vicente, Palawan.

2.3. Respondents are all named and included in the list provided for by the Department of Environment and Natural Resources (DENR) in the Certification it issued stating that Respondents are in possession and in actual occupation of portions of the subject lot until today.

2.3.1. A copy of the Certification dated 12 November 2021 issued by the DENR is attached herein and made integral part hereof as **Annex "A"**.

2.3.1.1. The List of Individuals that are in possession and actual occupation of portions of the subject lot, as attached to the said Certification dated 12 November 2021 issued by the DENR, is marked herein as **Annex "A-1"**.

2.4. Respondents may be served with subpoenas, notices, and other processes of this Honorable Office in their above-stated known address.

NATURE OF THE CRIMINAL COMPLAINT

3. This is a criminal complaint for the crime described as follows:

3.1. For violation of Section 69 of Presidential Decree (P.D.) 705[1], otherwise known as "The Revised Forestry Code of the Philippines", and re-numbered as Section 78 through Republic Act (R.A.) 7161[2], for the unlawful entry and occupation by the Respondents on the subject lot, and their unlawful possession of portions thereof.

BRIEF STATEMENT OF FACTS

4. On 05 March 1984, my late grandfather, **MAXIMINO BERONILLA**, was awarded by the DENR with a **Certificate of Stewardship Contract (CSC)** with **Certificate of Stewardship (CS)**

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[1] REVISING PRESIDENTIAL DECREE NO. 389, OTHERWISE KNOWN AS THE FORESTRY REFORM CODE OF THE PHILIPPINES.

[2] AN ACT INCORPORATING CERTAIN SECTIONS OF THE NATIONAL INTERNAL REVENUE CODE OF 1977, AS AMENDED, TO PRESIDENTIAL DECREE NO. 705, AS AMENDED, OTHERWISE KNOWN AS "THE REVISED FORESTRY CODE OF THE PHILIPPINES," AND PROVIDING AMENDMENTS THERETO BY INCREASING THE FOREST CHARGES ON TIMBER AND OTHER FOREST PRODUCTS.

No. 042502113, granting him the right to occupy, possess, protect, rehabilitate, develop, and manage the subject lot.

4.1. The subject lot is identified as CSC No. 042502113, identical to Lot 5012, Cad-860-D, San Vicente Cadastre.

4.2. A copy of CSC No. 042502113 issued by the DENR is attached herein and made integral part hereof as **Annex "B"**.

4.3. A copy of the Sketch Map Showing The Relocated CSC No. 042502113 Area of Maximino Beronilla issued by the DENR is attached herein and made integral part hereof as **Annex "C"**.

4.4. A copy of the Map of Area Covered by Certificate of Stewardship No. 042502113 of Maximino Beronilla issued by the DENR is attached herein and made integral part hereof as **Annex "D"**.

4.5. A copy of the Certification dated 15 May 2018 issued by the DENR, which states that Maximino Beronilla was the previous CSC grantee, is attached herein and made integral part hereof as **Annex "E"**.

5. On 14 November 2003, being the qualified heir/successor of the CSC, I assumed the duties and responsibilities which were entrusted to Maximino Beronilla under the said CSC.

5.1. A copy of CSC No. 042502113 issued by the DENR already attached as **Annex "B"** hereof.

5.1.1. The annotation at the back of said CSC No. 042502113 is marked herein as **Annex "B-1"**.

5.2. A copy of Certification dated 15 May 2018 issued by the DENR, which also states that I am the grantee of CSC No. 042502113, is already attached as **Annex "E"** hereof.

5.3. A copy of the Certification dated 05 September 2018 issued by the Office of the Barangay of

Port Barton, San Vicente, Palawan is attached herein and made integral part hereof as **Annex "F"**

5.4. A copy of the Verification Plan of CSC No. 042502113 identified as CSC No. 042502113, identical to Lot 5012, Cad-860-D, San Vicente Cadastre is attached herein and made integral part hereof as **Annex "G"**.

6. As the present forest land steward of the subject lot, I was granted by the DENR with the following rights:

6.1. The right to peaceful possession, cultivation, and enjoyment of my forest landholding and the fruits thereof;

6.2. The right to manage and work on the forest landholding in accordance with appropriate forest farm methods and practices, and;

6.3. Such other rights as may be granted or provided by law, decrees, letters of instruction, orders, and regulations.

6.4. A copy of CSC No. 042502113 issued by the DENR, which specifically provides the foregoing rights granted to me, is already attached as **Annex "B"** hereof.

7. Sometime in 2009, it was made known to our family that, without our knowledge and consent, and **without any authority under license or permit from the DENR**, the **Respondents unlawfully entered, occupied, and possessed portions of forest land within the subject lot**, all to my and the Philippine Government's prejudice and damage.

7.1. Over the years, it was made known to our family that:

(a) A total of about eighteen (18) households have unlawfully entered and occupied portions of the subject lot by 2013;

(b) A total of about thirty (30) households have unlawfully entered and

occupied portions of the subject lot by 2017; and,

(c) Presently, a total of about forty (40) households have unlawfully entered and are continuously unlawfully occupying portions of the subject lot.

7.2. A copy of the Certification dated 12 November 2021 issued by the DENR, which states that Respondents are in possession and in actual occupation of portions of the subject lot until today, is already attached as **Annex "A"** hereof.

7.2.1. The List of Individuals that are in possession and actual occupation of portions of the subject lot, as attached to the said Certification dated 12 November 2021 issued by the DENR, is already marked as **Annex "A-1"** hereof.

7.3. A copy of the Certifications issued by the DENR, which show photographs of Respondents' actual possession and occupation of portions of the subject lot until today, are attached herein and made integral parts hereof as **Annex "H"** and **Annex "H-1"**, respectively.

7.3.1. The Photographs of Respondents' illegally constructed houses and fixtures, respectively, over the subject lot, manifesting their possession and actual occupation thereof until today, as shown in the said Certifications issued by the DENR, are marked as **Annex "H-2" to Annex "H-9"**, respectively, hereof.

7.4. A copy of the Memorandum dated 06 April 2021 issued by the DENR stating that the subject lot is occupied by illegal settlers is attached herein and made integral part hereof as **Annex "I"**.

7.5. A copy of the Verification Plan of CSC No. 042502113 identified as CSC No. 042502113, identical to Lot 5012, Cad-860-D, San Vicente Cadastre, which also shows the actual areas of the portions of the subject lot

being possessed and occupied by the Respondents, is already attached as **Annex "G"**, hereof.

7.5.1. The actual areas of the portions of the subject lot being possessed and occupied by the Respondents, as shown in the said Verification Plan of CSC No. 042502113, are marked as **Annex "G-1"** and **Annex "G-2"**, respectively, hereof.

8. Since 2009 up to the present, we repeatedly demanded from the Respondents that they **VACATE** the portions of the subject lot they are respectively occupying, BUT TO NO AVAIL.

9. As a matter of fact, we sought the help of the Barangay Government of Port Barton for any assistance it might provide in resolving the conflict between me and the Respondents.

9.1. A copy of my Letter addressed to the Barangay Government of Port Barton is attached herein and made integral part hereof as **Annex "J"**.

9.2. A copy of the Letter dated 27 January 2017 by our caretaker, Mr. Edmundo S. Ponteras, is attached herein and made integral part hereof as **Annex "K"**.

10. Thus, over the years, several meetings, conferences, and/or mediations between me and the Respondents were facilitated by the Barangay Government of Port Barton.

10.1. A copy of the Letter dated 01 August 2013 of the Barangay Government of Port Barton is attached herein and made integral part hereof as **Annex "L"**.

10.2. A copy of the Summons dated 02 August 2013 issued by the Barangay Government of Port Barton is attached herein and made integral part hereof as **Annex "M"**.

10.3. A copy of the Notice of Hearing dated 05 August 2013 issued by the Barangay Government of Port Barton is attached herein and made integral part hereof as **Annex "N"**.

10.4. A copy of the Letter dated 24 March 2015 issued by the Barangay Government of Port Barton is attached herein and made integral part hereof as **Annex "O"**.

10.5. A copy of the Letter dated 25 January 2017 issued by the Barangay Government of Port Barton is attached herein and made integral part hereof as **Annex "P"**.

11. Due to the failure, however, to reach an amicable settlement between me and the Respondents, the Barangay Government of Port Barton issued Certificates to File Action.

11.1. A copy of the Certification To File Action dated 07 August 2017 issued by the Barangay Government of Port Barton is attached herein and made integral part hereof as **Annex "Q"**.

11.2. A copy of the Certificate To File Action dated 30 January 2017 issued by the Barangay Government of Port Barton is attached herein and made integral part hereof as **Annex "R"**.

12. To legitimize my lawful, legal, and hereditary rights and interest over the subject lot, I executed an Affidavit of Self-Adjudication to that effect.

12.1. A copy of the Sole Affidavit of Inheritance and Self Adjudication dated 26 February 2014 executed by me is attached herein and made integral part hereof as **Annex "S"**.

13. To verify my claims and allegations herein, and to support my lawful, legal, and hereditary rights and interest over the subject lot, our caretaker, Mr. Enrique Ponteras, executed a Sworn Affidavit to that effect.

13.1. A copy of the Sworn Statement dated 05 August 2016 executed by Mr. Enrique Ponteras is attached herein and made integral part hereof as **Annex "T"**.

14. In our continued efforts to assert and protect my rights and interest over the subject lot, we also sought the intercession of the DENR itself for any assistance it might provide and/or any appropriate action it might perform in resolving the conflict between me and the Respondents.

14.1. A copy of my Letter dated 15 February 2009 addressed to the DENR is attached herein and made integral part hereof as **Annex "U"**.

14.2. A copy of my Letter dated 17 March 2010 addressed to the DENR is attached herein and made integral part hereof as **Annex "V"**.

14.3. A copy of the Letter dated 13 January 2011 of Mr. Edmundo S. Ponteras addressed to the DENR is attached herein and made integral part hereof as **Annex "W"**.

14.4. A copy of my Letter dated 28 June 2012 addressed to the DENR is attached herein and made integral part hereof as **Annex "X"**.

14.5. A copy of my Letter dated 12 December 2014 addressed to the DENR is attached herein and made integral part hereof as **Annex "Y"**.

15. Significantly, it must be pointed out that the DENR itself has conducted extensive investigations in relation to the conflict between me and the Respondents.

16. Consequently, and it must be highly stressed at this point, the DENR's Official Reports and/or Issuances relative to the extensive investigations it conducted **all clearly conveyed that the Respondents unlawfully entered and occupied portions of the subject lot**.

16.1. A copy of the Memorandum dated 19 May 2014 issued by the DENR with the subject "INSPECTION / VERIFICATION REPORT OVER A PARCEL OF THE TIMBERLAND COVERED BY CERTIFICATE OF STEWARDSHIP (CSC) NO. 042502113 ISSUED TO

LATE (sic) MAXIMO (sic) BERONILLA LOCATED AT BGY (sic) PORT BARTON, SAN VICENTE, PALAWAN" is attached herein and made integral part hereof as **Annex "Z"**.

16.2. A copy of the Memorandum dated 21 July 2016 issued by the DENR with the subject "INVESTIGATION REPORT RE: COMPLAINTS OF THE UNLAWFUL OCCUPANTS/SQUATTERS WITHIN THE CSC AREA OF JO-AN (sic) BERONILLA-ACHURRA LOCATED AT SITIO LOGPOND, BGRY. PORT BARTON, SAN VICENTE, PALAWAN" is attached herein and made integral part hereof as **Annex "AA"**.

16.2.1. The "COMMENTS" Portion on Page 3 of the said Memorandum dated 21 July 2016 issued by the DENR, which states that "the Respondents' refusal to leave the area without the payment of their establishments from (sic) the grantee has no legal basis and is prejudicial to the grantee", among others, is marked herein as **Annex "AA-1"**.

16.2.2. The "RECOMMENDATIONS" Portion on Page 3 of the said Memorandum dated 21 July 2016 issued by the DENR, which recommends that a criminal complaint be filed in court against the Respondents if they refuse to vacate the area, is marked herein as **Annex "AA-2"**.

16.3. A copy of the Memorandum dated 07 February 2017 issued by the DENR with the subject "SUBMISSION OF VALIDATION/INVESTIGATION REPORT ON THE COMPLAINT OF MR. ARNOLD L. TIU AGAINST MRS. JOAN (sic) BERONILLA ACHURRA REGARDING THE AREA UNDER ISF CERTIFICATE OF STEWARDSHIP CONTRAT (ISF-CSC) NO. 042502113 LOCATED AT PUROK MANGINGISDA, PORT BARTON, SAN VICENTE, PALAWAN" is attached herein and made integral part hereof as **Annex "BB"**.

16.3.1. The Third (3rd) Paragraph, B. Actual Ground Boundary Delineation and Relocation Survey on Page 5 of the said

Memorandum dated 07 February 2017 issued by the DENR, which states that the Respondents houses are found inside the subject lot, is marked herein as **Annex "BB-1"**.

16.4. A copy of the Memorandum dated 09 November 2020 issued by the DENR with the subject "REPORT IN COMPLETED STAFF WORK (CSW) FORMAT RE: LETTER OF MRS. JO-ANN BERONILLA-ACHURRA; TRANSFEREE OF CSC NO. 042502113 WHICH WAS ORIGINALLY AWARDED TO HER GRANDFATHER; (sic) MAXIMINO BERONILLA LOCATED AT (sic) BRGY. PORT BARTON, SAN VICENTE, PALAWAN" is attached herein and made integral part hereof as **Annex "CC"**.

16.4.1. Paragraph 5, III. FINDINGS on Page 2 of the said Memorandum dated 09 November 2020 issued by the DENR, "the Respondents' refusal to vacate the area without the payment of their establishments from (sic) the grantee has no legal basis and is prejudicial to the grantee", among others, is marked herein as **Annex "CC-1"**.

16.5. A copy of the Memorandum dated 06 April 2021 issued by the DENR with the subject "CONDUCT (sic) PERIMETER SURVEY AND MAPPING OF THE AREA COVERED BY OF (sic) CSC NO. 04502113 IN THE NAME OF JO-ANN B. ACHURRA LOCATED AT (sic) BRGY. PORT BARTON, SAN VICENTE, PALAWAN", which states that the subject lot is occupied by illegal settlers, is already attached **Annex "I"** hereof.

16.6. A copy of the Memorandum dated 12 April 2021 issued by the DENR with the subject "REPORT RE: RESURVEY AND INSPECTION OF CERTIFICATE OF STEWARDSHIP CONTRACT (CSC) NO. 042502113 TRANSFERRED/AWARDED TO MS. JO-ANN BERONILLA-ACHURRA LOCATED AT (sic) BRGY. PORT BARTON, SAN VICENTE, PALAWAN" is attached herein and made integral part hereof as **Annex "DD"**.

16.6.1. The Third (3rd) Paragraph on Page 1 of the said Memorandum dated 12

April 2021 issued by the DENR, which states that Respondents are indeed unlawful occupants within the CSC area, is marked herein as **Annex "DD-1"**.

16.6.2. The Last Paragraph on Page 2 of the said Memorandum dated 12 April 2021 issued by the DENR, which **recommends the filing of cases against the Respondents for Violation of Section 78 of P.D. 705**, as amended, is marked herein as **Annex "DD-2"**.

16.7. A copy of the Memorandum dated 12 April 2021 issued by the DENR with the subject "COMPLETED STAFF WORK RE: INSPECTION/VERIFICATION OF CERTIFICATE OF STEWARDSHIP CONTRACT (CSC) NO. 042502113 TRANSFERRED/AWARDED TO MS. JO-ANN BERONILLA-ACHURRA LOCATED AT (sic) BGRY. PORT BARTON, SAN VICENTE, PALAWAN" is attached herein and made integral part hereof as **Annex "EE"**.

16.7.1. The entire "FINDINGS AND DISCUSSIONS" section of the said Memorandum dated 12 April 2021 issued by the DENR is marked herein as **Annex "EE-1"**.

17. In connection with the DENR's Official findings that the Respondents unlawfully entered and occupied portions of the subject lot, certain meetings and/or conferences were facilitated – **this time between the DENR itself and the Respondents**.

17.1. A copy of the KATITIKAN NG PAGPUPULONG NA GINANAP NGAYONG IKA ENERO 6, 2015 GANAP NA IKA 10 NG UMAGA NG AYON SA PROSESO AT PARAAN NG TAGAPAGDINIG issued by the Barangay Government of Port Barton is attached herein and made integral part hereof as **Annex "FF"**.

17.1.1. The First (1st) Statement of Mr. Angelito (sic) Baltar of the DENR on Page 1 of the said document is marked herein as **Annex "FF-1"**.

17.1.2. The Fourth (4th) Statement of Forester Ronie Gandesa of the DENR on Page 1 of the said document is marked herein as **Annex "FF-2"**.

17.1.3. The Last Statement of Mr. Baltar of the DENR on Page 2 of the said document is marked herein as **Annex "FF-3"**.

17.2. A copy of the Notice of Hearing dated 19 November 2015 issued by the DENR is attached herein and made integral part hereof as **Annex "GG"**.

17.3. A copy of the Letter Of Invitation dated 05 August 2016 issued by the DENR is attached herein and made integral part hereof as **Annex "HH"**.

18. More importantly, the DENR has indeed officially communicated with the Respondents expressing its Official findings that the latter unlawfully entered and occupied portions of the subject lot.

18.1. A copy of the Letter dated 30 March 2017 from the DENR is attached herein and made integral part hereof as **Annex "II"**.

19. Moreover, to verify and support its Official findings that the Respondents unlawfully entered and occupied portions of the subject lot, certain DENR employees have executed a Sworn Affidavit to that effect.

19.1. A copy of the Sworn Statement dated 25 November 2015 executed by Mr. Dady H. Ortega is attached herein and made integral part hereof as **Annex "JJ"**.

19.2. A copy of the Sworn Statement dated 25 November 2015 executed by Mr. Agerico C. Baltar, Sr. is attached herein and made integral part hereof as **Annex "KK"**.

20. Most interestingly, and it must also be highly stressed at this point, the **Respondents themselves HAVE ADMITTED the land classification and ownership of the subject lot, as well as the existence of my legal rights and interest over it.**

20.1. A copy of the Letter dated 31 October 2013 from the Respondents is attached herein and made integral part hereof as **Annex "LL"**.

20.1.1. Paragraph 1 of the Respondents' declarations on Page 1 of said Letter dated 31 October 2013 is marked herein as **Annex "LL-1"**.

20.1.2. The list of Respondents' names on Pages 3 and 4 of said Letter dated 31 October 2013 are marked herein as **Annexes "LL-2" and "LL-3"**, respectively.

20.2. A copy of the Katitikan dated 30 January 2017 from the Respondents is attached herein and made integral part hereof as **Annex "MM"**.

20.2.1. The Second (2nd) Paragraph of said Katitikan dated 30 January 2017, which states the **Respondents' admission of the existence of my legal rights and interest over the subject lot**, is marked herein as **Annex "MM-1"**.

20.2.2. The List of Respondents' names on said Katitikan dated 30 January 2017 is marked herein as **Annex "MM-2"**.

21. Presently, Respondents continue to unlawfully occupy and possess portions of forest land within the subject lot, **without my consent**, and **without any authority under license or permit from the DENR**.

DISCUSSION

Respondents' acts constitute Manifest Violations of the Revised Forestry Code of the Philippines

22. Respondents' acts of entering, occupying, possessing, and conducting activities within the subject lot is a clear violation of the Revised Forestry Code of the Philippines.

23. Section 20 of the Revised Forestry Code of the Philippines specifically provides that a person may occupy, possess, or conduct any activity within forest lands ONLY upon the proper grant of authority to do so by the DENR, to wit:

> "Section 20. *License agreement, license, lease or permit.* No person may utilize, exploit, occupy, possess or conduct any activity within any forest land, or establish and operate any wood-processing plant, **unless he has been authorized to do so under a license agreement, lease, license, or permit**." (Emphasis supplied)

24. Moreover, Sections 37 and 38 of the same Code specifically provides for the protection of forest lands against illegal entry and unlawful occupation thereof, to wit:

> "Section 37. *Protection of all resources.* All measures shall be taken to protect the forest resources from destruction, impairment and depletion.
>
> Section 38. *Control of concession area.* **In order to achieve the effective protection of the forest lands and the resources thereof from illegal entry, unlawful occupation,** kaingin, fire, insect infestation, theft, and other forms of forest destruction, the utilization of timber therein shall not be allowed except through license agreements under which the holders thereof shall have the exclusive privilege to cut all the allowable harvestable timber in their respective concessions, **and the additional right of occupation, possession, and control over the same, to the exclusive of all others,** except the government, but with the corresponding obligation to adopt all the protection and conservation measures to ensure the continuity of the productive condition of said areas, conformably with multiple use and sustained yield management. (Emphasis supplied)

x x x"

25. In the instant case, Respondents committed violations of the Revised Forestry Code of the Philippines as shown by the following acts:

25.1. Respondents **entered the subject lot** without any authority under license or permit from the DENR;

25.2. Respondents **occupied portions of the subject lot** without any authority under license or permit from the DENR; and,

25.3. Respondents **possessed portions of the subject lot** without any authority under license or permit from the DENR.

26. Clearly, therefore, Respondents' acts constitute manifest violations of the Revised Forestry Code of the Philippines.

Respondents' acts constitute a Criminal Offense punishable under Section 69 of the Revised Forestry Code of the Philippines (re-numbered as Section 78)

27. Moreover, Respondents' acts of entering, occupying, possessing, and conducting activities within the subject lot is <u>indisputably punishable</u> as provided for under Section 69 of the Revised Forestry Code of the Philippines (re-numbered as Section 78).

28. Section 78 of the Revised Forestry Code of the Philippines specifically provides that a person may enter, occupy, or possess forest lands <u>ONLY</u> upon the DENR's issuance of a license or permit for the same, to wit:

"Section 78. *Unlawful occupation or destruction of forest lands.* **Any person who enters and occupies or possesses, or makes kaingin for his own private use or for others any forest land without authority under a license agreement,**

lease, license or permit, or in any manner destroys such forest land or part thereof, or causes any damage to the timber stand and other products and forest growths found therein, or who assists, aids or abets any other person to do so, or sets a fire, or negligently permits a fire to be set in any forest land shall, upon conviction, be fined in an amount of not less than five hundred pesos (P500.00) nor more than twenty thousand pesos (P20,000.00) and imprisoned for not less than six (6) months nor more than two (2) years for each such offense, and be liable to the payment of ten (10) times the rental fees and other charges which would have been accrued had the occupation and use of the land been authorized under a license agreement, lease, license or permit:..." (Emphasis supplied)

29. Again, in the instant case, Respondents committed violations of the Revised Forestry Code of the Philippines as shown by the following acts:

29.1. Respondents **entered the subject lot** without any authority under license or permit from the DENR;

29.2. Respondents **occupied portions of the subject lot** without any authority under license or permit from the DENR; and,

29.3. Respondents **possessed portions of the subject lot** without any authority under license or permit from the DENR.

30. Clearly, therefore, Respondents' acts constitute a criminal offense which is punishable under Section 78 of the Revised Forestry Code of the Philippines.

Respondents must be evicted from the subject lot

31. Furthermore, Respondents should be evicted from the subject lot, as provided for by law.

32. Section 78 of the Revised Forestry Code of the Philippines further provides that the violator therein must be evicted from the subject forest land, to wit:

> "Section 78. *Unlawful occupation or destruction of forest lands.* ...
>
> **The Court shall further order the eviction of the offender from the land** and the forfeiture to the Government of all improvements made and all vehicles, domestic animals and equipment of any kind used in the commission of the offense. If not suitable for use by the Bureau, said vehicles shall be sold at public auction, the proceeds of which shall accrue to the Development Fund of the Bureau. (Emphasis supplied)
>
> x x x"

33. Hence, Respondents must be evicted from the subject lot, as clearly provided for by the Revised Forestry Code of the Philippines.

34. All told, Respondents' entry into the subject lot, as well as their occupation and possession of portions thereof, are **without legal basis**.

> 34.1. Respondents' entry, occupation, and possession of the subject lot are **unwarranted because the subject lot is a forest land, <u>the entry, occupancy, and possession of which, without permit or authority, is prohibited under Sections 20, 38, and 69 of the Revised Forestry Code of the Philippines</u>**.

35. As such, there is nothing left but to conclude that the Respondents illegally entered and unlawfully occupied the subject lot, and unlawfully possessed portions thereof, which acts were done in violation of the Revised Forestry Code of the Philippines.

36. Needless to say, **<u>herein Respondents, as the actual, present, and efficient actors of the crime,</u>** should be held **<u>criminally liable</u>** for violation of the law as defined.

37. In view of the foregoing, I hereby execute and file the foregoing **COMPLAINT-AFFIDAVIT**, with reservation to file any Supplemental Affidavit and/or Rejoinder Affidavit when necessary, to attest to the foregoing statements, and to charge respondents **RICARDO CANALES, MARIA LISA CANALES, ANABEL PILAPIL, GABRIEL HERMEDA, FREDDIE D. AREVALO, SAMUEL PARELIA, RUBEN T. LALAGUNA, CRISTITUTO M. WITE, IMELDA C. AGUIRRE, ARNOLD TIU, EDISON N. LUMITAO, DESIREE L. ZARAGOSA, ROMEO DURAN, REYNALDO F. BORINAGA, ALLAN V. AVANCEÑA, QUIOLINDA BAGUIO, QUEENNY BOBBES, BELINDA R. GABUCO, JERICK V. SULAD, JEROL SULAD, ROSALINDA SULAD, ARNOLD B. AVANCEÑA, LARVE RAMOS, REYNALDO DOCE, RODELIO DOCE, ROMELYN G. YARA, JOSELITO S. ARONG, NESTOR O. RAMOS, ELENITA RAMOS, ANGELITO D. TANILON, ERME B. RUADO, JAYVAY N. RUADO, ANA FE RAMOS, JACKY RUADO, NIEVES CAMITOS, JUNICK B. SABUERO, VIRGIE VALDEZ, CHARITY SULAD, AMADO R. NEGRIDO, and RICO A. LAUDATO** for:

(1) Unlawful occupation or destruction of forest lands, under Section 69 of P.D. 705, and re-numbered as Section 78 through R.A. 7161.

AFFIANT FURTHER SAYETH NAUGHT.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ at _____, Philippines.

JO-ANN BERONILLA ACHURRA
(Affiant)

SUBSCRIBED AND SWORN to before me this MAY 2 6 2022 _____ day of _____ at _____, Philippines.

HERMINIA E. CAABAY
Administering Officer
Deputy Provincial Prosecutor

CERTIFICATION

I hereby certify that I have examined the Affiant and that I am fully satisfied that she has voluntarily executed and understood the contents of her Complaint-Affidavit.

Administering Officer