



Republic of the Philippines
Department of Environment and Natural Resources
Provincial Environment and Natural Resources Office
MIMAROPA Region
Bgy. Sta. Monica, Puerto Princesa City, Palawan
E-mail: penropalawan@denr.gov.ph
Telfax No. (048) 433-5638/ (048) 434-8791

July 10, 2023

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 L&S Bldg., Roxas Blvd.,
Barangay 668, Ermita, Manila

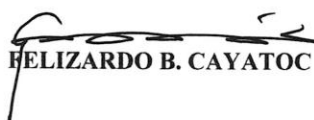
FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **COUNTER AFFIDAVIT OF DMO IV RONIE B. GANDEZA IN
RESPONSE TO THE COMPLAINT OF DOLOROSA B. NACASI
AND ADONIS B. NACASI AGAINST NARDITO T. ACIERTO ET
AL.**

Respectfully forwarded is the Counter Affidavit dated July 10 2023 of DMO IV Ronie B. Gandeza in response to the complaint of Dolorosa B. Nacasi and Adonis B. Nacasi against T. Acierto et. al.

Contained in his Counter Affidavit are the reasons behind the aforementioned subject case, hence praying for his removal from the list of the respondents from the complaint.

For information and consideration.


FELIZARDO B. CAYATOC

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By 
Date: 10 JUL 2023 CN 2023-1845

**REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION**

July 10, 2023

**FOR: LORMELYN E. CLAUDIO, CESO IV
REGIONAL EXECUTIVE DIRECTOR
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION**

FROM: RONIE B. GANDEZA
Development Management Officer (DMO) IV
In-Charge, Technical Services Division
DENR- PENRO Palawan

**Subject: COUNTER AFFIDAVIT IN RESPONSE TO THE COMPLAINT OF
DOLOROSA B. NACASI AND ADONIS B. NACASI AGAINST NARDITO T.
ACIERTO ET AL.**

COUNTER AFFIDAVIT

I, **RONIE B. GANDEZA**, 59 years old, Filipino, married, and a resident of Barangay 3 Roxas, Palawan, after having been duly sworn to in accordance with law, do hereby depose and say:

Page 1 of 6

1. I am the same RONIE B. GANDEZA, cited as one of the respondents in the Complaint filed by Dolorosa B. Nacasi and Adonis B. Nacasi against Nardito T. Acierto Et. al ;
2. I am executing this counter-affidavit to refute the allegations against me by Dolorosa B. Nacasi and Adonis B. Nacasi in the above said complaint;
3. That Dolorosa B. Nacasi and Adonis B. Nacasi in their said complaint accused me of the commission of unjust vexation, Dereliction of Duty, Gross Ignorance of the Law, and Conduct Prejudicial to the Best Interest of the Service;
4. That the abovementioned imputations of violations of law made against me by the said complainants are baseless, erroneous, unmeritorious, and bereft of any factual and legal basis;
5. That **I did not in any manner whatsoever commit any act tantamount to unjust vexation.** as provided in the case of *Allan De Vera vs. People of the Philippines, GR No. 24623, January 20, 2022:*

"The purpose of the crime of unjust vexation is to cause annoyance, irritation, torment, distress, or disturbance to the mind of the person to whom it was directed."

5.1. In my case, I did not commit any act or conduct which caused annoyance, irritation, torment, distress or disturbance to the minds of both Dolorosa B. Nacasi and Adonis B. Nacasi referred herein as the complainants, since as per the official sworn certification of CENRO Roxas Palawan Records Officer **MARIA CHRISTINE G. SINDAYEN** (*herein attached as Annex I*) the letter request for on-site inspection and evaluation which was sent by the complainants to CENRO Roxas Palawan on August 19, 2020 was not forwarded or referred to me as DMO IV of CENRO Roxas Palawan.



5.2. As such, it was legally and physically impossible for me to act on such request for on-site inspection and evaluation since I did not received nor was I made aware of such request. **As NO document of such import was forwarded to me in the first place.**

5.3. Thus, the **COMPLAINANTS CLEARLY ERRED** when they accused me of the commission of unjust vexation; for I did not commit any act that would have amounted to a conduct that could have unjustly annoyed or irritated or caused torment, distress or disturbance to the minds of the herein complainants relative to their request;

6. That **I did not commit any act amounting to dereliction of duty** for under the Revised Penal Code Article 208, the elements of dereliction of duty are as follows:

“That the offender is a public officer or officer of the law who has a duty to cause the prosecution of, or to prosecute offenses; That there is dereliction of the duties of his office, that is, knowing the commission of the crime, he does not cause (a) the prosecution of the criminal or (b) knowing that a crime is about to be committed he tolerates its commission; and that the offender acts with malice and deliberate intent to favor the violator of the law.” (Art. 208 of the Revised Penal Code.)

6.1. As then DMO IV of CENRO Roxas Palawan, part of my duty was to assist in the enforcement of environmental laws and regulations. However, I could NOT have possibly assisted in the initiation a law suit against the violations of environmental laws alleged by the complainants in their complaint since **I did NOT receive and was NOT made aware of any document or referral pertaining to the complainants' letter request for on-site inspection during my time as DMO IV of CENRO Roxas Palawan.**

6.2. Furthermore, I did not act with malice and deliberate intent to favor the law violators mentioned by the complainants since I was **not** even made aware of their predicament since **no** referral was even forwarded to me during my time as DMO IV of CENRO Roxas Palawan(See *Annex 1*);

7. That the imputation of **gross ignorance of the law by the complainants against me is unmeritorious** because jurisprudence dictates that:

“Gross ignorance of the law is the disregard of basic rules and settled jurisprudence.” [Department of Justice v. Judge Misleng 791 Phil. 219]

7.1. To reiterate, the records officer of CENRO-Roxas Palawan Certified under oath (see *Annex 1*) that complainants’ request for on-site inspection and evaluation was **not** forwarded **nor** referred to me when I was the DMO IV of CENRO-Roxas Palawan. Hence, **NO disregard of basic rules and settled jurisprudence could have been committed or was committed on my part, as there was no letter request coming from the complainants that was referred to me for my appropriate action;**

8. That **the imputation upon me of conduct prejudicial to the best interest of the service by the complaints was baseless** since jurisprudence also provides:

“xxx that acts may constitute conduct prejudicial to the best interest of the service as long as they tarnish the image and integrity of his/her public office.” [*Pia Vs Gervacio G.R. No. 172334, June 05, 2013*]

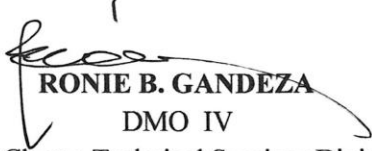


8.1. Following the tenets of the above cited jurisprudence, it is clear that I have **not** committed any act that could be deemed to have tarnished the image and integrity of my then office station as DMO IV of CENRO Roxas Palawan, since I did **not** in fact receive any referral for me to act upon relative to the complainants' letter request for on-site inspection and evaluation. (See *Annex I*);

9. That in view of the foregoing, it is my humble prayer for my name to be removed from the list of the respondents cited by the complainants in their complaint. As the imputations made against me by the said complainants are clearly baseless and unmeritorious both in Fact and in Law.

IN WITNESS WHEREOF, I have hereunto affixed my signature
this ____ day of July 2023, at Puerto Princesa City, Palawan.

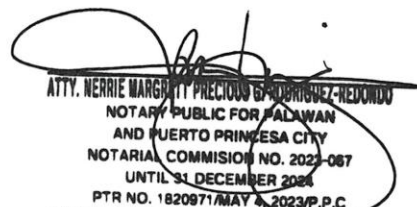
JUL 07 2023


RONIE B. GANDEZA
DMO IV
In-Charge Technical Services Division
DENR PENRO PALAWAN
AFFIANT


JUL 07 2023

SUBSCRIBED AND SWORN to before me this ___ day of July 2023, at Puerto Princesa City, Palawan, Philippines and I hereby certify that I have personally examined the affiant and that I am satisfied that he voluntarily executed and understood the same; the affiant presenting to me his I.D OSEC-DENRB-DMO4-77-2014 issued at Provincial Environment and Natural Resources Office, Brgy. Sta.Monica Puerto Princesa City, Palawan.


Doc No. 33
Page No 8
Book No. I
Series Of 2023


ATTY. NERRIE MARGIE PRECIOUS G. RODRIGUEZ-REDONDO
NOTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
NOTARIAL COMMISSION NO. 2023-067
UNTIL 31 DECEMBER 2024
PTR NO. 1820971/MAY 4, 2023/P.P.C
IBP NO. 333209/MAY 3, 2023/PALAWAN CHAPTER
ROLL NO. 87207
DATE ADMITTED TO THE BAR 02 MAY 2023





Republic of the Philippines
DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
Region IV-C MIMAROPA
Province of Palawan



Employee No. RAM-DMO4-77-2014

RONIE B. GANDEZA

Name


DEVELOPMENT MANAGEMENT

OFFICER IV

Position

OSEC-DENR-DMO4-77-2014

Item No.



Signature

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
PUERTO PRINCESSA CITY

Office Address DENR-PENRO PALAWAN Sta Monica, Puerto Princessa City, Palawan	Home Address Bataquis Road, Brgy. 3, Rosas, Palawan
GSIS BP No B64GARBG012	Philhealth No 08-00026620-8
BIR TIN 135-057-752	Pag-Ing No 1470-0086-3376
Date of Birth April 10, 1964	Mobile No 09172412117

In case of emergency, please notify

Name: **LUCIEN F. GANDEZA**

Relationship: **Wife**

Address: **Bataquis Road, Brgy. 3,
Rosas, Palawan**

Contact No: **09276034732**



FELIZARDO B. CAYATOC

Provincial Environment and Natural Resources Officer
Head of Agency/Authorized Signatory

This card is non-transferable. If found, please return to

DENR-PENRO, Bgy. Santa Monica, Puerto Princessa City
Tel No. (048) 433-5638



SWORN CERTIFICATION

This is to certify that as per our official records the letter of Dolorosa B. Nacasi and Adonis B. Nacasi dated August 3, 2020 relative to their request for an “**ON-SITE INSPECTION AND EVALUATION regarding the illegally cutted (sic) trees within the private lands covered by LOT NO. 11568, CAD-863-D IS IDEN. TO LOT NO. 96, SGS-04- 002022-D, covered by OCT NO. P-14242 consisting of 2.9377 hectares in Barangay Dumarao, Roxas, Palawan, under tax declaration number 20-11-1002 and LOT 95 of Sgs.04-002022-D made equivalent to Lot 11567 of Cad 862-D at may Tax Declaration Number 006-0640 containing an area of 38, 088 square meters.** “ was received by CENRO-ROXAS PALAWAN on August 19, 2020.

This is to certify further that as per our official records, no transmittal or referral or official communication relative to the abovementioned letter request of Dolorosa B. Nacasi and Adonis B. Nacasi was made to then DMO IV of CENRO-ROXAS PALAWAN **RONIE B. GANDEZA** for his official action.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ____ day of July 2023, at Puerto Princesa City, Palawan, Philippines.

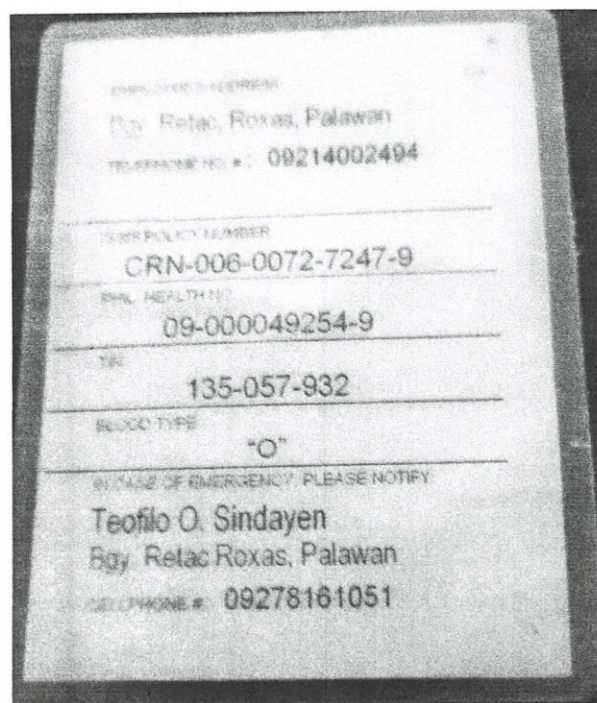
JUL 07 2023

MARIA CHRISTINE G. SINDAYEN
Affiant
RECORDS OFFICER
DENR CENRO ROXAS, PALAWAN

JUL 07 2023
SUBSCRIBED AND SWORN to before me this ____ day of July 2023, at Puerto Princesa City, Palawan, Philippines and I hereby certify that I have personally examined the affiant and that I am satisfied that she voluntarily executed and understood the same; the affiant presenting to me her I.D R4M-ADOF1-462 issued at DENR PENRO PALAWAN, BRGY. STA MONICA PUERTO PRINCESA CITY, PALAWAN.

Doc No: 34
Page No: 8
Book No: 1
Series of 2023: _____

ATTY. NERIE MARGARET PRECIOUS S. RODRIGUEZ-REDONDO
NOTARY PUBLIC FOR PALAWAN
AND PUERTO PRINCESA CITY
NOTARIAL COMMISSION NO. 2023-087
UNTIL 31 DECEMBER 2024
PTR NO. 820971/MAY 4, 2023/P.P.C
3P NO. 333209/MAY 3, 2023/PALAWAN CHAPTER
ROLL NO. 87207
DATE ADMITTED TO THE BAR 02 MAY 2023





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

DENR PENRO
PALAWAN REGION
RECEIVED

BY: 784-2023-4980
DATE: APR 03 2023

SHOW-CAUSE MEMORANDUM

TO : **RONNIE B. GANDEZA**
DMO IV/ In-Charge, Technical Services Division
PENRO Palawan

FROM : THE REGIONAL EXECUTIVE DIRECTOR

SUBJECT : **COMPLAINT OF DOLOROSA B. NACASI AND ADONIS B. NACASI AGAINST NARDITO T. ACIERTO ET AL.**

DATE : **APR 03 2023**

This refers to the 1st Indorsement issued by Deputy Ombudsman for Luzon Cornelio L. Somido regarding the above-cited subject.

Attached is the Complaint of Dolorosa B. Nacasi and Adonis B. Nacasi.

In the observance of due process, you are hereby enjoined to submit within five (5) days from receipt hereof your written explanation (comment/counter-affidavit/explanation) under oath why no administrative case should be filed against you. Failure to submit the said document/s shall be considered a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/comment/explanation.

For strict compliance.


LORMELYN E. CLAUDIO, CESO IV

Copy furnished:

DOLOROSA B. NACASI
ADONIS B. NACASI
Brgy. Dumarao, Roxas, Palawan

HON. CORNELIO L. SOMIDO
Deputy Ombudsman for Luzon
Office of the Ombudsman
Ombudsman Building, Agham Road
Diliman, Quezon City
(Ref. IC-OC-20-1126)

KARL CAESAR R. RIMANDO, CESO III
Regional Director
Department of the Interior and Local Government
DILG-MIMAROPA Region
822 Quezon Avenue, Quezon City
(krimando@dilg.gov.ph)

PENRO Palawan

CENRO Roxas, Palawan



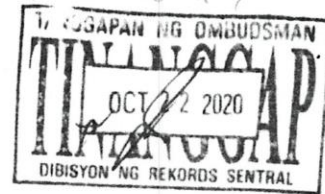
Doc ID: 93385

ARD-MS/LD

DENR By the Bay Building, 1515 Roxas Boulevard, 1000 Ermita, Manila
Telephone Number: (632) 84050046
Website: <https://mimaropa.denr.gov.ph/>
Email: mimaroparegion@denr.gov.ph; denr4blegal@gmail.com

Republic of the Philippines)
Province of Palawan)
Puerto Princesa City)SC

COMPLAINT



We, **DOLOROSA B. NACASI** and **ADONIS B. NACASI**, both of legal ages, both married, both Filipino and both residents of Barangay Dumarao, Roxas, Palawan, Philippines, after having been duly sworn on oath in accordance with law hereby voluntarily depose and say:

That we would like to file an ADMINISTRATIVE and CRIMINAL COMPLAINT against the following persons.

- **NARDITO T. ACIERTO**, of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan, present Barangay Chairman of Barangay Dumarao, Roxas, Palawan.
- **HERNANDO SAMPEROY**, of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan, present Barangay Councilor of Barangay Dumarao, Roxas, Palawan.

For: 1) VIOLATION UNDER SECTION 3(E) OF R.A. 3019

2) GRAVE MISCONDUCT

3) CONDUCT PREJUDICIAL TO THE BEST INTERES OF SERVICE

4) GRAVE ABUSE OF AUTHORITY AND IN RELATION TO ENHANCE COMMUNITY QUARANTINE (ECQ) COVID 19 PANDEMIC

5) UNJUST VEXATION

-And -

- **NARDITO T. ACIERTO**, of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan, present Barangay Chairman of Barangay Dumarao, Roxas, Palawan.
- **HERNANDO SAMPEROY**, of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan, present Barangay Councilor of Barangay Dumarao, Roxas, Palawan.

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- **MR.ERWIN DUCANIS**, of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan,
- **REMY DUCANIS**- of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan,

For: 1) Violation of the Criminal Code of the Philippines, Title 1, Section 64, Trespassing.

2) Violation of Sec. 68 of PD 705 Sec 3(d) SECTION 68 in relation to Articles 309 and 310 of the Revised Penal Code:

3) Estafa-Article 315 (RPC)

-And-

- **AVELINO DUCANIS, Filipino**, of legal ages, married, and resident of Dumarao, Roxas, Palawan.
- **RAMONA TEDOCO DUCANIS**, Filipino, of legal ages, married, and resident of Dumarao, Roxas, Palawan.

For: 1) TRESPASSING

2) VIOLATION OF SEC. 68 OF PD 705 Sec 3(d) SECTION 68 in relation to Articles 309 and 310 of the Revised Penal Code

3) UNJUST VEXATION.

-And-

- **EMER D. GARRAEZ**- of legal age, Filipino citizen, married and with office at CENRO, DENR Roxas, Palawan.
- **RONNIE GANDIZA**, of legal age, Filipino citizen, married and with office address at TECHNICAL SERVICE DIVISION, DENR, Roxas, Palawan.

For: 1) UNJUST VEXATION,

2) DERELICTION OF DUTY,

3) GROSS IGNORANCE OF THE LAW

4) CONDUCT PREJUDICIAL TO THE BEST INTEREST OF SERVICE

0002 .

FACTS OF THE CASE

We, the undersigned discovered that sometimes on the month of September 2, 2019 more or less ten o'clock in the morning (10:00 AM) and on February 10, 2020, more or less 10:00 A.M. and sometimes on the months of April, May and June 2020 and during the implementation of ECQ and in relation to Covid 19 pandemic, said persons not authorized by law unlawfully entered in the said two parcels of land armed with bolos and took possessions inside the premises of such private land containing of two (2) hectares more or less, and illegally did a cutting of trees and built a small hut and one residential house using the forest products and timber from said alienable and disposable private lands, and without our knowledge and consent to the prejudice of the undersigned as a lawful claimants to the parcels of land. Worse, such unlawful action was conducted and completed in the presence and consent of our Punong Barangay of Dumarao, Roxas, Palawan.

When certificate to file action was endorsed by the Punong Barangay, the barangay captain subsequently provided the complainant a letter to withdraw their filed case before the CENRO, TO WHICH THEY AGREED, and IN RETURN FOR AN ENDORSEMENT FOR A RELOCATION WHICH WAS ALSO GRANTED. The relocation purposely to resolve any issue regards the position of the rightful claimants. However, when the assigned team of the geodetic engineer initiated the relocation survey; contrary to his original endorsement, the Punong Barangay as well as the respondents prevented the team of geodetic engineer armed with bolo, to the prejudice of the undersigned.

The undersigned has no other choice but to impose the rule of law hence, a formal request to DENR CENRO to conduct an onsite inspection and EVALUATE regarding the presence cutting tree activity, the letter copy furnishing the DILG, PNP and Philippine Marine but after the lapse of fifteen (15) days the office of DENR, completely disregard their request and further said that *they need a court order' before they can initiate the said request.* Section 68 under Articles 309 and 310 of the Revised Penal Code dictate otherwise.

Aggravating this ignorance of the law, is the flagrant negligence in its exercise to its authority to evaluate and investigate tree cutting in violation of law

in light of photographic evidence taken in the crime scene, be it on titled land. The perpetrators of tree cutting can hide evidences of the fruit of its cuttings.

Hence, the above citations are the cause for this complaint. Furthermore, the undersigned parties request the reservation for the addition of supporting evidence to be submitted as they seek the help of DENR PENRO to determine the actual damage sustained by the undersigned hence; complainant forwarded the on-site inspection and evaluation report of illegally cut trees to the PENRO office.

That at the time of the commission of the offense, majority of the above named respondents are public officials discharging administrative functions, committed the prohibited acts during the performance of their officials duties or in relation to their public position; have acted with manifest partiality, evident bad faith or inexcusable negligence, and said acts caused herein complainants undue injury as a consequence thereof.

That we have executed this complaint to attest to the truth of the forgoing facts and to support the filing of the administrative and criminal cases against them. Thus, we respectfully attached to this complaint our sworn affidavits and evidences as ANNEXES "AA" and "BB", as well as the affidavit of our witness as ANNEX "CC".

IN WITNESS WHEREOF, we have hereunto set our hand this __ day of September 2020 qat Puerto Princesa city, Palawan, Philippines.

[Signature]
DOLOROSA B. NACASI
Complainant
VIN: 5316-0364B-A3082DBN20000
Comelec, Puerto Princesa City
CP No. 09128735980

[Signature]
ADONIS B. NACASI
Complainant
VIN: 5318-00171ABN10000
Comelec, Puerto Princesa City

SUBSCRIBED AND SWORN to before me this __ day of September 2020 at Puerto Princesa City, Palawan, Philippines. I HEREBY CERTIFY that I personally examined the affiants and I are fully satisfied that they voluntarily executed and understood the contents of this complaint.

DEC. NO. 214
PAGE NO. 44
BOOK NO. 161
SERIAL NO. 7428

ATTY. GIDEON REY V. GUAYCO
NOTARY PUBLIC
DATE: DECEMBER 31, 2020
NOTARY'S ROLL NO. 56234
EXP. OF OFFICE LIFE TIME
RTR NO. 1377291 JANUARY 6, 2021
RTR NO. 2019-09

0004

Republic of the Philippines)
Province of Palawan)
Puerto Princesa City) SC

SINUMPAANG SUMBONG SALAYSAY

Ako, **DOLOROSA BADENAS NACASI**, sapat ang gulang, Filipino, may asawa, at naninirahan sa Dumarao, Roxas, Palawan, matapos manumpa alinsunod sa ipinag-uutos ng batas ay malaya at kusang loob na dito ay nagsasaysay.

1. Na noong Pebrero 25, 2019 ako ay bumili ng lupain na sakahan kay Ginoong **Cristituto B. Tarre** na matatagpuan sa Dumarao, Roxas, Palawan, na may lawak na **38,088 square meters** at makikilala bilang **LOT 95 of Sgs.04-002022-D made equivalent to Lot 11567 of Cad 862-D** at may **Tax Declaration Number 006-0640-A**.
2. Na kami ay gumawa ng "**KASUNDUAN**" na magbibigay ako ng halagang (**Isandaang Libong Piso** at **Limampung Libong Piso P150, 000.00**) salaping Pilipino, bilang paunang bayad. Ang kasunduan ay pinagtibay ng aming Punong Barangay **NARDITO T. ACIERTO** at lakip ng salaysay na ito na may **LETRA "A"**.
3. Na noong Hunyo 25, 2019 ang halagang **Isandaang Libong Piso (P100,000.00)** salaping Pilipino, bilang kabuuang bayad sa nasabing lupain ay aking ibinayad kay **Cristituto B. Tarre**. Lakip ang katanayan na may **LETRA "B"**.
4. Na noong Hulyo 8, 2019 ang "**PAGPAPATUNAY**" na nabili ko ang nasabing lupain sa halagang **Dalawandaang Libo at Limampung Libong Piso (P250,000.00)** salaping Pilipino ay pinagtibay ni **PB Nardito T. Acierto**. Lakip ang pagpapatunay na may **LETRA "K"** at **TRANSFER OF RIGHTS AND INTEREST** na pinagtibay ni **PB NARDITO T. ACIERTO** na may **LETRA "D"**.
5. Na noong November 12, 2019 ay ipinatala ko sa kagawaran ng DENR CENRO Roxas ang aking aplikasyon sa nasabing lupa na may katibayan

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ANALY V A A

bilang **HA 045318-435**, na may admin fee na halagang P106.00 at OR NO. 4794410A at ako ay pinagkalooban ng **DENR ROXAS** ng **CERTIFICATION** na lehitimong aplikante sa nasabing lupain na sakop ng lupaing agrikultura (alienable or disposable lands). Lakip ang mga patunay na may **LETRA "G","H","E"**.

6. Na noong buwan ng Pebrero 10, 2020 humigit kumulang alas diyes (10:00 AM) ng umaga ay nagulat ako ng makita ko na may mga tao na nakapasok sa loob ng lupaing nabili ko at nagpuputol ng mga kahoy upang linisin ang paligid upang gawing purok ng Barangay Dumarao, sa pamumuno nina Barangay Kagawad HERNANDO SAMPEROY, Mr.ERWIN DUCANIS at Purok Pagasa President REMY DUCANIS na pawang mga residente at opisyaes ng Barangay Dumarao, Roxas, Palawan.
7. Na agad kong ipinalam sa aming Punong Barangay NARDITO T. ACIERTO ang panghimasok nila Barangay Kagawad HERNANDO SAMPEROY, Mr.ERWIN DUCANIS, Purok Pagasa President REMY DUCANIS sa lupaing nabili ko at ang harap-harapang pagputol ng mga kahoy upang malinisan ang nasabing lupain upang gawing Purok, ngunit hindi ko inaasahan ang pagtanggì ni Punong Barangay NARDITO T. ACIERTO sa aking reklamo, hindi tumalima ang aming Punong Barangay Nardito T. Acierto upang ipatigil at arestuhin ang nasabing mga tao gayong mismong sa harapan niya ginagawa ang nasabing paglabag sa batas, dahil dito ay nagtagumpay ang mga taong nabanggit na tuluyang makapasok sa aming lupain at walang habas na sinira at pinutol ang mga kahoy na buhay gayong si kapitan Nardito T. Acierto at Barangay Kagawad HERNANDO SAMPEROY ang mga gumawa ng kasulatan ng **"PAGPAPATUNAY"** na nabili ko na ang nasabing lupain. Hindi ko akalain na gagawin nilang **"PUROK"** ang nasabing lupain at si Mr.ERWIN DUCANIS at Purok Pagasa President REMY DUCANIS ang ginawa nilang pangunahing tauhan upang gawin ang panghimasok sa nasabing lupain na walang pasubali sa aking karapatan hinggil sa nasabing lupain.
8. At noong buwan ng **Marso 2020** ay nagkaroon ng pandaigdigang salot na COVID-19 at bilang ordinaryong mamamayan ay nanatili lamang kami sa loob ng aming tahanan (Home Quarantine).

9. At noong buwan ng April, Mayo at Hunyo ay patuloy ang kanilang pagpapalawak ng pagsakop sa nasabing lupain, sinamantala nila ang kanilang pagiging opisyal ng barangay dahil malaya silang nakakagala kahit saan bilang frontliner ng Barangay Dumarao sa pagtugon sa Covid 19 Pandemic, kaya wala kaming nagawa upang pigilan ang nasabing mga tao na patuloy na nagpapalawak ng sakop sa loob ng aking lupain upang gawing Purok, dahil hindi kami makalabas upang pahintuin sila at sa takot namin na hulihin kami sa paglabag sa quarantine law maliban pa na armado sila lagi ng itak habang naglilinis sa nasabing lupain.

10. At noong buwan ng Hulyo 25, 2020 araw ng Sabado humigit kumulang alas diyes (10:00 AM) ng umaga nang ganap ng madeklara na MGCQ ang aming barangay sa Dumarao ay nagkaroon na kami ng pagkakataong gumala at nagulat ako sa tumambad sa amin sapagkat humigit kumulang na isang hektarya ang pinutol na mga malalaking kahoy gubat, kahoy na mangium at santol at malinis na ang ibang bahagi ng lupaing nabili ko at may isang kubo na ginawa kung saan dito namamahinga ang mga taong nabanggit sa tuwing nagpuputol sila ng kahoy at naglilinis ng paligid. Lakip ang larawan ng pinagpuputol na mga kahoy at pagsira sa kapaligiran at pagtayo ng kubo sa loob ng nabili kong lupa na wala kaming pahintulot. Lakip ang katibayan na may **LETRA "L"**. Ito ay malinaw na paglabag sa batas ayon sa pagkakasunod sa ibaba:

1.) **THE CRIMINAL CODE OF THE PHILIPPINES, Title 1, Section 64, TRESPASSING.** Any person who, not being authorized by law, shall enter the premises of another without permission or against the will of the lawful occupant shall be

Punished as follows:

1. If the offender is a public officer who is not authorized by a court order, the penalty shall be within level 2.

2) **Sec. 68 of PD 705 sheds light on an expanded definition of "forest products" to include materials defined in Sec 3(d) as pertaining to those same products when found on private lands:**

3) **SECTION 68. Cutting, Gathering and/or Collecting Timber or Other Products without License. — Any person who shall cut, gather, collect, or remove timber or other forest products from any forest land, or timber from alienable and disposable public lands, or from private lands, without any authority under a license agreement, lease, license or permit, shall be guilty of qualified theft as defined and punished under Articles 309 and 310 of the Revised Penal Code:**

11. Dahil dito ay nagsampa ako ng kaso laban kina Erwin Ducanis at Hernando Samperoy at Remy Ducanis, pero hindi ako pinansin ni kapitan Nardito T. Acierto at sinabi nito na sa DENR Office ako magsampa ng kaso, kaya humingi ako ng permiso na ipa-relocate ang nasabing lupain na nabili ko sa kabila ng katotohanan na sila Kapitan Nardito Acierto rin ang gumawa ng bilihan ng nasabing lupa.

12. Bilang tugon sa kagustuhan ni kapitan na idulog ko sa DENR ang kaso ay pinagbigyan niya ang kahilingan ko na ipa relocate ang nasabing lupain subalit ng dumating na ang grupo ng surveyor ay nagharang naman sila Erwin Ducanis, Remy Ducanis at Hernando Samperoy at hindi pumayag na irelocate ang nasabing lupa at armado sila ng mga itak.

13. SA aking pagkabigla ay hindi pinanindigan ni kapitan Nardito T. Acierto ang kanyang permiso na ipa relocate ang nasabing lupain kaya malaking halaga ang nagastos ko at pagkapahiya sa grupo ng surveyor ang natamo ko ito ay isang klase ng Panlilinlang o Estafa (under Article 315 of the Revised Penal Code ("RPC")). Lakip ang request kay Kapitan Nardito T. Acierto na may petsa 8-5-20 at may **LETRA "M"**.

14. Dahil sa pangyayaring iyon ay masyado akong nasaktan at hindi ako makatulog, ginawa nila kaming gatasan sa pagbili ng nasabing lupain at sila rin ang nagpatunay ng bilihan, matapos nito ay pinilit nilang pasukin sa dahas ang nasabing lupain at walang habas na pinagsisira ang mga buhay ilang at pinagpuputol ang mga kahoy upang gawing purok ng barangay at nagtayo sila ng bahay pahingahan ng wala kaming pagsangayon.

15. Kaya dumulog ako sa DENR CENRO Roxas, para malaman namin ang bilang ng mga pinutol na mga kahoy at kami ay nakipag-ugnayan din sa kawani ng PNP, Philippine Marines at DILG sa Munisipyo ng Roxas dahil sa ipinakitang tapang at laging may sukbit na mga itak ang nabanggit na mga tao sa itaas nito, lakip ang "**REQUEST for on- site inspection and evaluation**" sa tanggapan ng **CENRO ROXAS noong 8-19-20**" na may **LETRA "N"**.

16. Subalit matapos matanggap ng DENR CENRO ang nasabing sulat noong Agosto 19, 2020 ay makatatlong balik na kami sa DENR CENRO Roxas ay wala silang tugon, at hinahanapan kami ng "**Court Order**", ayaw rin

kaming bigyan ng **CERTIFICATE OF ATTENDANCE** sa tuwing nagpupunta kami sa opisina ng DENR CENRO Roxas para ungkatin ang resulta ng aming sulat, ayaw rin nilang magpakilala ng kanilang pangalan sa tuwing kami ay magtatanong at ayaw rin nilang sabihin ang pangalan ng CENRO at opisyalis ng DENR CENRO para sumagot sa aming hinaing.

17. Dahil dito ay napagpasyahan namin na idulog na ang usaping ito sa opisina ng Ombudsman para panagutin sa batas ang mga opisyaless ng DENR CENRO, Kapitan ng Barangay Dumarao at mga opisyaless na sangkot sa usaping ito at ibang pribadong tao na tumulong para maisagawa ang nasabing krimen, gayundin upang malaman namin ang kabuuhan bilang ng mga naputol na mga kahoy sa aming lupain ay sinangguni namin sa PENRO, Puerto Princesa City, Palawan para sila na lamang ang pupunta sa aming lupain upang malaman ang kabuuhan halaga ng nasirang mga pananim at dami ng mga punong kahoy na pinutol ng mga taong nabanggit sa loob ng lupaing nabili ko, dito na rin namin nalaman ang pangalan ng CENRO na si Emer Garraes at Ronnie Gandiza na responsable sa pagsagot sa sulat na aming ibinigay. Lakip ang liham na may petsa 9-7-20 at may control number na natanggap ng PENRO na may CN 20-8101, na may **Letra "O"**.

BILANG PATOTOO sa lahat ng ito ako ay lumagda sa ibaba nito ngayong ika _____ buwa ng September 2020 sa Puerto Princesa City, Palawan.

[Signature]
DOLOROSA B. NACASI
MAYSALAYSAY
VIN: 5316-0364B-A3082DBN20000
Comelec, Puerto Princesa City

NILAGDAAN AT SINUMPAAN sa harap ko ngayong ika _____ ng September 2020 sa Puerto Princesa City, Palawan, aking pinatunayan na personal kong nakausap ang maysalaysay at lubos akong naniniwala na lubos niyang nauunawaan ang kanyang salaysay at pinatunayang malaya at kusang loob niyang pagpapasya

DOC. NO. 218
PAGE NO. 45
BOOK NO. 161
SERIES OF 2020

ATTY. GIDEON REY V. GUAYCO
NOTARY PUBLIC
EXPIR. DEC 31, 2020
JUR. NO. 56284
ISS. NO. 126 LHI TIME
P. NO. 1377291 JANUARY 6, 2021
NOT. NO. 2016-09

0003

VERIFICATION/CERTIFICATION OF NON FORUM SHOPPING

Republic of the Philippines)
Province of Palawan)
Puerto Princesa City) SC

I, **DOLOROSA B. NACASI**, of legal age, married, Filipino, and a resident of Barangay Dumarao, Roxas, Palawan, after having been sworn to in accordance with law hereby depose and say:

1. That I am the complainant in the above foregoing case.
2. That I have caused the preparation of the foregoing complaint before the Office of the Ombudsman and have read the allegations contained therein.
3. The allegation in the said complaint is true and correct of my own knowledge and authentic records.
4. I hereby certify that I have not commenced any other action or proceeding involving the same issues in the supreme Court, Court of appeals, or any other tribunal or agency;
5. That if I should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, Court of Appeals, or any other tribunal agency, I hereby undertake to report that fact within five (5) days therefrom to the court or agency wherein the original pleading and sworn certification contemplated herein have been filed;
6. I executed this verification/certification to attest to the truth of the foregoing facts and to comply with the provisions of Adm. Circular No. 04-94 of the Honorable Supreme Court.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of September 2020 at Puerto Princesa City.

Dolorosa B. Nacasi
DOLOROSA B. NACASI
Affiant
VIN: 5316-0364B-A3082DBN20000
Comelec, Puerto Princesa City

SUBSCRIBED AND SWORN to before me this ____ day of September 2020 at Puerto Princesa City, Palawan. Affiant exhibited to me her valid ID, written below her name. That she is the same person who personally signed the foregoing affidavit before me and acknowledged that she voluntarily executed and understood the contents of the same.

REC. NO. 215
PAGE NO. 45
DATE FILED 16/

ATTY. CECILIO REY V. GUAYCO
ATTORNEY AT LAW
DATE OF REG. 12/21/2020
EXPIRATION DATE 12/21/2024
LIFE TIME
P. NO. 1277291 JANUARY 6, 2021
BAL. NO. 2013-00

0011

DATE: August 3, 2020

TO: DENR CENRO
Roxas, Palawan

FROM: DOLOROSA B. NACASI and ADONIS B. NACASI
Barangay Dumarao
Roxas, Palawan



Re: URGENT Request for ON-SITE INSPECTION AND EVALUATION regarding the illegally cutted trees within the private lands covered by LOT NO. 11568, CAD-863-D IS IDEN. TO LOT NO. 96, SGS-04-002022-D, covered by OCT NO.P-14242 consisting of 2.9377 hectares in Barangay Dumarao, Roxas, Palawan, under tax declaration number 20-011-1002 and LOT 95 of Sgs.04-002022-D made equivalent to Lot 11567 of Cad 862-D at may Tax Declaration Number 006-0640-A containing an area of 38,088 square meters.

X-----X

Greetings:

We, the undersigned being the lawful claimant and owner of the lands described above request your good office to conduct an on-site inspection and evaluation regarding the violation committed by the following person listed below for violation of *Sec. 68 of PD 705 sheds light on an expanded definition of "forest products" to include materials defined in Sec 3(d) as pertaining to those same products when found on private lands and SECTION 68. Cutting, Gathering and/or Collecting Timber or Other Products without License. — Any person who shall cut, gather, collect, or remove timber or other forest products from any forest land, or timber from alienable and disposable public lands, or from private lands, without any authority under a license agreement, lease, license or permit, shall be guilty of qualified theft as defined and punished under Articles 309 and 310 of the Revised Penal Code:*

NARDITO T. ACIERTO, of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan, present Barangay Chairman of Barangay Dumarao, Roxas, Palawan.

HERNANDO SAMPEROY, of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan, present Barangay Councilor of Barangay Dumarao, Roxas, Palawan.

MR.ERWIN DUCANIS, of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan,

0021

12 for "N"

REMY DUCANIS of legal age, Filipino citizen, married and resident of Dumarao, Roxas, Palawan.

Mr. AVELINO DUCANIS and MRS. RAMONA TEDOCO DUCANIS, married couple, both Filipino, both of legal ages, and presently residing at Purok Pagasa, Barangay Dumarao, Roxas, Palawan

Facts of the case

We, the undersigned discovered that sometimes on the month of September 2, 2019 more or less ten o' clock in the morning (10:00 AM) and on February 10, 2020, more or less 10:00 A.M. and sometimes on the months of April, May and June 2020 and during the implementation of ECQ and in relation to Covid 19 pandemic, said persons not authorized by law unlawfully entered in the said two parcels of land armed with bolos and took possessions inside the premises of such private land containing of two (2) hectares more or less, and illegally cutted trees and build a small hut and one residential house using the forest products and timber from said alienable and disposable private lands and without our knowledged and consent to the prejudiced of the undersigned as a lawful claimants . Worst, such unlawful action was happened and completed in the presence and consent of our Punong Barangay of Dumarao, Roxas, Palawan.

Dolorosa B. Nacasi
DOLOROSA B. NACASI
Complainant/claimant
Cp No. 09128735980

Adonis B. Nacasi
ADONIS B. NACASI
Complainant/ owner
Cp No. _____

Copy furnish:

THE CHIEF of DILG
Roxas, Palawan



0022