



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy. Sto. Nino, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

August 11, 2023

MR. FREDDERICK V. URBANO

Tayamaan, Mamburao,
Occidental Mindoro

SUBJECT: W20230808-956-11
RE: **ALLEGED IRREGULARITIES OF DENR-CENRO
SABLAYAN, OCCIDENTAL MINDORO**

Sir:

Your letter (attached) to RED Forester Felix S. Mirasol, Jr. CESO IV, was just a recycle of your previous accusations to the undersigned which are nonsense and pure lies.

In the answer of the undersigned dated May 25, 2023 (attached) to your complaint, you raised the same issues because it has come to your knowledge that there was a newly appointed RED for MIMAROPA Region assuming that RED will be convinced of your libelous allegations. The advocacy of the undersigned will never change and strict implementation of environmental laws will be applied to all. As the legal maxim says: "DURA LEX SED LEX." – The law may be harsh but it is still the law.-

Thank you.

Very truly yours,


FORESTER ANASTACIO A. SANTOS, MPA
CENR Officer

The Regional Executive Director
DENR MIMAROPA Region

The PENR Officer
Mamburao, Occidental Mindoro



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May 25, 2023

MR. FREDDERICK V. URBANO

Brgy. Payompon, Mamburao,
Occidental Mindoro

This has reference to your letter-complaint alleging that the undersigned has committed actions that are contrary to the existing laws, rules and regulations of the government. The respondent respectfully files this answer in response to your following allegations:

1. Paragraph Six (6) of your complaint is admitted but your allegation is denied.

"It is unusual and an exaggerated statement on your part that you had the whole day waiting for the issuance of shipment permit knowing the fact that there is other personnel there to assist you since I already gave instructions to my personnel Forester April Amores to check and verify the area of coverage of the shipment permit."

Section 5 (c), Duties of Public Officials and Employees, Republic Act No. 6713 otherwise known as Code of Conduct and Ethical Standards for Public Officials and Employees states that (c) Process documents and papers expeditiously. — All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than three (3) signatories therein. In the absence of duly authorized signatories, the next-in-rank or officer-in-charge shall sign for and on their behalf.

This is how the office moves if I am on leave. There is always an In-Charge of the office who will assume my duties and functions.

2. Paragraph Six (6) (a) & (b) of your complaint are admitted but the allegation in the third (3rd) sentence is denied.

"You are right telling me that I am in San Jose, Occidental Mindoro because during that period because I am experiencing health problems due to fatigue so, I have to take some rest. But I completely deny your accusation that the reason for my presence in San Jose is to harvest the onion product.

I have trusted farm workers in the field who oversee the management of the farm. I challenge you to present proof/evidence to substantiate your accusation. And for the record, I only visit my farm during weekends or holidays because I am fully aware of government rules and regulations.

The instruction I made was not unreasonable, it is within my discretionary function to perform such tasks because I have to act with utmost devotion and dedication to perform my duty to my country."

If the law imposes a duty upon a public officer and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion nor judgment. (Lamb vs. Phipps 22 Phil., 456.)

Under Paragraph 6 (b), Just a little background on why I have to be very careful in issuing transport permits under the name of Mr. Francisco Eturma because I discovered during the NGP site visit, the trees that were planted in the area were being cut and if not checked will be sold to you as said by Mr. Eturma. However, in the course of the investigation, we 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 told me that most of the trees inventoried were already cut. Thinking that there are no more trees to be cut, I didn't expect that Mr. Eturma and you (as the buyer) will file a transport permit application. So, I alerted my personnel, Forester April Amores to evaluate and/or assess. Usually, it takes a day to do this assessment and I believed you were properly informed.

4. Paragraph Six (6) (c) of your complaint is denied.

"The allegations are merely an act to hinder my exercise of authority and intend to embarrass me to coerce into issuing a shipment permit in a lax manner.

5. Paragraph Six (6) (d) of your complaint is denied because it shows that you lack knowledge and didn't experience management of public office from a higher position and the top management perspective.

6. Paragraph Six (6) (e), (f), (g), and (j) of your complaint are denied.

Section 3. Rule 128 General Provisions of the Revised Rules on Evidence provides that, evidence is admissible when it is relevant to the issue and not excluded by the Constitution, the law, or these Rules. Therefore, I challenge you to present or submit the "voice recording" of our cellular phone call conversation to prove the veracity of your allegations because anybody can formulate with himself a transcript of phone call conversations that is favorable only or biased against one party. Otherwise, such allegations are libelous and punishable under Articles 353 and 355 of the Revised Penal Code.

Article 353 of the Revised Penal Code: Definition of Libel.

A libel is public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead.

In the case of Trillanes IV vs. Hon. Castillo – Marigomen, G.R. No. 223451 March 14, 2018, the Court said that any of the imputations covered by Article 353 is defamatory and every defamatory imputation is presumed malicious.

Elements of Libel:

a) A libel is public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance

b) Publicity or publication

Art. 355. Libel means by writings or similar means. — A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by prison correccional in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos, or both, in addition to the civil action which may be brought by the offended party.

7. Paragraph Six (6) (h) of your complaint is denied, particularly the last statement.

Your allegations regarding the soliciting of a gift are not true. This forms part of the libelous statement of the latter against the respondent.

8. Paragraph Seven (7) to Paragraph Nine (9) of your complaint are denied.

Section 4 (b) Norms of Conduct of Public Officials and Employees of R.A. No. 6713 otherwise known as "Code of Conduct and Ethical Standards for Public Officials and Employees" declares (b) Professionalism. — Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence, and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

"Utmost devotion and dedication to duty," therefore, the right to scrutinize documents or verify them is within the scope of my functions/duties as a public official. The more that I have to be strict on it, particularly on matters of issuing shipment permits.

I know the rules in this, Code of Conduct and Ethical Standards for Public Officials and Employees" and I read and understand it by heart. How come I will utter any disrespectful words to my clients knowing also my rules as a practicing Catholic gentleman and a man of the Catholic Church being a bonafide member of the Knights of Columbus with the purpose of charity to all men? Such accusations from the complainant are maliciously intended to besmirch the reputation of the respondent."

In Domingo v. Office of the Ombudsman, G.R. 176127 January 30, 2009, this Court had the occasion to rule that failure to abide by the norms of conduct under Section 4(A)(b) of R.A. No. 6713, in relation to its implementing rules, is not a ground for disciplinary action, to wit:


The charge of violation of Section 4(b) of R.A. No. 6713 deserves further comment. The provision commands that "public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence, and skill." Said provision merely enunciates "professionalism as an ideal norm of conduct to be observed by public servants, in addition to the commitment to the public interest, justness and sincerity, political neutrality, responsiveness to the public, nationalism and patriotism, commitment to democracy and simple living. Following this perspective, Rule V of the Implementing Rules of R.A. No. 6713 adopted by the Civil Service Commission mandates the grant of incentives and rewards to officials and employees who demonstrate exemplary service and conduct based on their observance of the norms of conduct laid down in Section 4. In other words, under the mandated incentives and rewards system, officials and employees who comply with the high standard set by law would be rewarded. Those who fail to do so cannot expect the same favorable treatment. However, the Implementing Rules do not provide that they will have to be sanctioned for failure to observe these norms of conduct.

Indeed, Rule X of the Implementing Rules affirms as grounds for administrative disciplinary action only acts "declared unlawful or prohibited by the Code." Rule X specifically mentions at least twenty-three (23) acts or omissions as grounds for administrative disciplinary action. Failure to abide by the norms of conduct under Section 4(b) of R.A. No. 6713 is not one of them.

9. Your unfounded allegations have caused me mental anguish and suffering, public humiliation, and embarrassment.

Your complaint manifested an administrative action that is non-meritorious, lacks basis and must be dismissed outright.

Very truly yours,


FOR. ANASTACIO A. SANTOS, MPA
Community Environment and
Natural Resources Officer

cc: **Head, DENR Action Center/Hotline 8888**

The Undersecretary for Field Operations – Luzon, Visayas and Mindanao
Department of Environment and Natural Resources
Visayas Ave., Diliman, Quezon City

The Undersecretary for Organizational Transformation and Human Resources
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- **File**