



August 31, 2023

## MEMORANDUM

**FOR** : The Regional Executive Director  
Roxas Boulevard, Ermita, Manila

**THRU** : The PENR Officer  
Mamburao, Occidental Mindoro

**FROM** : The CENR Officer

**SUBJECT** : **COMPLAINT FILED BY FREDDERICK V. URBANO  
AGAINST CENR OFFICER ANASTACIO A. SANTOS OF  
CENRO, SABLAYAN, OCCIDENTAL MINDORO**

The aforementioned subject (Complaint-Affidavit dated March 31, 2023) of this memorandum was already replied to by the undersigned in the form of a letter to Mr. Frederick V. Urbano dated May 25, 2023, *(attached)* copy furnished to the following offices:

- a) Head, DENR Action Center/Hotline 8888 (Office of the Secretary)
- b) The Undersecretary for Field Operations – Luzon, Visayas
- c) The Undersecretary for Organizational Transformation and Human Resources
- d) The Regional Executive Director  
DENR MIMAROPA Region
- e) OIC-PENRO  
Mamburao, Occidental Mindoro

Mr. Urbano's allegations in the complaint were appropriately answered and his act intended to besmirch the reputation of the undersigned.

Please be informed that after the former sent his complaint affidavit to the Head, of DENR Action Center/Hotline 8888 (Office of the Secretary), he deliberately filed the same subject of complaint at the Civil Service Commission (CSC), and Anti-Red Tape Authority (ARTA). Further, Mr. Urbano has even refiled it during your term as the new DENR Regional Executive Director for MIMAROPA.

This constitutes that the complainant has violated willfully and deliberately his issuance of a certificate of non-forum shopping attached to his complaint affidavit.

## Definition of Forum Shopping

***“Forum shopping exists when a party institutes two (2) or more actions or proceedings grounded on the same cause, on the gamble that one or the other court would make a favorable disposition.”***

***(Mun. of Taguig v. CA, G.R. No. 142619, September 13, 2005, 469 SCRA 588; Fels Energy, Inc. v. The Province of Batangas, et al., G.R. No. 168557, February 16, 2007)***

Under Section 5 Rule 7 of the 2019 Amendments to the 1997 Rules of Court, to wit:

Section 5. Certification against forum shopping. – The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he [or she] has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his [or her] knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he [or she] should thereafter learn that the same or similar action or claim has been filed or is pending, he [or she] shall report that fact within five (5) calendar days therefrom to the court wherein his [or her] aforesaid complaint or initiatory pleading has been filed.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his [or her] counsel clearly constitute willful and deliberate forum shopping, the same shall be grounds for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.

In the case of the Heirs of Inocentes Mampo and Raymundo A. Mampo, represented by Azucena C. Mampo, Jra., petitioners, vs. Josefina Morada, respondent. (G.R. No. 214526 - November 03, 2020), it was stated that:

“There are two rules on forum shopping, separate and independent from each other, provided in Rule 7, Section 5: 1) compliance with the certificate of forum shopping and 2) avoidance of the act of forum shopping itself.

To determine whether a party violated the rule against forum shopping, the most important factor is whether the elements of *litis pendentia* are present, or whether a final judgment in one case will amount to *res judicata* in another. Otherwise stated, the test for determining forum shopping is whether in the two (or more) cases pending, there is identity of parties, rights or causes of action, and reliefs sought.



Hence, forum shopping can be committed in several ways: (1) filing multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet (where the ground for dismissal is *litis pendentia*); (2) filing multiple cases based on the same cause of action and the same prayer, the previous case having been finally resolved (where the ground for dismissal is *res judicata*); and (3) filing multiple cases based on the same cause of action but with different prayers (splitting of causes of action, where the ground for dismissal is also either *litis pendentia* or *res judicata*).

These tests notwithstanding, what is pivotal is the vexation brought upon the courts and the litigants by a party who asks different courts to rule on the same or related causes and grant the same or substantially the same reliefs and, in the process, creates the possibility of conflicting decisions being rendered by the different fora upon the same issues.

Forum shopping is a ground for summary dismissal of both initiatory pleadings without prejudice to the taking of appropriate action against the counsel or party concerned. This is a punitive measure to those who trifle with the orderly administration of justice.”

As per letter-answer to Mr. Frederick V. Urbano dated May 25, 2023, the undersigned wants to assert the following:

1. The office moves even if I am on leave. There is always an In-Charge of the office who will assume my duties and functions. It is a fact that other personnel will assist clients as instructions of the undersigned particularly to the Chief of Utilization to check and verify the area of coverage of the shipment permit;

The undersigned have to examine all shipment permits because the former needs gather evidences on some allegations that SPA issued were not commensurate to the location or area pertained. The undersigned has an e-Sign if documents are immediately needed;

2. The undersigned is in San Jose, Occidental Mindoro because the former experienced overfatigue (on leave) due to raids and inspection against illegal loggers;

The undersigned is very careful in issuing transport permits under the name of Mr. Francisco Eturma because the former discovered during the NGP site visit, the trees that were planted in the area were being cut. In the course of the investigation of the undersigned, it was found out that most of the NGP sites in Brgy. Burgos is within titled property (CLOA). Further, when the son of Mr. Eturma was asked, he revealed to the undersigned that most of the trees inventoried were already cut. Thinking that there are no more trees to be cut, the undersigned didn't expect that Mr. Eturma and Mr. Urbano (as the buyer) will file a transport permit application. So, the undersigned alerted the personnel, to evaluate and/or assess. Usually, it takes a day to do this assessment;

3. The allegations of Mr. Urbano are merely an act to hinder the undersigned exercise of authority and intend to embarrass the latter by coercing him into issuing a shipment permit in a lax manner;
4. The complainant lacks knowledge and has no idea/experience in any higher position management and the top management perspective;
5. The undersigned has challenged that the complainant present or submit the "voice recording" of our cellular phone call conversation to prove the veracity of the latter's allegations because anybody can formulate a transcript of a cellular phone call conversation that is favorable only or biased to one party. The undersigned never uttered any bad or defamatory words against the complainant. Further, such allegations are libelous and punishable under Articles 353 and 355 of the Revised Penal Code;
6. The allegations of the complainant regarding the *soliciting of gifts* are *not* true. This forms part of the libelous statement of the former against the respondent;
7. The undersigned knows the rules in the Code of Conduct and Ethical Standards for Public Officials and Employees. How come the undersigned utter any disrespectful words? Such accusations from the complainant are maliciously intended to besmirch the reputation of the undersigned; and
8. The allegations of the complainant have caused mental anguish, suffering, public humiliation, and embarrassment to the undersigned.

Wherefore, premises considered and since the complainant's allegations were not true and correct and further, a clear manifestation that the complainant has committed a deliberate and willful forum shopping, the undersigned respectfully prays that the said complaint be **DISMISSED** and shall be **EXONERATED** from the filing of any administrative case by higher authorities.

For your information, guidance and perusal.

  
**FORESTER ANASTACIO A. SANTOS, MPA**  
CENR Officer

**Enclosures:** Items no. 1 and 5 - answered on May 25, 2023  
Item no. 2 - We have no copy of the Motion  
Items no. 3 and 4 - answered on August 11, 2023  
Item no. 6 - answered on August 1, 2023