



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647
Email address: cenroroxaspalawan@denr.gov.ph

October 12, 2022

MEMORANDUM

FOR : The Regional Executive Director
1515 L&S Building, Roxas Blvd.,
Ermita, Manila

THRU : The Provincial Environment and Natural Resources Officer

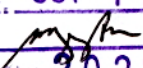
FROM : The Community Environment and Natural Resources Officer

SUBJECT : **LETTER-COMPLAINT DATED MAY 25, 2022 OF MR. RENATO RODRIGUEZ AGAINST FORESTER DIOGENES A. ESQUILLO, JR OF CENRO ROXAS, PALAWAN (2022-88874)**

Respectfully forwarding is the comment/counter affidavit of Forester I, Diogenes A. Esquillo, Jr. re: letter-complaint dated May 25, 2022 of Mr. Renato Rodriguez against Forester Diogenes A. Esquillo, Jr. of CENRO Roxas, Palawan in compliance with your Show Cause Memorandum dated August 12, 2022 which was received October 7, 2022 through cellphone call from the Administrative Officer, Management Services Division; PENRO, Palawan.

For records and consideration.


PABLO L. CRUZ

DENR-CENRO ROXAS
RELEASED
DATE: OCT 12 2022
BY: 
DOC. NO. 2022-10-1582

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR
MIMAROPA REGION
1515 L&S Building, Roxas Boulevard
Ermita, Manila

**IN RE: LETTER-COMPLAINT DATED
MAY 25, 2022 OF MR. RENATO
RODRIGUEZ AGAINST FORESTER
DIOGENES A. ESQUILLO, JR. OF CENRO
ROXAS, PALAWAN (2022-88874)**

X-----X

COMMENT/COUNTER-AFFIDAVIT

COMES NOW, the undersigned **DIOGENES A. ESQUILLO, JR.**, Forester I of CENRO Roxas, Palawan, unto this Honorable Office, and most respectfully avers that:

TIMELINESS OF FILING COMMENT

1. In a Show Cause Memorandum dated August 12, 2022, the Regional Executive Director Lormelyn E. Claudio required the undersigned to explain in writing in the form of a Comment/Counter-Affidavit within five (5) days from receipt thereof, why no administrative sanctions should be imposed against him in view of a letter-complaint filed by Mr. Renato Rodriguez dated May 25, 2022;

2. The undersigned received a copy of the said Show Cause Memorandum with an attached letter-complaint of Mr. Rodriguez only on October 7, 2022;

3. Accordingly, the undersigned has until October 14, 2022 within which to file his Comment/Counter-Affidavit. As October 8, 2022 falls on a Saturday, the undersigned may file his Comment/Counter-Affidavit on the next working day, which is October 10, 2022. Thus, this Comment/Counter-Affidavit has been seasonably filed;

ANTECEDENT FACTS

4. On May 18, 2022, the undersigned received a referral of two (2) Document Action Information Forms (*Attached hereto as **Annex "A-series"***) which pertains to the request of Mr. Rodriguez for the issuance of certification status (Land Classification and Land Disposition) covering lot numbers 3442 and 3443, Cad. 860-D, situated at Brgy. Sto. Niño, San

Vicente, Palawan. Said documents were noted with an instruction from CENRO to *"conduct ground verification and also to submit a report with recommendation."*

5. On May 20, 2022, while I was reading the referred documents, I chanced upon Forest Technician (FT) II Roy T. Mercader, who was then the assigned team leader for forest protection in San Vicente, Palawan. I inquired unto him whether he has any information on the aforementioned parcels of land. FT II Mercader then informed me that the subject lots have disputes and were being contested by different claimants;

6. Thereafter, the undersigned coordinated with our Records Officer Ma. Christine G. Sindayen for records verification over the subject lots. Records Officer Sindayen informed me that based on the records on file, Lot No. 3442 has a pending application and covered by a subsisting public land application (PLA) filed by Mr. Mario Pallingayan, numbered as FPA 045319-1191-A, whereas Lot No. 3443 has already been patented to Dominico Zumaraga by virtue of his FPA 045319-453-A;

7. Afterwhich, I decided to call Mr. Rodriguez via his provided mobile number 0935 822 9421 in the referred documents to conduct a preliminary investigation and gather further information;

8. When I spoke to Mr. Rodriguez, I maintained a calm and respectful tone of voice. I even addressed Mr. Rodriguez as *"Tay"* and even saying *"Po"* and *"Opo"* to show my courteousness during our conversation. Moreover, before our conversation ends, I recalled that Mr. Rodriguez asked for my name. The following exchanges are as follows:

Mr. Rodriguez : *"Ikaw sir ay si sir Roy?"*

For. Esquillo : *"Hindi, hindi."*

Mr. Rodriguez : *"Sino pong pangalan niyo sir para pagpunta ko diyan madali ko lang mahanap yung pangalan mo?"* (He stated this while he was laughing which I can hear on my end)

For. Esquillo : *"Si Jojo, si Jojo. Sabihin mo si Jojo yung pogi dito."* (I said this since I assumed that we are just having a friendly conversation as he is laughing during our communication)

Mr. Rodriguez : *"Ahhh pogi"* and then he laughed

For. Esquillo : *"Sige Tay, sige tay."*

Mr. Rodriguez : *"Ahh sige sir, babalik na lang po ako diyan sa DENR."*

For. Esquillo : *"Sige sige po, sige po Tay."*

Mr. Rodriguez : *"Ahhh sige po sir salamat."*

9. On May 22, 2022, I received a phone call from an unregistered mobile number 0992 627 5830. When I accepted the call, the person informed me that he was the lawyer of Mr. Renato Rodriguez. I only found out the lawyer's identity after I texted that person to which he introduced himself as a certain Atty. Lauro L. Galvez of RTC Malolos, Bulacan (*The text messages are attached hereto as **Annex "B"***);

10. During my phone conversation with Atty. Galvez, he told me that *"Umayos-ayos ka ng pananalita mo, government employee ka"*, to which I asked the reason for his remarks. Atty. Galvez then informed me that he listened to the phone call conversation between me and Mr. Rodriguez which the latter recorded and presented it to him. I explained to Atty. Galvez that I was not being discourteous nor disrespectful to his client as I was just merely gathering information since it was a standard protocol to investigate the background of the subject lots prior to the actual field inspection and verification. Afterwhich, I informed Atty. Galvez that the said recording without consent from both concerned parties is against the law. Thereafter, he toned down and speak with me in a casual manner;

11. On May 23, 2022, I chanced upon Mr. Mario Pallingayan who happens to be in our Office to follow-up his subsisting application over Lot No. 3442 Cad 860-D. I approached Mr. Pallingayan to verify the information and/or allegations regarding Lot No. 3442 as the same had been requested by Mr. Rodriguez for lot verification status. According to Mr. Pallingayan, the said lot was already waived in his favor, however he was only able to apply for a patent after the moratorium for land titling activities in Palawan has been lifted;

12. Afterwards, I informed Chief RPS Ronnie P. Lilang that based on the records on file, Lot Nos. 3442 and 3443 have existing claimants. Thereafter, the CENRO Roxas, Palawan, issued a letter dated May 23, 2022, informing Mr. Renato Rodriguez that Lot No. 3442 is covered by a subsisting public land application filed by Mr. Mario Pallingayan and Lot No. 3443, on the other hand, has already been patented to Dominico Zumaraga (*The letter of the DENR to Mr. Rodriguez is attached hereto as **Annex "C"***);

DISCUSSION/ARGUMENTS

The undersigned should not be held liable for administrative sanctions.

13. The undersigned did not act in any way that may be construed as a misconduct warranting a disciplinary action. As a matter of fact, in the course of our conversation, the undersigned spoke with Mr. Rodriguez in a positive tone and in a friendly manner. The undersigned even throw jokes such as "*Si Jojo yung pogi dito*" to which Mr. Rodriguez responded with a laugh. In addition, the undersigned always addressed Mr. Rodriguez as "*Tay*" and constantly used the words "*Po*" and "*Opo*" to show his respect and courteousness towards him;

14. Mr. Rodriguez misinterpreted the tone of voice of the undersigned during our phone call conversation. The averments of Mr. Rodriguez in his letter-complaint that "*Nang aking sagutin, medyo may kataasan ang boses sa kabilang linya (referring to the undersigned) at sinabing, bakit ako ay nagki-claim sa nasabing lote at yon daw ay nabinta ko na, bakit hinahabol ko pa*" is highly subjective. It was indeed a very common mistake to misinterpret the tone of voice especially during phone call as one cannot see the actual expressions and gestures of another. The undersigned was merely ensuring that he can be clearly understood by Mr. Rodriguez during the time he was conducting a preliminary investigation. The undersigned has no intention or reason whatsoever to deliberately raise his voice against Mr. Rodriguez;

15. Moreover, according to a certain Atty. Lauro L. Galvez, the phone conversation between the undersigned and Mr. Rodriguez was recorded by the latter. Assuming it is true, the undersigned respectfully requests Mr. Rodriguez to present the same in order to aid in the resolution of this matter;

16. As to the issue that the undersigned withhold his name during the phone conversation and that Mr. Rodriguez, in his complaint, stated that "*Nagtanong-tanong po ako at inalam kung sino ang may-ari ng numerong sa akin ay tumawag, napag-alaman kong pag-aari ni Forester Diogenese "Jojo" Esquillo, Jr. ang nasabing numero*", should not be given credence. The undersigned introduced himself as "*Jojo*" during the subject phone call and such fact was known to Mr. Rodriguez. Furthermore, not a scintilla of evidence supported the narration of Mr. Rodriguez as it was not corroborated nor even he was able to name the person to whom he verified such information. Thus, a self-serving statement;

17. It is axiomatic that under the Rules on Evidence, a party who alleges a fact has the burden of proving it. A mere allegation is not evidence, and he who alleges has the burden of proving his allegation with the requisite quantum of evidence. Without any reliable evidence to substantiate Mr.

Rodriguez's allegations then it only cast a doubt as to its truthfulness and credibility;

18. As can be gleaned from the foregoing, there is no showing that the undersigned has failed to maintain and observe the proper conduct expected to a public officer that may signify that he willfully and deliberately disregarded his duty.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed unto this Honorable Office that:

- 1. The undersigned be deemed to have complied with the directive of the Show Cause Memorandum dated August 12, 2022;
- 2. The undersigned be deemed not administratively liable for the acts referred to in the subject Show Cause Memorandum.

Other reliefs just and equitable under the foregoing premises are likewise prayed for.

Roxas, Palawan, October 12, 2022.

DIOGENES A. ESQUILLO, JR.
Forester I
CENRO Roxas, Palawan
Affiant

SUBSCRIBED AND SWORN to before me this OCT 12 2022 in the Municipality of Roxas, Palawan by the Affiant who exhibited to me his _____ as competent evidence of his identity and known to me to be the same person who executed the foregoing Comment/Counter-Affidavit.

Doc. No. 413
Page No. 85
Book No. 286
Series of 2022

ATTY. RAYMUND D. ACOSTA
NOTARY PUBLIC
UNTIL DECEMBER 31, 2023
PIR NO. 01-001-12/23/2021
I&P NO. 002081-01/04/2022
ROLL NO. 48821
COMPLIANCE NO. VII-0000162-04/15/2016





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. III, Poblacion, Roxas, Palawan
Contact No. 09171606578
Email Address: cenroroxaspalawan@denr.gov.ph

'Annex A-1'

DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: **2022-2344**

Date and Time received:

05/16/2022 10:54:47 AM

From: **RENATO RODRIGUEZ**

Document Type: **Letters**

BGY. STO. NIÑO, SAN VICENTE, PALAWAN

Subject: **REQUEST FOR THE ISSUANCE OF CERTIFICATION (LC&LD) OVER LOT NO. 3442 CAD 860-D LOCATED IN BGY. STO. NIÑO, SAN VICENTE, PALAWAN**

Attachment(s): **BGY. CERT**

Earmarked As:

Date:	From: CENRO	To: SIS/Info/Act/Personal
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ___ days or shorter
Other Instruction(s): <i>To ground verificat. Submit report w/ recommendation</i> <i>R/R</i>		
Date:	From: CENRO	To: CENRO
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input checked="" type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ___ days or shorter
Other Instruction(s): <i>[Signature]</i>		
Date:	From:	To:
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ___ days or shorter
Other Instruction(s):		
Date:	From:	To:
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ___ days or shorter
Other Instruction(s):		

Printed on 05/16/2022 10:56:22AM Received at: INFORMATION DESK/R Received by: BALTAR, APRIL



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. III, Poblacion, Roxas, Palawan
Contact No. 09171606578
Email Address: cenroroxaspalawan@denr.gov.ph

"Annex A-2"

DOCUMENT ACTION INFORMATION FORM

Doc. Ref. No.: 2022-2343

Date and Time received:

05/16/2022 10:35:18 AM

From: RENATO RODRIGUEZ

Document Type: Letters

BGY.STO.NIÑO, SAN VICENTE PAL.

Subject: REQUEST FOR THE ISSUANCE OF CERTIFICATION(LC&LD) OVER LOT NO. 3443 CAD 860-D LOCATED IN BGY.STO.NIÑO, SAN VICENTE PAL

Attachment(s): BGY.CERT

Earmarked As:

Date:	From: CENRO	To: 615/Sec 1149 and 1150
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s): <i>To ground certificate and 4/A.</i>		
Date: 05/16/22	From: CENRO	To: CENRO
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input checked="" type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s):		
Date:	From:	To:
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s):		
Date:	From:	To:
Action Recommended/Required: <input type="checkbox"/> For Action <input type="checkbox"/> For Approval <input type="checkbox"/> For Disbursement/ Payment <input type="checkbox"/> For Official Release <input type="checkbox"/> For Signature <input type="checkbox"/> For Review/ Recommendation <input type="checkbox"/> For Information, Record and File <input type="checkbox"/> For Indorsement to concerned Party(ies) <input type="checkbox"/> Return to Payee/Sender		Processing Time: <input type="checkbox"/> Urgent (w/in the day) <input type="checkbox"/> Priority (w/in 3 days) <input type="checkbox"/> Complex w/in 7 days w/in 20 days or shorter W/in ____ days or shorter
Other Instruction(s):		

Printed on 05/16/2022 10:57:14AM Received at: INFORMATION DESK/R Received by: BALTAR, APRIL

"Annex B"

4:12



Attorney Ni R...to Rodriguez
09926275830

Edit



May 22, 11:45 AM 2

Tumatawag po ako attorney..

May 22, 11:46 AM 2

Pwede po makuha full name nio
attorney

May 22, 1:37 PM 2

[Atty.Lauro](#) L. galvez r.t.c
malolos bolacan upperground
magallianes building room #308
kami po my hawak ng case ni
Mr. Rodreguez [vs.alvarez](#) noon
ngaun po lumapit olit sya
saamin sa tolong po ng
[NCIP.palawan](#)

May 22, 1:37 PM 2

Okay po..salamat

Enter message

SIM1



Republic of the Philippines
Department of Environment and Natural Resources

Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Barangay III (Poblacion), Roxas, Palawan

Contact No. 09171606578 / 09175028647

Email address: cenr.roxaspalawan@denr.gov.ph

"Annex C"

23 May 2022

Mr. RENATO RODRIGUEZ
Bgy. Alimanguan, San Vicente, Palawan

Sir,

Greetings!

Referring to your request for inspection of Lots 3442 and 3443 of Cad. 860-D in Bgy. Sto. Niño, San Vicente, Palawan records show that both were during the survey listed for no specific claimants, Lot 3442 is covered by a subsisting public land application filed by Mario Pallingayan and numbered FPA 045319-1191-A while Lot 3443 is now patented to Dominico Zumaraga by virtue of his FPA 045319-453-A.

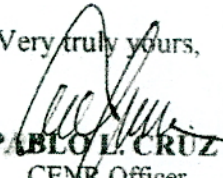
This Office is into facilitating interests over public lands that are free from adverse claims and or conflict.

Foregoing considered, claims against the recorded applicant/s first have to be brought to the attention of the Bgy. Government, seeking endorsement by the Lupon should efforts to settle issues amicably, fail. Unsettled concerns involving Lot 3442 may be endorsed to this Office while those pertaining to Lot 3443 have to be brought to the attention of the PENR Office, but only to determine the propriety of initiating reversion proceedings (Section 26 of DAO 2016-31).

You may opt to bring the matter before the court of competent jurisdiction not only on issues pertaining to better right of possession, but especially on private claims against lands already acquired.

Please be guided.

Very truly yours,


PABLO L. CRUZ
CENR Officer

Copy: The PENRO
file

received by:

RENATO RODRIGUEZ

07/29/2022

DENR-CENRO ROXAS

RELEASED

DATE: 25 MAY 2022

BY: 

DOC. NO. 2022-05-0774