

Republic of the Philippines  
**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**  
**MIMAROPA REGION**

DENR By the bay, 3<sup>rd</sup> Flr 1515 DENR by the Bay Bldg,  
Roxas Blvd, Brgy 668, Ermita Manila

**IN RE: ADMINISTRATIVE ADJUDICATION  
PROCEEDINGS ON THE TWO (2) UNITS OF  
MOTORIZED BANCA (M/BCA NOAH AND  
M/BCA JANINE) APPREHENDED INSIDE  
APO REEF NATURAL PARK  
ON JANUARY 17, 2023**

**DANTE ESTEVES, JUNNEL ESTEVES,  
RONALD ORTEGA, NOMER BINGALA,  
JESUS CANTOR, NARCISO ALVARAO,  
JOMAR MALUNES INDANG MONDIDO**

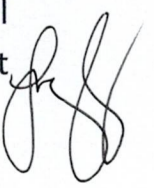
**Respondents**

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**MANIFESTATION/ MOTION TO DISMISS**

**COMES NOW**, the respondents, through counsel unto this Honorable Office, most respectfully avers,

1. That respondents were allegedly apprehended inside the Apo Reef Natural Park, in Sablayan, Occidental Mindoro on January 17, 2023 by the Task Force MARLEN;
2. That since then up to present, the Summary Administrative Confiscation Proceedings is yet to be concluded due to utter negligence on the part of the CENRO, Sablayan, Occidental Mindoro and other authorities thereof to dispose of this case with dispatch as mandated by DAO 97-32;
3. That because of utter delay on the part of the CENRO, Sablayan, Occidental Mindoro to conduct the summary administrative confiscation proceedings, respondents, sought the help of ARTA national office on this matter;
4. Thus, had it not been for the intervention of the ARTA National Office, the summary administrative confiscation proceedings will not

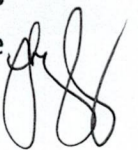


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JESUS CANTOR, NARCISO ALVARO, JOMAR MALUNES INDANG MONDIDO, Respondents

X-----X

be scheduled; unfortunately when the same was scheduled on the day of the hearing, the CENRO of Sablayan, Occidental Mindoro are not ready to proceed with the same despite months of supposed preparation; blatant violations of the DAO 97-32 were already committed and is being committed against the respondents, prompting the latter to file a complaint against the responsible CENRO officers;

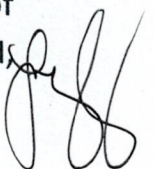
5. Thereafter, since the CENRO of Sablayan, Occidental Mindoro could no longer be impartial to this proceedings a change of hearing officer was filed by the respondents;
6. The same was immediately granted, on October 16, 2023 the PENRO was immediately designated as the new summary hearing officer; however, since his designation on October 16, 2023 up to present, no hearing was ever called for the summary confiscation proceedings;
7. Thus, on November 08, 2023, just to remind this office of the Regional Executive Director (RED) of this matter and the plight of the poor respondents in this case, the latter through counsel sent a letter to the Regional Executive Director (RED) making a follow up for the conduct of summary administrative confiscation proceedings but the same was not acted upon despite the said email being sent to their active and current email account, attached as Annex A is a copy of the said letter;
8. Meanwhile the respondents for almost a year, are suffering, morally, mentally and financially up to present because of the inability of the CENRO to dispose of this case with dispatch;
9. It is to be noted that respondents have a meritorious and valid defense; as shown in the certification of the NAMRIA, and the map drawn by them pursuant to the coordinates provided by the CENRO copy of which is hereto attached as **Annex B and C**, which clearly states that the respondents' position at the time of apprehension **was outside the protected area of the Apo Reef Natural Park**; the



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coordinates for the said location were as provided by the apprehending officers;

10. That clearly the apprehending officers had falsified some documents just to justify the apprehension on this poor fishermen, who had suffered long enough,
11. Luckily, section 16 Article II of the Constitution provides “ ***all persons shall have a right to a speedy disposition of their cases before all judicial, quasi-judicial and administrative bodies***”
12. That the right to speedy disposition of cases is violated only when the proceedings are attended by vexatious capricious and oppressive delays. In the instant case, except for two instances when the hearing officer was not ready and in another instance the hearing officer avoided on his duty to act on the proceedings thereby posing another potential delay thereon, there was no more proceedings that were conducted; follow up was made but still no hearing was ever conducted; request for documents were also not acted upon;
13. Such failure to conduct proper administrative hearings and provide documents relative thereto for almost a year, without justifications, when from the DAO 97-32 the same should be terminated within fifteen (15) regular business days, clearly constitutes capricious, vexatious and oppressive delays in the disposition of this case tantamount to a violation of the right of the respondents to speedy disposition of this case;
14. That under DAO 97-32, summary confiscation proceedings must be scheduled **within one week** from date of seizure; however, it was only on September 25, 2023 that it was first scheduled in gross violation of the right of the respondents to speedy disposition of their case as guaranteed by the Constitution;
15. That pursuant to section 7 (4), DAO-97-32, in the absence of compelling reasons, which shall in all cases be stated on the records



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JESUS CANTOR, NARCISO ALVARO, JOMAR MALUNES INDANG MONDIDO, Respondents

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confiscation proceedings **shall be terminated within fifteen regular business days** from commencement thereof; in this instant case, the supposed confiscation proceedings already consumed **more than ten (10) months**, without valid justifications and this delay was due to the neglect on the part of the CENRO and PENRO to conduct the proceedings

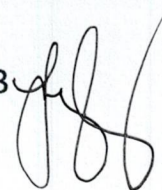
16. That there was delay for almost a year in this case; the delay was due to the utter neglect of the CENRO to hold the confiscation proceedings, the respondents have asserted the said delay but the same was not acted upon, up to present and that this delay causes undue prejudice and so much financial strain and humiliation to the respondents;

17. ***"The right to speedy disposition of case is violated only when there is inordinate delay, x-x-x-x when, without just cause or unjustifiable motive a long period of time is allowed to elapse without the party having his case tried."*** (Ty- Dazo vs Sandiganbayan. 424 Phil 945) ; clearly from the foregoing inordinate delay is present; this case should then be terminated by dismissing this case and the apprehended banca should then be released to the respondents

18. Thus this motion.

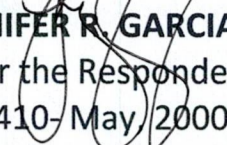
**WHEREFORE, premises considered,** it is most respectfully prayed for that after due notice and evaluation, an order be issued declaring this case as **CLOSED AND TERMINATED by dismissing this case and releasing** the banca subject of this summary confiscation proceedings for failure on the part of the CENRO to prosecute and dispose of this case within a reasonable period of time tantamount to a violation of the right of the respondents to a speedy disposition of this case. Such other reliefs as are just and equitable under the circumstances are likewise prayed for.

San Jose, Occidental Mindoro. November 21, 2023



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JESUS CANTOR, NARCISO ALVARO, JOMAR MALUNES INDANG MONDIDO, Respondents**

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**ATTY JENNIFER R. GARCIA-LAUDENCIA**  
Counsel for the Respondents  
Roll No 45410- May 2000  
IBP No 214206- March 29, 2023  
PTR NO 3521526 January 05, 2023  
MCLE VII 0017469 until 04/14/25  
2568 Calderon Street, Brgy Labangan  
Poblacion, San Jose, Occidental Mindoro

Copy furnished

**ANASTACIO SANTOS**  
**CENRO**  
Sablayan, Occidental Mindoro

**KRYSTAL DAYNE VILLANADA**  
**CENRO**  
Sablayan, Occidental Mindoro

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

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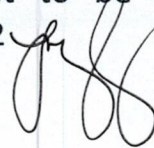
**Respondents**

X-----X

**MANIFESTATION**

**COMES NOW**, the respondents, through counsel, unto this Honorable Office, most respectfully avers;

1. That on October 20, 2023 respondents through counsel, received a copy of an ORDER dated October 16, 2023 from the OIC Regional Executive Director, Felix S Mirasol Jr, CESO IV granting the prayer of the respondents to allow the replacement of the current hearing officer and designated OIC PENRO Tanada as the Hearing Officer in lieu of CENR Officer Anastacio Santos and to continue the administrative adjudication proceedings for the abovementioned case;
2. Unfortunately however, up to present, no continuation of administrative proceedings is being held; the said delay unduly prejudices the poor respondents who are very much hopeful that with an impartial hearing officer they could prove their defense and eventually justice be served on them;
3. That it is to be noted that this incident happened on January 17, 2023 yet up to present administrative hearing is yet to be concluded in gross violation of the provisions of DAO 97-32



x-----x

4. Further, there were several requests for documents pertaining to this incident which are yet to be acted upon also in gross violation of the provisions of DAO 97-32 as well as the respondent's rights;
5. That this delay infringes the constitutionally protected right of the respondents to speedy disposition of their case;
6. Thus, a follow up is hereby made on this matter.

WHEREFORE, premises considered, it is most respectfully prayed for that after due notice an order be issued ANEW directing the newly designated Hearing Officer to conduct the administrative adjudication proceedings for this case taking into consideration the availability of all the parties concerned with a request that all the witnesses in the said incident be present thereat and the requested documents of the respondents pertaining to this cases be made available to the herein respondents at least a week before the scheduled hearing. Such other reliefs as are just and equitable under the circumstances are likewise prayed for

San Jose, Occidental Mindoro for Manila City, November 08, 2023

  
**ATTY JENNIFER R GARCIA- LAUDENCIA**

Counsel for the Respondents

Brgy Labangan Poblacion, San Jose,

5100, Occidental Mindoro

Roll No 45410- May, 2000

IBP No 204216 March 29, 2022

PTR No 3521526- January 05, 2023

MCLE VII-0017469- until 04/14/25



Jennifer Laudencia &lt;jenlaudencia72@gmail.com&gt;

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**Manifestation to Follow Up the conduct of Administrative Adjudication Proceedings on the two (2) units of Motirzed banca ( M.BCA Noah and M/BCA Janine) apprehended on January 17, 2023 Inside ( allegedly) Apo Reef Natural Park Dante Esteves et al, Respondents**

4 messages

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Jennifer Laudencia <jenlaudencia72@gmail.com>  
To: DENR Mimaropa Region <mimaroparegion@denr.gov.ph>  
Bcc: danteesteves195@gmail.com

Wed, Nov 8, 2023 at 10:34 AM

November 08, 2023

Good day

Please see attached file for your appropriate action.

Thank you.

Atty Jennifer R. Garcia- Laudencia

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 esteves-redfollow up.docx  
20K

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DENR Mimaropa Region <mimaroparegion@denr.gov.ph>  
To: Jennifer Laudencia <jenlaudencia72@gmail.com>

Wed, Nov 8, 2023 at 5:16 PM

Good day!

This is to acknowledge receipt of your email.  
Your concern has been acted upon by the Legal Division.

For other inquiries/follow-ups, you may reach them directly at their email address: denr4blegal@gmail.com

Please also be informed that your concern has been assigned with Document Tracking Number E-2023-.

To track the status of your concern, please provide the number above for ease of reference.

Thank you and keep safe.

JEZETH MAE G. FADERO  
Mathematician Aide I  
Records Section - DENR MIMAROPA  
[Quoted text hidden]

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Jennifer Laudencia <jenlaudencia72@gmail.com>  
To: mimaroparegion@denr.gov.ph

Wed, Nov 8, 2023 at 6:21 PM

Thank you for your assistance.

[Quoted text hidden]

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Jennifer Laudencia <jenlaudencia72@gmail.com>  
To: danteesteves195@gmail.com

Wed, Nov 8, 2023 at 6:22 PM

[Quoted text hidden]





04 September 2023

## CERTIFICATION


### TO WHOM IT MAY CONCERN:

This is to certify that a comprehensive analysis conducted through GIS reveals that the approximate shortest distance in nautical miles (NM) measured between the places listed hereunder are as follows:

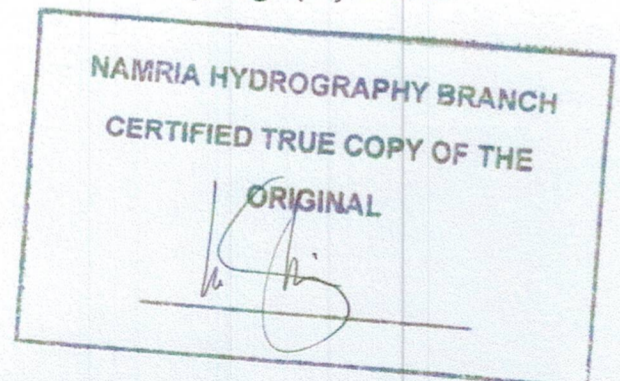
FROM	TO	NEAREST DISTANCE TO THE ARNP LIMITS	REMARKS
Apo Reef Natural Park (ARNP)	12 38 37 N, 120 33 14 E	0.93 NM	Within the ARNP 1NM buffer zone
	12 37 50 N, 120 33 31 E	1.60 NM	Outside the ARNP 1NM buffer zone

This certification is issued upon the request of **Mr. Dante P. Esteves** for whatever legal purpose it may serve.

Very truly yours,

  
**ANTONIO G VALENZUELA JR**  
Captain NAMRIA  
OIC-Director, Hydrography Branch

Paid under OR#: \_\_\_\_\_  
Date: \_\_\_\_\_  
Amount **P 180.00**




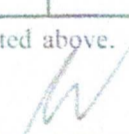
**NAMRIA OFFICES:**  
Lawton Avenue, Fort Bonifacio, 1634 Taguig City, PH ☎ (632) 8810-4831 to 41  
421 Barraca St., San Nicolas, 1010 Manila, PH ☎ (632) 8241-3494 to 98

 **ISO 9001:2015**  
CERTIFIED FOR MAPPING  
AND GEOSPATIAL  
INFORMATION MANAGEMENT

**INVESTORS IN PEOPLE™**  
We invest in people Silver

No. 51-C  
January, 1992

(ORIGINAL)

	<b>Official Receipt of the Republic of the Philippines</b>		
	<b>Nº 7352395 D</b>		
	Date <b>08 Sept 2023</b>		
Agency <b>LBMMA</b>		Fund	
Payor <b>Dante Estreves</b>			
Nature of Collection	Account Code	Amount	
<b>24 Certificates of Nautical Insurance</b>	<b>25.11</b>	<b>P 180 -</b>	
<b>TOTAL</b>		<b>P 180 -</b>	
Amount in Words <b>One Hundred Eighty Pesos</b>			
<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			
Received the amount stated above.			
			
Collecting Officer			
NOTE: Write the number and date of this receipt on the back of check or money order received.			



1. The distance of the outer boundary of the Apo Reef Natural Park (ARNP) buffer zone from the boundary of the core zone is approximately 1.08 nautical miles (2.0 km).

2. The distance of Coordinate A from the nearest ARNP core zone boundary is 0.93 nautical mile (1.72 km).
3. The distance of Coordinate A from the nearest ARNP buffer zone boundary is 0.15 nautical mile (0.28 km).
4. The distance of Coordinate B from the nearest ARNP buffer zone boundary is 0.53 nautical mile (0.98 km).
5. The distance of Coordinate A from Coordinate B is 0.83 NM (1.54 km).
6. The distance of Coordinate A from the 12-m depth Bahua X is 1.43 NM (2.66 km).
7. The distance of Coordinate A from the 12-m depth Bahua Y is 1.15 NM (2.13 km).

Coordinate A -  
(12° 38' 37" N, 120° 33' 14" E)  
Coordinate B -  
(12° 37' 50" N, 120° 33' 31" E)

Bahura X (Approximate) -  
(12° 40' 04" N, 120° 33' 19" E)  
Bahura Y (Approximate) -  
(12° 39' 03" N, 120° 32' 09" E)

(ORIGINAL)



Official Receipt  
of the  
Republic of the Philippines

Nº 7352399 D

Date 11 Sept. 2023

Agency NAMMA Fund

Payor Dante Y. Esteves

Nature of Collection	Account Code	Amount
Special Non- Tone Map	114	P 1,500
Special Map of Apo Peak		
TOTAL		P 1,500

Amount in Words One Thousand Five Hundred Pesos

<input checked="" type="checkbox"/> Cash	Drawee Bank	Number	Date
<input type="checkbox"/> Check			
<input type="checkbox"/> Money Order			

Received the amount stated above.

Collecting Officer

NOTE: Write the number and date of this receipt on the back of check or money order received.