



31 July 2023

**ATTY. APPLE KRIS J. CHING**

Public Attorney II

Public Attorney's Office – Roxas District Office

Sta. Fe, Bagumbayan

Roxas, Oriental Mindoro

**ANSWER TO UNDATED LETTER CONCERNING  
MR. RODEL MANTIC**

Dear Atty. Ching:

Good day! Greetings of peace.

This refers to your undated letter concerning Mr. Rodel Mantic (Mr. Mantic) who sought legal assistance from your good Office on July 24, 2023 regarding the apprehension of his van and forty-eight (48) sacks of charcoal. Per your letter, Mr. Mantic was “not given any show cause order nor any document requiring him to explain or any means to afford him due process.” Also, attached in your letter is the Resolution of the Regional Trial Court Roxas, Branch 43 in a separate case, *People vs. Erin Sadiasa Cabinbin (Criminal Case No. B-22-3498)* reminding that “filing of similar case within its jurisdiction may be held liable for indirect contempt of court.”

Please be informed that Mr. Mantic was afforded due process. Pursuant to a notice of hearing, he was requested to appear for the administrative hearing before our Office, to which he adhered last July 25, 2023 by personally appearing in the said hearing.

Further, regarding the reference to the case of *People vs. Erin Sadiasa Cabinbin*, we believe that it is a distinct matter from the concern of Mr. Mantic as the one pending before us is an administrative proceeding while *People vs. Erin Sadiasa Cabinbin* is a criminal case decided by a trial court. May we respectfully call your attention to the basic principle pronounced by the Supreme Court in *Paredes vs. Court of Appeals, et al.* that “[i]t is indeed a fundamental principle of administrative law that administrative cases are independent from criminal actions for the same act or omission. Thus, an absolution from a criminal charge is not a bar to an administrative prosecution, or vice versa. One thing is administrative liability; quite another thing is the criminal liability for the same act.”<sup>1</sup>

The pending administrative case against Mr. Mantic is based on the apprehension pursuant to the provisions of DENR Administrative Order (DAO) No. 97-32. Please be informed that this Office has been compliant with the Order of the Honorable Court in prohibiting us from filing a “similar case” within its jurisdiction. Clearly, a “similar case” pertains to a criminal case as the Honorable Court has no jurisdiction over administrative cases. Pursuant to the Order, this Office will not file a criminal case against Mr. Mantic until the same has been lifted.

Lastly, with the application of the basic principle in *Paredes vs. Court of Appeals*<sup>2</sup> that an administrative case is independent from a criminal case and absolution from a criminal case is not

<sup>1</sup> *Paredes vs. Court of Appeals, et al.*, G.R. No. 169534, July 30, 2007. (Underscoring Ours)

<sup>2</sup> G.R. No. 169534, July 30, 2007.



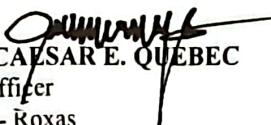
Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
Community Environment and Natural Resources Office  
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a bar to administrative case, may we gently remind you, with all due respect, of the duty of a lawyer to be "thorough in research, preparation, and application of the legal knowledge" per Section 1 of Canon IV of Code of Professional Responsibility and Accountability.<sup>3</sup>

We hope we are able to enlighten you with your concern.

Thank you very much. God bless.

Very truly yours,

  
ENGR. CAESAR E. QUEBEC  
CENR Officer  
CENRO - Roxas

Cc: Regional Executive Director  
MIMAROPA Region

The Chief  
Legal Division, MIMAROPA Region

The Chief  
Enforcement Division, MIMAROPA Region

PENR-Officer  
Oriental Mindoro

Public Attorney's Office

AUG 01 2023

Received by: 

<sup>3</sup> A.M. No. 22-09-01-SC.