



Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

October 11, 2023

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 DENR By the Bay, Roxas Blvd.
Brgy 668, Ermita Manila

THRU : The PENRO Officer

FROM : The CENR Officer

SUBJECT : SUBMISSION OF COMPLETED STAFF WORK FOR THE
ADMINISTRATIVE HEARING OF THE APPEENDED
TWO (2) UNITS OF MOTORIZED BANCA (M/BCA NOAH
and M/BCA JANINE) INSIDE APO REEF NATURAL PARK
ON JANUARY 17, 2023

Respectfully submitted is the Completed Staff Work for the apprehended motorized bancas (M/BCA NOAH and M/BCA JANINE) in Apo Reef Natural Park on January 17, 2023. Please be informed that initial administrative hearings have been conducted on September 25 and October 9, 2023. Attached with this are the transcript of the said meetings for your ready-reference. Further be informed that the legal counsel of the respondents has manifested for the change of hearing officer, hence we recommend to allow Atty. Sancho Niedo to act as the hearing officer for this administrative case.

Lastly, the counsel has also requested for copies of the documents pertaining to the case. Please be informed that we have already given them the copies of all the documents that were submitted to the court for this case, but the counsel is still requesting for other documents including the duty detail of the apprehending officers which is not yet provided by this office to them. With this, we would like to ask for legal opinion about it.

For perusal and further actions, if any.


FOR. ANASTACIO A. SANTOS, MPA

COMPLETED STAFF WORK

I. SUBJECT

Administrative Hearing for the Apprehended Two (2) Units of Motorized Banca (M/BCA NOAH and M/BCA JANINE) inside Apo Reef Natural Park

II. RESPONDENTS

For M/BCA NOAH

Nomer Bingala y Halover
Jesus Cantor y Tayco
Narciso Alvaro y Mondido
Jomar Malunes y Francisco
Erica Mondido (Owner)

For M/BCA JANINE

Junnel Esteves y Plaquino
Ronald Ortega y Juayno
Welson Ortega y Juayno
Robert Ortega y Juayno
CO1 Dante Esteves y Plaquino

III. ANTECEDENTS

1. That on January 17, 2023, a group of 9 fishermen has been apprehended by the Task Force Marine and Apo Reef Law Enforcement for Nature inside Apo Reef Natural Park. With the evidences submitted by the apprehending officers, the undersigned, under her duty as Protected Area Superintendent, has impounded the motorized bancas, fishing paraphernalia, and fishes caught, for presentation to the Office of the Provincial Prosecutor. (Annex 1 for the apprehension report, inventory report, receipt of impounded boat, and receipt of confiscated fishes.
2. That on January 19, 2023, accused fishermen were brought to the Office of the Provincial Prosecutor for inquest and filing of cases (Annex 2). Cases No. 6602, 6603, 6604, and 6605 were endorsed to the Municipal Trial Court of Sablayan, Occidental Mindoro.
3. That due to inadvertence brought by loads of work at the start of the year, and that because the criminal case was already filed, the undersigned did not conduct an administrative hearing within 7- days as prescribed by the DAO 97-32.
4. That due to the absence of administrative hearing, the Protected Area Management Office has imposed the Section 21 of DAO 2019-05, the Implementing Rules and Regulations for the ENIPAS ACT of 2018, which states that:

"The conveyance, vessels, equipment, paraphernalia, implements, gears, tools and similar devices used in the commission of the crime shall be dealt in accordance with Part

4, Rule 12 (Custody and Disposition of Seized items, Equipment, Paraphernalia, Conveyances and Instruments) of Administrative Matter No. 09-6-8 (Rules of Procedure for Environment Cases) issued by the Supreme Court."

5. That on June 22, 2023, a Joint Order from the Municipal Trial Court was received by this office stating that the accused have requested for the release of their fishing boats and that the said request was **DENIED** by the presiding Judge (Annex 3). That since the Presiding Judge has decided to denied the release of the conveyances, the office opted not to conduct the administrative hearing anymore, but however proceeded later, as instructed.
6. That on September 25, 2023, the 1st Administrative Hearing was called with CENRO Anastacio A. Santos as the hearing officer, and Atty Jennifer R. Garcia-Laudencia as the counsel for the Respondents (Annex 4). Copies of the complete record of this case was provided, however a clearer one has been requested. It is with this that the administrative hearing was reset to October 9, 2023.
7. That on October 4, 2023, an email was received by the PAMO from Atty.Laudencia requesting for the copy of the documents.
8. That on October 5,2023, Copies of the documents regarding this case was received by one of the respondents, CO1 Dante Esteves.
9. That on October 9, 2023, CENRO Anastacio Santos has delegated DMO IV Isaias Guimod to conduct the administrative hearing due to conflict of schedule with an emergency meeting with the Regional Full-time Delivery Unit. Transcript of which is attached as Annex 5. Likewise, on the same day, Atty. Laudencia has Manifested a Motion to Replace/ Change the hearing Officer (Annex 6). She further requested again for the certified true copy of the documents along with other documents, and/ or a certification of no record if such. She also requested for that the apprehending team be present during the scheduled administrative hearing for confiscation.

IV. RECOMMENDATION

With the manifestation of Atty. Jennifer R. Garcia – Laudencia, as counsel of the respondents, it is hereby recommended for the Regional Office to designate Atty. Sancho C. Niedo to be the hearing officer for this Administrative Case. We likewise seek for legal opinion regarding the requested documents of Atty. Laudencia, when all the documents necessary for the case, that was submitted to the court, were already given to them, except for the duty detail of rangers.


FOR. ANASTACIO A. SANTOS, MPA
CENR Officer

W/BC9 JAHINE

(Pangalan ng Sasakyang-Dagat)

GEN. EMELIO AGUIBALDO

(Lugar-Daungan/Parumahan)

KATIBAYAN NG MAAYOS NA PAGSISIYASAT

Sa Sinumang Kinauukulan,

Ito ay bilang pagpapatunay na ang grupo ng PARK RANGER NG APO
REEF NATURAL PARK TEAM PATING na binubuo nina:
EFRAIM Z. PAGADOR (TEAM LEADER), ROMEL M. PACAUL (BOAT CAPT.),
LUCYBARTO D. MATIRA AT RICKY M. DARTAYADA.

ay nagsagawa ng pagsisiyasat at pagsusuri ng isda/papeles/kagamitan ng aking/aming
sasakyang-dagat sa nasasakupan ng APO REEF NATURAL PARK SABLAYAN
OCC. MIPODZC.

Na, sa kanilang pagsisiyasat at pagsusuring ginawa sa pamamagitan ng wasto at maayos
na pamamaraan matapos ang magalang pagpapakilala alinsunod, sa itinatadhana ng Saligang
Batas ng Pilipinas.

Na, sila ay hindi gumamit ng pananakot o pamimilit sa aming pagkatao at wala rin silang
ginawang kapinsalaan o anumang bagay sa aming bangka at kung mayroon man ay binigyan kami
ng kaukulang resibo o katibayan ayon sa aming kalooban.

Na, ang lahat ng isinasaad dito ay pawang katotohanan lamang, bilang katunayan ay
kusang loob naming inilagda ang aming buong pangaian sa harap ng mga tauhan ng PAMO
AKPP - DENR, na hindi gumamit ng pananakot
o humingi ng anumang pabuya o perang umiiral sa ating bansa sa pagtupad ng kanilang gawain.

Mga karagdagang masasabi SILA AY AMING KASALA SA MATLARD
SABLAYAN UPANG MAGSAGAWA KAUKULANG PAGHIMBISTILA AT
PAGSISIYASAT SA KAPILANG MGA PAHUKI AT MGA KAGAMITAN.

Na, ang pagpapatunay na ito ay malayang nilagdaan ngayong ika- 17 NG ENERO
ng TAONG KASALUKUYAPO.


DANTE ESTEVES

Piloto ng Bangka

Enhinyero ng Bangka

May-ari ng Sasakyang Dagat DANTE ESTEVES

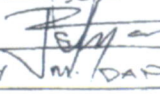
Tirahan GEN. EMELIO AGUIBALDO

MGA SAKSI:


EFRAIM Z. PAGADOR


LUCYBARTO D. MATIRA


ROMEL M. PACAUL


RICKY M. DARTAYADA



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B (MIMAROPA)
APO REEF NATURAL PARK
CENRO Building, Sto. Niño, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com

END-1
4/17/23
7

APPREHENSION REPORT

01-17-2023

(Date)

CRYSTAL DAYTE T. VILLARADA

Sir:

Hereunder is a report on an Apprehension made by the undersigned.

JAN 17, 2023

(Date of Apprehension)

6:28 VM

(Time of Apprehension)

OFFENSE: VIOLATION RA11038

PLACE OF COMMISSION OF OFFENSE: BAHUKA 12 AKAP

ACTION TAKEN: BROUGHT TO SABLAYAN MAINLAND FOR
FURTHER INVESTIGATION

OFFENDER	AGE	ADDRESS
DAYTE ESTEVS	48	GEN. EMELIO AGUIRALDO
JUDHEL ESTEVS	30	GEN. EMELIO AGUIRALDO

Note: Use back paper for additional names and address.

REMARKS:

NAME OF BOAT: M/Bea JAPIPE

OWNER OF BOAT: DAYTE ESTEVS

ADDRESS: GEN. EMELIO AGUIRALDO SABLAYAN

Very truly yours,

JUSTO CARIO D. MATIRA

WITNESSES

ERAIM 2 PACADOR

ROBERT M. PACANL

RICKY M. DAYTAYADA



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B (MIMAROPA)
APO REEF NATURAL PARK
CENRO Building, Sto Nifo, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com

Page ____ of ____

JAP #1, 2023

DATE

INVENTORY REPORT

INVENTORY OF CONFISCATED/SEIZED ITEMS/GOODS ON BOARD. MARCA JAPITE EXE-1
COLOR WHITE/BLUE

APPREHENDED BY: LUCASARIO D. MATIRA WITH TASK MARLED
VIOLATION: RA 11038

PLACE APPREHENDED: BAHOKA, 12 APO REEF NATURAL PARKS
DATE & TIME APPREHENDED: 01/17/2023 / 6:28 PM

QTY	UNIT	DESCRIPTION / ITEMS
2	KI	Soldier fish - MAPCOK
2	PCS	Banyera
3	KI	Gontesh - MAPITAS
3	KI	Dattasudor - EOMPI
7	POS	WRASSE - MANILA - 1/2/2023
3	PCS	Striped large eye breeder - dugso
4	POS	Kobbitfish - Kuyog
2	PCS	Two spot snapp - maya-maya
1	POS	bigeye - mapcok
1	POS	unicornfish - surahan
2	POS	Tiggerfish - PAKO!
1	KI	Damselfish - PALATA
9	POS	Blue-lined bristletooth - LABAHITA
	POS	Angelfish - PALATA
20	KI	Fusilier - DALACAPC Butid
300	M	Fishing net / 9 mm mesh size
18	HP	Inukl
12	HP	Santo Yamma
7	PCS	Floating Buoy
1	PC	Kalabang

CERTIFICATION

WE HEREBY CERTIFY that the foregoing confiscated / seized goods and articles were properly inventoried in our presence and nothing was lost or damaged and turnover to _____ for custody.

JOHNEL ESTEVE DANTE ESTEVE

RECEIPT OF CUSTODY OF EXHIBIT

I HEREBY ACKNOWLEDGE to have received from DANTE/JOHNEL ESTEVE the above listed items/goods this 17th day of January and left in my possession pending investigation by the concerned authorities.

Kristal D. Villanueva EXE-3
LUCASARIO D. MATIRA



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B (MIMAROPA)
APO REEF NATURAL PARK
CENRO Building, Sto. Nino, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com

EX-1 F
3/7/23
F

16

RECEIPT OF IMPOUNDED BOAT

PLACE RECEIVED: BRGY POBLACION SABLAYAN OCC. MINDORO
DATE RECEIVED: JANUARY 17, 2023
RECEIVED FROM: JUANTEL ESTEVES
OWNER: DANTE ESTEVES
ADDRESS: GTN. FIELDO AGUIPALDO
NAME OF VESSEL: JAPIRE
VIOLATION/REASON FOR IMPOUNDING: RA 11038
REMARKS: WHITE & BLUE

CERTIFICATION

WE HEREBY CERTIFY that the foregoing confiscated / seized goods and articles were properly inventoried in our presence and nothing was lost or damaged and turnover to _____
DANTE ESTEVES for custody.

KRYSTAL DANTE T. VILLAPADA

DANTE ESTEVES

RECEIPT OF CUSTODY OF EXHIBIT

I HEREBY ACKNOWLEDGE to have received from DANTE ESTEVES
the above listed items/goods this 17 day of JANUARY and left in my possession pending investigation by the concerned authorities.

KRYSTAL DANTE T. VILLAPADA
LUCASARIO A. MATICA

ENG
2/7/23
TL

RECEIPT FOR DISTRIBUTED CONFISCATED FISH

Sablayan, Occ. Mindoo

(Place of Collection)

01/18/2023

(Date of Collection)

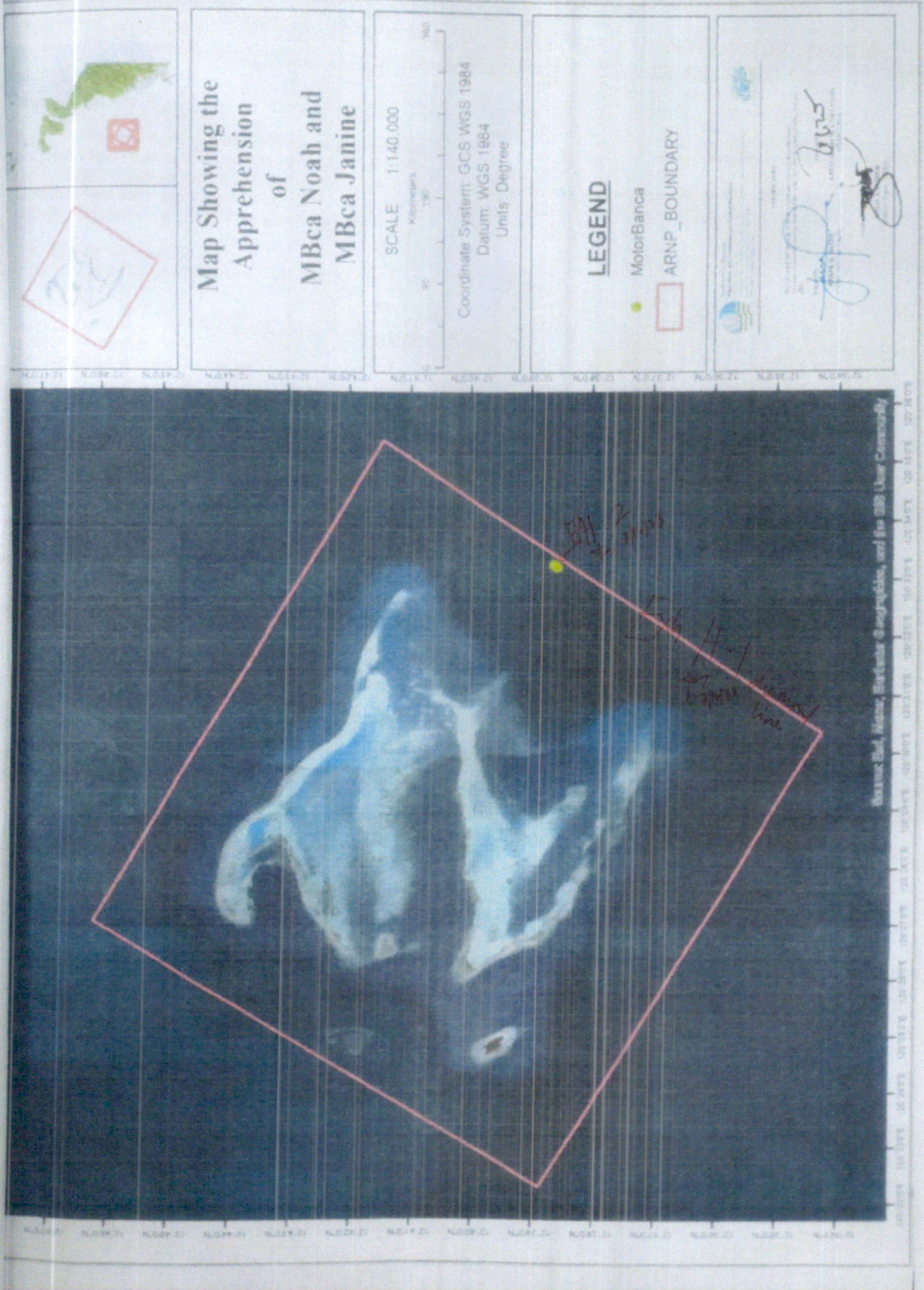
RECEIVED from M ARNP PAMO c/o Kyril L. Llanada the following confiscated fish:

VERNACULAR NAME OF FISH	SCIENTIFIC NAME OF FISH	QUANTITY	APPRAISED VALUE
Assorted ng fishes		32 kg.	P7260.00

This hospital, or penal or charitable institution agrees to pay the appraised value of said fish in the event the competent court before whom the criminal case is filed shall subsequently render a decision of acquittal of the accused and order the return of the value thereof.

Per FRIDAY B. MARUGA 01-18-2023
(Representative of Hospital or Penal or Charitable Institutions)

PH 11
9/1/13
4



MotorBanca, MotorBanca, MotorBanca, and the 300 Year Community

PH 11
9/1/13
4

PH 11
9/1/13
4



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA
OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
SABLAYAN MUNICIPAL POLICE STATION
Sablayan, Occidental Mindoro



1/18/23, 1:10 PM DENR - SPOT REPORT ON THE APPREHENDED TWO (2) UNITS OF MOTORIZED BANCA INSIDE APO REEF NATURAL...



Apo Reef Natural Park <aporeefnaturalpark@gmail.com>

SPOT REPORT ON THE APPREHENDED TWO (2) UNITS OF MOTORIZED BANCA INSIDE APO REEF NATURAL PARK ON JANUARY 17, 2023 AT AROUND 1828 HOURS

2 messages

Apo Reef Natural Park <aporeefnaturalpark@gmail.com>

Wed, Jan 18, 2023 at 12:56 PM

To: DENR Mimaropa Region <mimaroparegion@denr.gov.ph>

Cc: pambo cdd <pambo.cddmimaropa@gmail.com>, CDD MIMAROPA <cddmimaropa@gmail.com>, R4B PENRO Occidental Mindoro <enroccmindoro@denr.gov.ph>, PENRO OccMin TSD <tsdoccmin042@gmail.com>, DENR - CENRO Sablayan <cenrosablayan@denr.gov.ph>

Kindly see the attached file.
For your information and further instructions.

Apo Reef Natural Park- Protected Area Management Office

2F DENR CENRO Bldg.

National Road, Brgy. Sta Nino

Sablayan, Occidental Mindoro

Spot-Report.pdf
330K

DENR Mimaropa Region <mimaroparegion@denr.gov.ph>

Wed, Jan 18, 2023 at 1:10 PM

To: Apo Reef Natural Park <aporeefnaturalpark@gmail.com>, MIMAROPA - Enforcement <enforcementmimaropa@gmail.com>, MIMAROPA - CDD <cddmimaropa@gmail.com>

Good day!

This is to acknowledge receipt of your email.

Your concern was immediately forwarded to ENFORCEMENT DIVISION for review and appropriate action.

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

Kindly note of the Document Number: E-2023-101641

Thank you and keep safe.

ROBERT T. PANTI

Database Management Officer

Records Section - DENR MIMAROPA

[Quoted text hidden]



Department of Environment and Natural Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



EMAIL FOR TRANSMISSION
JANUARY 18, 2023

FOR : THE REGIONAL EXECUTIVE DIRECTOR
1515 DENR BY THE BAY BUILDING, ROXAS BOULEVARD,
BARANGAY 688, ERMITA, MANILA

FROM : THE PROTECTED AREA SUPERINTENDENT
APO REEF NATURAL PARK

SUBJECT : SPOT REPORT ON THE APPREHENDED TWO (2) UNITS OF
MOTORIZED BANCA INSIDE APO REEF NATURAL PARK
ON JANUARY 17, 2023 AT AROUND 1828 HOURS

PLEASE BE INFORMED THAT THE TASK FORCE MARINE FOR APO REEF LAW
ENFORCEMENT FOR NATURE (TF MARLEND) LEAD BY TEAM LEADER EFRAIM Z.
PAGADOR HAVE APPREHENDED TWO (2) MOTORIZED BANCA AT BAHURA 12
APO REEF NATURAL PARK ON JANUARY 17, 2023 AT AROUND 1828 HOURS WITH
THE FOLLOWING INFORMATION:

NAME	:	MBCA SOAR
COLOR	:	WHITE/BLUE
ENGINE	:	SEMO ENGINE 18 HP & YAMMA ENGINE 12 HP
BOAT CAPTAIN	:	HOWELL HOLUBER BENGALA
FISHERMAN	:	JESUS TAICO CAPTOR NARCISO MONDIDO ALVARO JOMAR FRANCISCO MALUNES
RESIDENCY	:	BRGY. GENERAL EMILIO AGUINALDO, SABLAYAN
FISHING PARAPHERNALIA	:	360-METER FISHING NET (9 MM MESH SIZE) 3 PCS FLOATING BUOY 1 PC KALAHAN 1 PC BANYERA 2 PCS PAUL
FISH CATCH ON-BOARD	:	ESTIMATED 33 KILOGRAMS OF ASSORTED REEF FISHES
NAME	:	MBCA JANINE
COLOR	:	WHITE/BLUE
ENGINE	:	YAMMA ENGINE 12 HP & INUKI 18 HP



Department of Environment and Natural Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



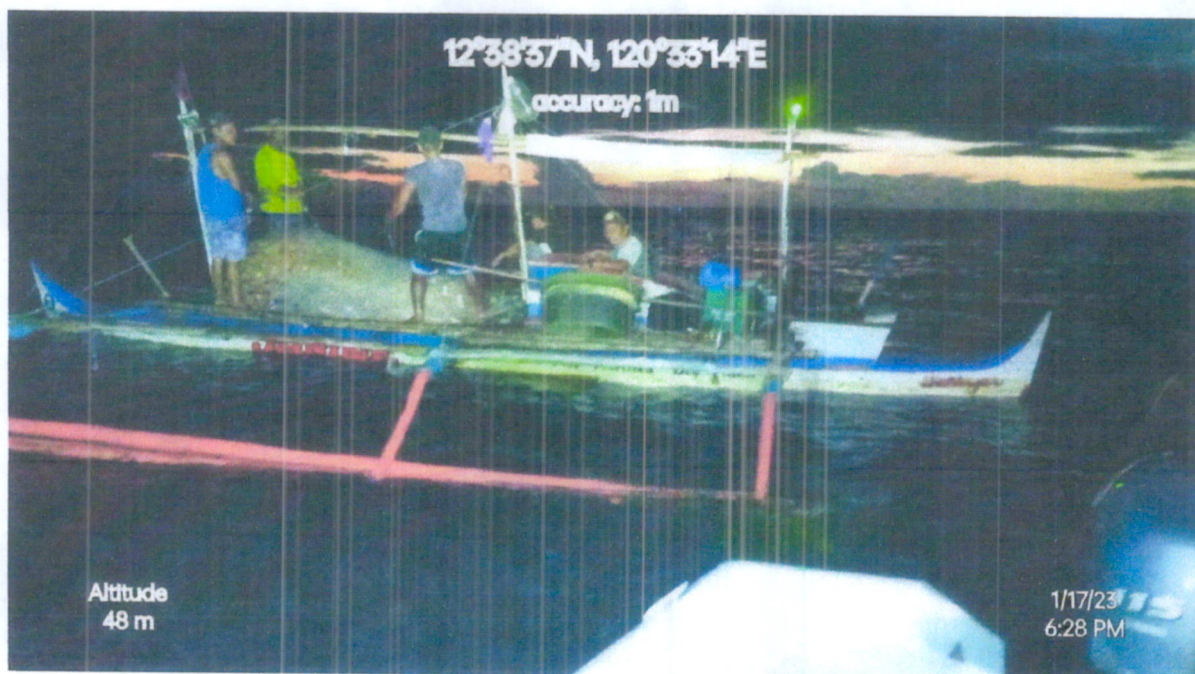
BOAT CAPTAIN	:	DANTE PLAQUIPO ESTEVES
FISHERMAN	:	ROPALO JUEYO ORTEGA ROBERT JUEYO ORTEGA WILSON JUEYO ORTEGA JUNNEL PLAQUIPO ESTEVES
RESIDENCY	:	BRGY. GENERAL EMILIO AGUINALDO, SABLAYAN
FISHING PARAPHERNALIA	:	360-METER FISHING NET (9 MM MESH SIZE) 7 PCS FLOATING BUOY 2 PCS BANYERA
FISH CATCH ON-BOARD	:	ESTIMATED 33 KILOGRAMS OF ASSORTED REEF FISHES

PAMO HAS ALREADY GIVEN AFFIDAVIT TO SABLAYAN MUNICIPAL POLICE STATION (SMPS) AND IS SCHEDULED FOR INQUEST ON JANUARY 18, 2023 AT THE PROVINCIAL PROSECUTOR'S OFFICE. ADMINISTRATIVE HEARING ON THE APPREHENDED MOTORIZED BANCA WILL BE SCHEDULED IMMEDIATELY.


KRYSTAL DAYNE T. VILLANADA



Department of Environment and Natural Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the motorized banca, M/Bca Janine (White and Blue) (↑ Above) (↓ Below) apprehended by the TF MARLEN on January 17, 2023 (6:28 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018





Department of Environment and Natural Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the engine YAMMA 12 HP (↑ Above) and HINOKI 18 HP (↓ Below) apprehended by the TF MARLEN on January 17, 2023 (6:28 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018





Department of Environment and Natural Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the fish catch on-board (↑ Above) (↓ Below) apprehended by the TF MARLEN on January 17, 2023 (6:28 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018





Department of Environment and Natural Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the fish catch on-board (↑ Above) (↓ Below) apprehended by the TF MARLEN on January 17, 2023 (6:28 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018





Department of Environment and Natural Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office

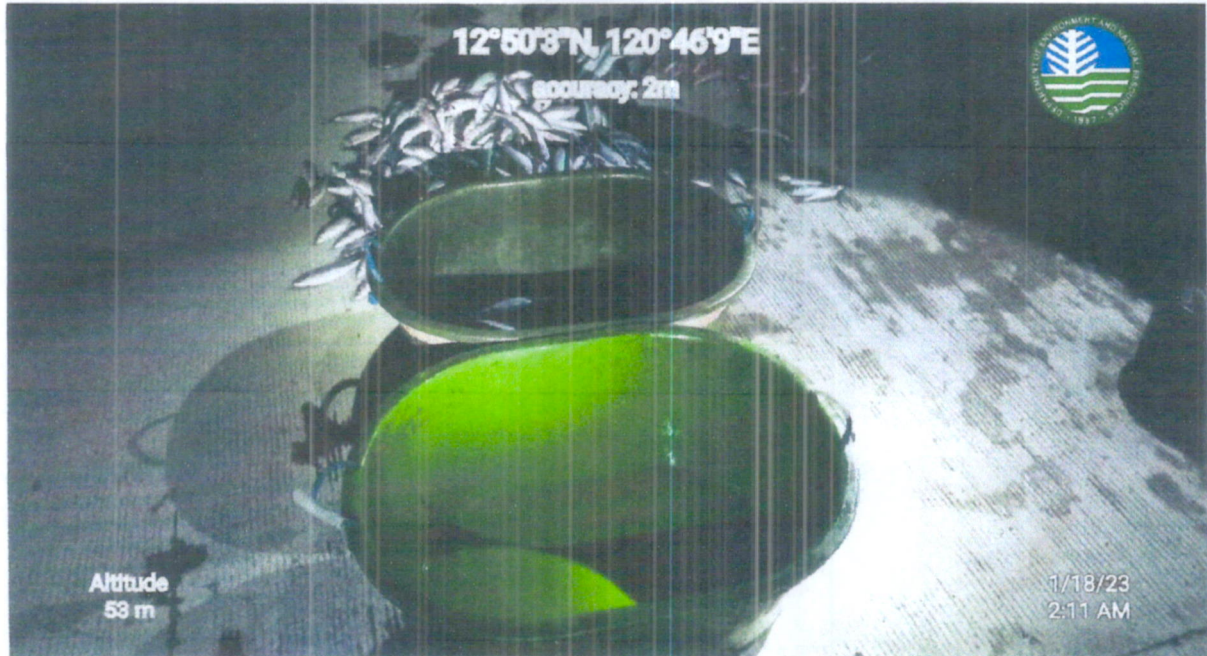


Pictures showing the fishing paraphernalia (↑ Above) (↓ Below) apprehended by the TF MARLEN on January 17, 2023 (6:28 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018





Department of Environment and Natural Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office

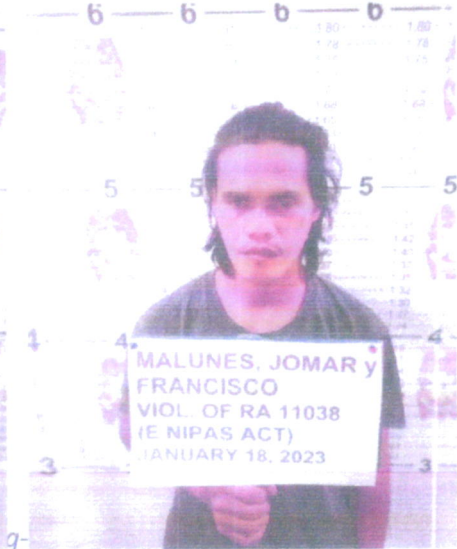
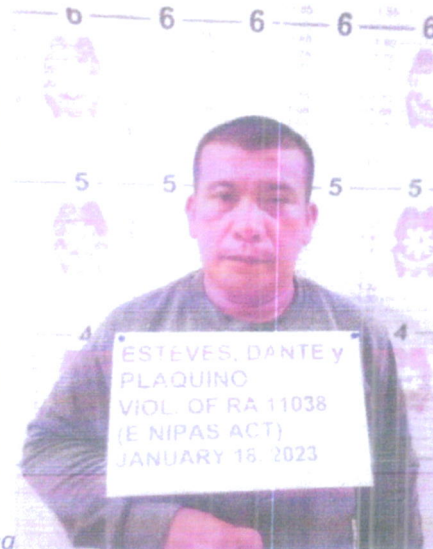
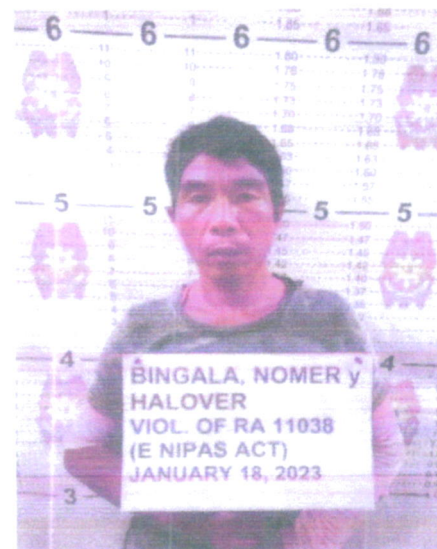
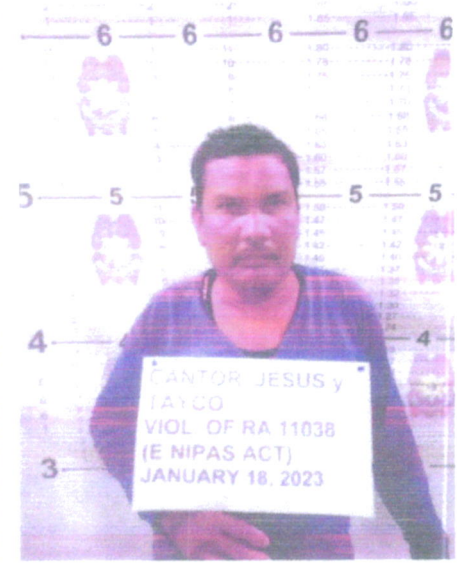
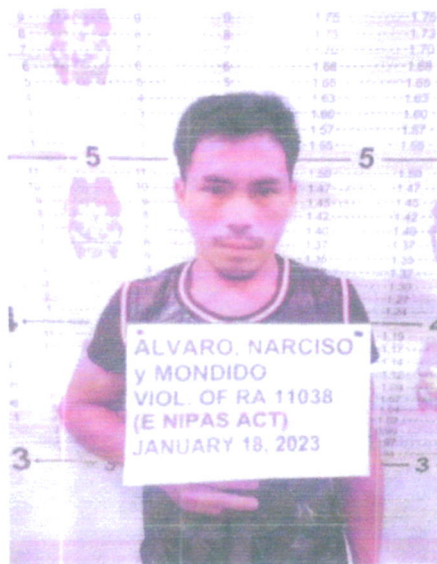
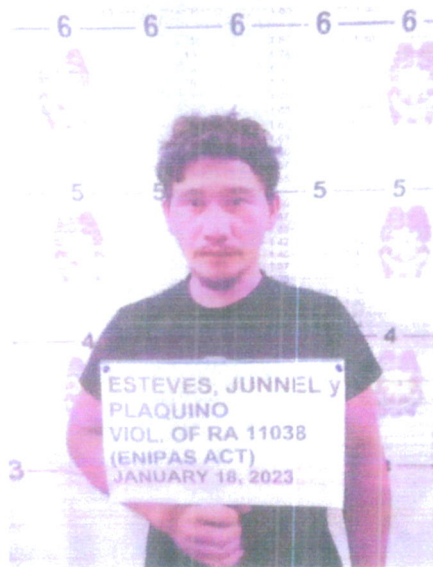


Pictures showing the fishing paraphernalia (↑ Above) apprehended by the TF MARLEN on January 17, 2023 (6:28 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018





Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA
OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
SABLAYAN MUNICIPAL POLICE STATION
Sablayan, Occidental Mindoro



EXH P
4/20/23

(12)

M/BCA NOAH SN# STL OCM 060322006714
(Pangalan ng Sasakyang-Dagat)

GEN. EMELIO AGUINALDO
(Lugar-Daungan/Pamuhatan)

KATIBAYAN NG MAAYOS NA PAGSISIYASAT

Sa Sinumang Kinauukulan,

Ito ay bilang pagpapatunay na ang grupo ng PARIC RANGER NG APD REEF NATURAL PARK "TEAM PATIMO" na binubuo nina: EFFRAIM Z. PACADOR (TEAM LEADER), ROMEL M. PACAUL (BOAT CAPT.), LUDYCARIO D. MATIRA AT RICKY M. DANTAYANA.

ay nagsagawa ng pagsisiyasat at pagsusuri ng isda/papeles/kagamitan ng aking/aming sasakyang-dagat sa nasasakupan ng APD REEF NATURAL PARK SABIAYAN OCC. MINDORO

Na, sa kanilang pagsisiyasat at pagsusuring ginawa sa pamamagitan ng wasto at maayos na pamamaraan matapos ang magalang pagpapakilala alinsunod, sa itinatadhana ng Saligang Batas ng Pilipinas.

Na, sila ay hindi gumamit ng pananakot o pamimilit sa aming pagkatao at wala rin silang ginawang kapinsalaan o anumang bagay sa aming bangka at kung mayroon man ay binigyan kami ng kaukulang resibo o katibayan ayon sa aming kalooban.

Na, ang lahat ng isinasaad dito ay pawang katotohanan lamang, bilang katunayan ay kusang loob naming inilagda ang aming buong pangalan sa harap ng mga tauhan ng POMO AIRNP - DENR, na hindi gumamit ng pananakot o humingi ng anumang pabuya o perang umiiral sa ating bansa sa pagtupad ng kanilang gawain.

Mga karagdagang masasabi SILA AY AMING DINALA SA MAINLAND SABIAYAN UPANG MAGSAGAWA NG KAUKULANG PAMIMILIS-TICA AT PAGSISIYASAT SA KANILANG MUAYHULI AT MGA KAGAMITAN

Na, ang pagpapatunay na ito ay malayang nilagdaan ngayong ika- 17 MO ENERO ng TOME KASALUKUYAN.

NOMER H. BENGALA

Piloto ng Bangka

NOMER H. BENGALA

Enhinyero ng Bangka

May-ari ng Sasakyang Dagat INDANG MONDIDO

Tirahan GEN. EMELIO AGUINALDO

MGA SAKSI:

LUDYCARIO D. MATIRA

EFFRAIM Z. PACADOR

ROMEL M. PACAUL

RICKY M. DANTAYANA



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B (MIMAROPA)
APO REEF NATURAL PARK
CENRO Building, Sto. Niño, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com

EX-10
3/1/23

13

APPREHENSION REPORT

01-17-2023

(Date)

KRYSTAL DAYNE VILANADA

PASO

Sir:

Hereunder is a report on an Apprehension made by the undersigned.

JAN 17, 2023

(Date of Apprehension)

6:28 PM

(Time of Apprehension)

OFFENSE: VIOLATION RA 11038

PLACE OF COMMISSION OF OFFENSE: BAHURA 12 ARMP

FURTHER INVESTIGATION

ACTION TAKEN: BROUGHT TO SABALAYAN MAINLAND FOR FURTHER INVESTIGATION.

	<u>OFFENDER</u>	<u>AGE</u>	<u>ADDRESS</u>
NOMER	PENGALA	43	SEP. EMELO AGUIBALDO
JESUS	CAPTOR	49	SEP. EMELO AGUIBALDO

Note: Use back paper for additional names and address.

REMARKS:

NAME OF BOAT: M/BCA NOAH

OWNER OF BOAT: IPDANG MORDIDO

ADDRESS: SEP. EMELO AGUIBALDO

Very truly yours,

LUDYBARTO D. MATIKA

WITNESSES:

EFRAIN P. PAGADOR

RICKY M. DANTAYANA

LUDYBARTO D. MATIKA

ROMEL M. PACANI

[illegible]



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B (MIMAROPA)
APO REEF NATURAL PARK
CENRO Building, Sto. Niño, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com

Page ____ of ____

15

JAN 17, 2023

DATE

INVENTORY REPORT

INVENTORY OF CONFISCATED/SEIZED ITEMS/GOODS ON BOARD: M/BCU NOAH

APPREHENDED BY: WHITE / BLUE
LUCKY CARLO D. MATIRA WITH TASK MARKER
VIOLATION: RA 1038

PLACE APPREHENDED: BAHOKA 12 APO REEF NATURAL PARK
DATE & TIME APPREHENDED: 01/17/2023 / 6:28 PM

QTY	UNIT	DESCRIPTION / ITEMS
~ 30	KL.	FUSILLIER - dalaga bulid
53	KL.	SOLDIER FISH - mangok
1	PC.	EMPEROR FISH - dugso
~ 1	KL.	COMMON BLUESTRIP SNAPPER - mga-maya
1	PC.	TULINGAN
~ 2	KL.	STRIP LARGE EYE BREAM - dugso
1	PC.	HUMPBACK SNAPPER - ag dapak
~ 1/2	KL.	GOAT FISH - matib
2	PCS.	UNICORN FISH - curahan
3	PCS.	BUTTERFLY FISH - pero-paw
5	PCS.	BARBACUDA
4	PCS.	KALAHAN
1	PCS.	SHOULDER - lap-lap
~ 1	KL.	KALAHAN
4	PCS.	EYE BREAM - bisyo
1/2	KL.	BANYAN
4	PCS.	WRASSE
300	MTR.	TWO SPOTTED SHAPPER
~ 1	KL.	BIG EYE
3	PCS.	MISH NET 4MM
1	UNIT	PADBIT FISH
1	UNIT	FLOATING BUOY
		SUMMO ENGINE 18 HP
		YAMMA ENGINE 12 HP.

CERTIFICATION

WE HEREBY CERTIFY that the foregoing confiscated / seized goods and articles were properly inventoried in our presence and nothing was lost or damaged and turnover to _____ for custody.

LUCKY CARLO D. MATIRA LUCKY CARLO D. MATIRA LUCKY CARLO D. MATIRA LUCKY CARLO D. MATIRA

RECEIPT OF CUSTODY OF EXHIBIT

I HEREBY ACKNOWLEDGE to have received from _____ the above listed items/goods this _____ day of _____ and left in my possession pending investigation by the concerned authorities.

Kristel Dayre Villanada LUCKY CARLO D. MATIRA



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B (MIMAROPA)
APO REEF NATURAL PARK
CENRO Building, Sto. Niño, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com

16

EnS
3/14/23

RECEIPT OF IMPOUNDED BOAT

PLACE RECEIVED: Brgy. Poblacion, Sablayan, Occ. Mindoro
DATE RECEIVED: January 11, 2023
RECEIVED FROM: NOMAR BENGA
OWNER: INDANG MANDILO
ADDRESS: Brgy. General Emilio Aguinaldo, Sablayan
NAME OF VESSEL: _____
VIOLATION/REASON FOR IMPOUNDING: RA 11038
REMARKS: _____

EnS-1
3/14/23

CERTIFICATION

WE HEREBY CERTIFY that the foregoing confiscated / seized goods and articles were properly inventoried in our presence and nothing was lost or damaged and turnover to Kaytel Villanada for custody.

NOMAR

BENGA

EnS-2
3/14/23

RECEIPT OF CUSTODY OF EXHIBIT

I HEREBY ACKNOWLEDGE to have received from NOMAR A. BENGA the above listed items/goods this 17th day of January and left in my possession pending investigation by the concerned authorities.

Kaytel Villanada
Investigator

EnS-3
3/14/23

ENT to
3/7/23

RECEIPT FOR DISTRIBUTED CONFISCATED FISH

Sablayan, G. Mindoro
(Place of Collection)

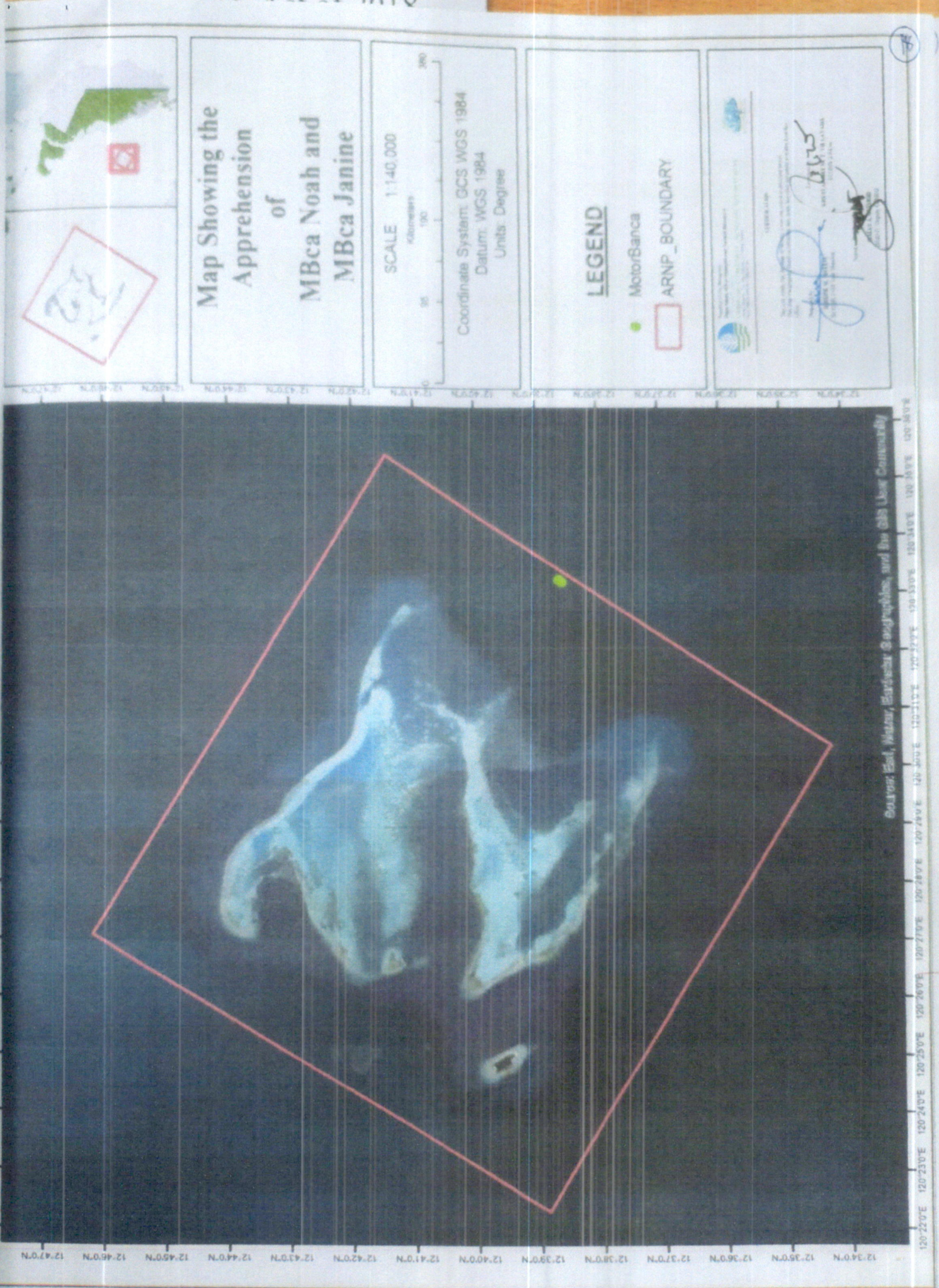
01/18/2023
(Date of Collection)

RECEIVED from M / ANAP PANO c/o Kyrstel Willanada the
following confiscated fish.

VERNACULAR NAME OF FISH	SCIENTIFIC NAME OF FISH	QUANTITY	APPRAISED VALUE
Assorted fishes		33 kg.	\$ 7,200.00

This hospital, or penal or charitable institution agrees to pay the appraised value of said fish in the event the competent court before whom the criminal case is filled shall subsequently render a decision of acquittal of the accused and order the return of the value thereof.

PRO FUDMT B MANGA 01-18-2023
(Representative of Hospital or Penal or Charitable Institutions)



Map Showing the Apprehension of MBca Noah and MBca Janine

SCALE 1:140,000

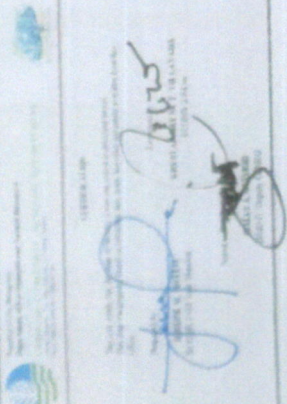
Kilometers



Coordinate System: GCS WGS 1984
Datum: WGS 1984
Units: Degree

LEGEND

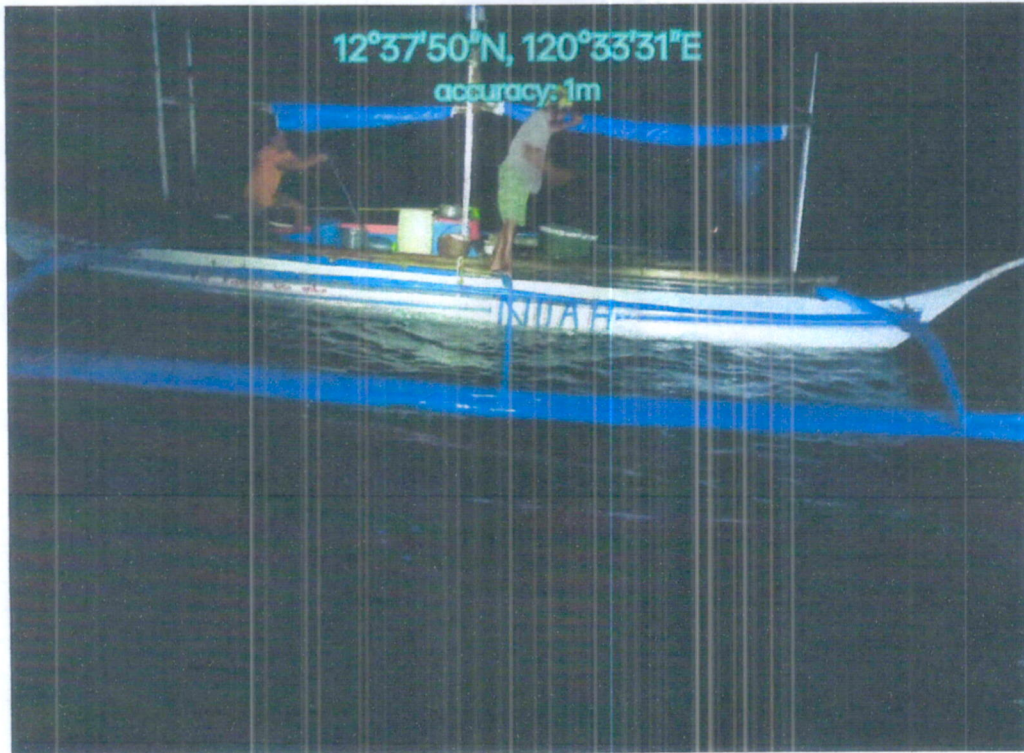
- Motor Blanca
- ARNP_BOUNDARY



Eastern Samar, Samar, and Leyte Seas



**Department of Environment and Natural
Resources**
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the motorized banca, M/Bca Noah (White and Blue) (↑ Above) (↓ Below) apprehended by the TF MARLEN on January 17, 202 (6:24 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018



National Highway, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com



**Department of Environment and Natural
Resources**
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the engine DKI 16 HP (↑ Above) and YAMMA 12 HP (↓ Below) apprehended by the TF MARLEN on January 17, 2023 (6:24 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018



National Highway, Brgy.Sto. Niño, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com



**Department of Environment and Natural
Resources**
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the fish and coral catch on-board (↑ Above) (↓ Below) apprehended by the TF MARLEN on January 17, 2023 (6:24 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018



National Highway, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
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Department of Environment and Natural
Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the fish and coral catch on-board (↑ Above) (↓ Below) apprehended by the TF MARLEN on on January 17, 2023 (6:24 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018





Department of Environment and Natural
Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the fishing paraphernalia (↑ Above) (↓ Below) apprehended by the TF MARLEN on on January 17, 2023 (6:24 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018



National Highway, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
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**Department of Environment and Natural
Resources**
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



Pictures showing the fishing paraphernalia (↑ Above) (↓ Below) apprehended by the TF MARLEN on on January 17, 2023 (6:24 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018



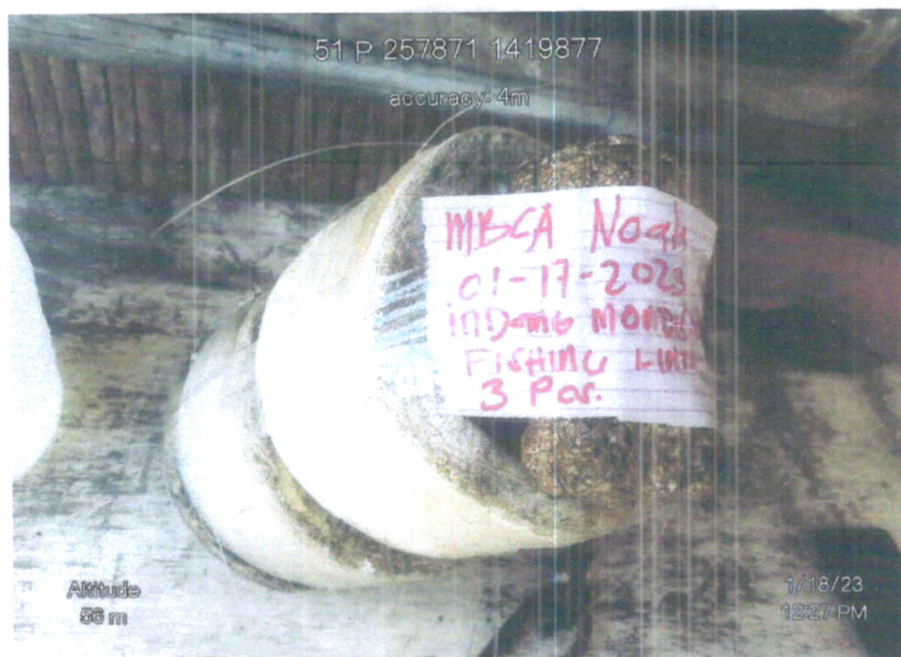
National Highway, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com



**Department of Environment and Natural
Resources**
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



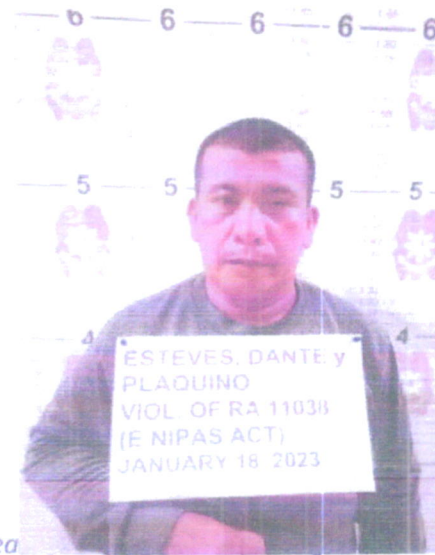
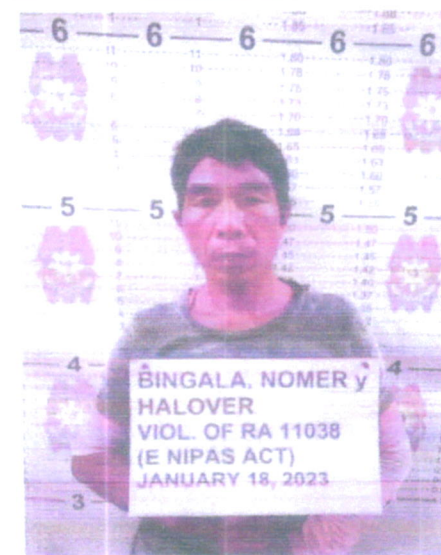
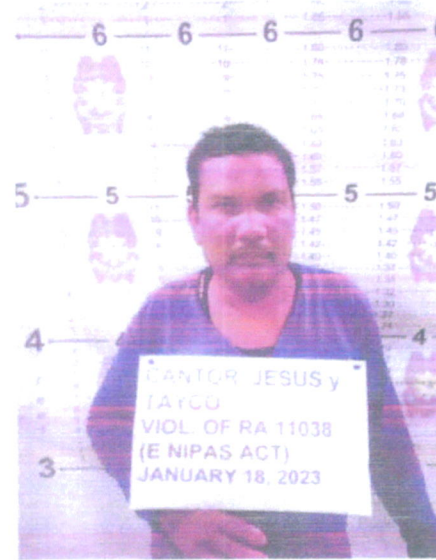
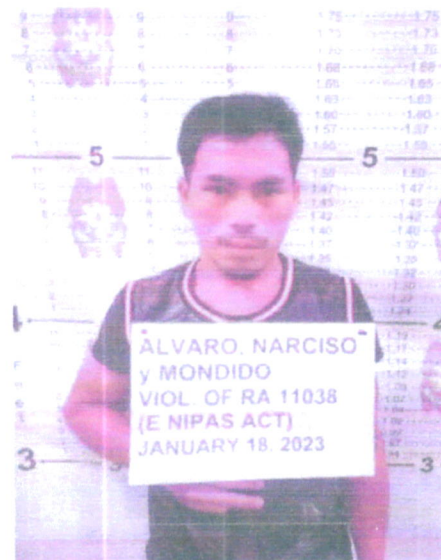
Pictures showing the fishing paraphernalia (↑ Above) (↓ Below) apprehended by the TF MARLEN on on January 17, 2023 (6:24 PM) at Apo Reef Natural Park, Sablayan, Occidental Mindoro for violation of RA 11038 or the ENIPAS Act of 2018



National Highway, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: aporeefnaturalpark@gmail.com



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA
OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
SABLAYAN MUNICIPAL POLICE STATION
Sablayan, Occidental Mindoro





Republic of the Philippines
DEPARTMENT OF JUSTICE
OFFICE OF THE PROVINCIAL PROSECUTOR
SAN JOSE OFFICE
San Jose, Occidental Mindoro

ENDORSEMENT

January 18, 2023

MS. MA CONCEPCION B. SIMPELO

Municipal Trial Court
Sablayan, Occidental Mindoro

Respectfully ENDORSED to the Court the People of the Phil. Vs. NomerBingalay Hatawer, et.al., per NPS Doc. No. IV-06-INQ-23A-00033 to 00034 for Violation of Sec. 20, Paragraphs (b) in Rel. to Tar. (a) of RA 7850 as amended by RA 11038 (Expanded National Integrated Protected Areas System Act of 2018) Attached hereto the statements and documentary evidence.

Please acknowledge receipt hereof. Thank you.

Very truly yours,

ARNEL D. BANDONG

Administrative Officer V

1. Information;
2. One (1) Original Copy and Two (2) Photocopies of Judicial Affidavit of Crystal PayneTendidoVillanada;
3. One (1) Original Copy and Two (2) Photocopies of Judicial Affidavit of Lady CarloDela Cruz Matire;
4. One (1) Original Copy and Two (2) Photocopies of Joint Affidavit of PCPl Julius Cesar T. Adap;
5. One (1) Original Copy and Two (2) Photocopies of KatibayanngMaayosnaPagasishyasat;
6. One (1) Original Copy and Two (2) Photocopies of Apprehension Report;
7. One (1) Original Copy and Two (2) Photocopies of Inventory Report;
8. One (1) Original Copy and Two (2) Photocopies of Receipt of Impounded Boat;
9. One (1) Original Copy and Two (2) Photocopies of Receipt for Distributed Confiscated Fish;
10. Map;
11. Three (3) Copies of Spot Report;
12. Three (3) Copies of Email for Transmission;
13. Pictures;
14. Mugshots;
15. One (1) Banca with body name NOAH;
16. One (1) unit of Summo engine 18HP;
17. One (1) unit of Yamina engine 12HP;
18. Other Fishing paraphernalia.

Approved:


DANTE V. RAMIREZ
Provincial Prosecutor

Roll No. 2542

MCLE Compliance No. VII-0013781

Valid Until April 14, 2025

I hereby certify that I have examined the affidavit/sworn statement of the complainant and other supporting evidence and found out that this case is proper for inquest, and that a prima facie case exist against the accused.

I further certify that the foregoing information is being filed against herein accused in accordance with the provision of Section 7 of Rule 112 of the Revised Rules on Criminal Procedure.


WARREN WESLEY M. MALALAD
Prosecutor I

SUBSCRIBED AND SWORN to before me this 18th day of January, 2023 at San Jose, Occidental Mindoro.


DANTE V. RAMIREZ
Provincial Prosecutor

WITNESSES:

1. Kryssa Dayne T. Villanada..... APO Reef Natural Park, Protected
Areas Management Office (ARNP-
PAMCO), DPWR, Sablayan, Occ. Mindoro
2. Ledygario D. Madra..... - do -
3. PCpl Julius Cesar T Adap..... MPS Sablayan, Occ. Mindoro
4. PCpl Petais M. Mateo..... - do -
5. Temair E. Rebiso..... - do -
6. and others.

BAIL RECOMMENDED: ₱6,000.00 each

PASU Krystal Dayne T. Villanada
Court decision on boat

Republic of the Philippines
Fourth Judicial Region
Municipal Trial Court
Sablayan, Occidental Mindoro
mtc2sby000@judiciary.gov.ph
043-458-0830

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

JUNNEL ESTEVES y PLAQUINO,
RONALD ORTEGA y JUAYNO,
WELSON ORTEGA y JUAYNO,
ROBERT ORTEGA y JUAYNO and
COL DANTE ESTEVES y
PLAQUINO,

Accused.

CRIMINAL CASE NO. 6602

For: Violation of paragraph (b),
in relation to paragraph (a),
Section 20 of Republic Act No.
7586, as amended by Republic
Act No. 11038 (Expanded
National Integrated Protected
Areas System Act of 2018)

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

JUNNEL ESTEVES y PLAQUINO,
RONALD ORTEGA y JUAYNO,
WELSON ORTEGA y JUAYNO,
ROBERT ORTEGA y JUAYNO and
COL DANTE ESTEVES y
PLAQUINO,

Accused.

CRIMINAL CASE NO. 6603

For: Violation of paragraph (g)
of Section 18 of Republic Act
No. 11038 (Expanded National
Integrated Protected Areas
System Act of 2018)

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

NOMER BINGALA y HALOVER,
JESUS CANTOR y TAYCO,
NARCISO ALVARO y MONDIDO,
and JOMAR MALUNES y
FRANCISCO,

Accused.

CRIMINAL CASE NO. 6604

For: Violation of paragraph (b),
in relation to paragraph (a),
Section 20 of Republic Act No.
7586, as amended by Republic
Act No. 11038 (Expanded
National Integrated Protected
Areas System Act of 2018)

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

NOMER BINGALA y HALOVER,
JESUS CANTOR y TAYCO,
NARCISO ALVARO y MONDIDO,
and JOMAR MALUNES y
FRANCISCO,

Accused.

CRIMINAL CASE NO. 6605
For: Violation of paragraph (g) of
Section 18 of Republic Act No.
11038 (Expanded National
Integrated Protected Areas
System Act of 2018)

JOINT ORDER

Before this Court are Motions to Release Fishing Vessel¹ separately filed by movants Dan Lester Esteves and Erica Mondido seeking the release of fishing vessels named "Janine" and "Noah", respectively, subject matter of these cases. According to the movants, they are the lawful owners of said fishing vessels; that they are using said fishing vessels for their business; that the same are of great help to their daily needs; that without proper maintenance and care, said fishing vessels would suffer irreparable damage; and, that they will bring the same to this Court or to the Office of the Provincial Prosecutor whenever ordered or required to do so.

Pros. Roberto P. Evangelista filed his Joint Comment/Objection dated June 21, 2022 to said motions.

In *Philippine Drug Enforcement Agency v. Brodett*,² the Supreme Court had the occasion to elucidate that the disposition of personal property seized in connection with a criminal offense can be made only after the case initiated relevant thereto is finally terminated. Thus:

According to the Rules of Court, personal property may be seized in connection with a criminal offense either by authority of a search warrant or as the product of a search incidental to a lawful arrest. If the search is by virtue of a search warrant, the personal property that may be seized may be that which is the subject of the offense; or that which has been stolen or embezzled and other proceeds, or fruits of the offense; or that which has been used or intended to be used as the means of committing an offense. If

¹ Records (Criminal Case No. 6602), pp. 92-94; records (Criminal Case No. 6603), pp. 92-94; records (Criminal Case No. 6604), pp. 85-87; records (Criminal Case No. 6605), pp. 87-89.

² G.R. No. 196390, September 28, 2011.

the search is an incident of a lawful arrest, seizure may be made of dangerous weapons or anything that may have been used or may constitute proof in the commission of an offense. X x x x *A proper court may order the return of property held solely as evidence should the Government be unreasonably delayed in bringing a criminal prosecution. The order for the disposition of such property can be made only when the case is finally terminated.* [Emphasis supplied.]

Hence, it would be premature at this stage of the proceedings where the prosecution is still presenting its evidence to order the release of the fishing vessels subject matter of these cases. Put differently, whether subject fishing vessels should be forfeited in favor of the government or released to their lawful owners shall be determined in a judgment that will be rendered in these cases. Such judgment shall be issued only after the parties have completed the presentation of their respective evidence. In the meantime, subject fishing vessels shall remain in *custodia legis*.

In addition, the prosecution of every criminal action is under the direction and control of the public prosecutor.³ Whether the subject fishing vessels will still be presented in the course of the trial of these cases or formally offered in evidence lies entirely within the prerogative of the Public Prosecutor, which the Court is loath to interfere with. Certainly, releasing the subject fishing vessels to the movants would invariably interfere with the aforesaid prerogative of the Public Prosecutor because he would lose immediate and direct control over the same. Not to mention that even if the fishing vessels are transferred to the care and custody of the movants, the risk of loss due to acts of God or human error will remain present and continue to exist.

Lastly, it does not escape the attention of this Court that during the pre-trial conference, the prosecution offered for stipulation and the accused, through their counsel, admitted that CO1 Dante Esteves y Plaquino is the owner of motorized banca "Janine".⁴ Now the same counsel filed the Motion to Release Fishing Vessel on behalf of movant Dan Lester Esteves alleging, among others, that the latter is the owner of motorized banca "Janine".

IN VIEW OF THE FOREGOING, subject Motions to Release Fishing Vessel filed by movants Dan Lester Esteves and Erica Mondido are hereby DENIED.

³ Section 5, Rule 110 of the Rules of Court.

⁴ See page 3 of the Joint Order dated March 7, 2023, records (Criminal Case No. 6602), pp. 71-73, 72.

SO ORDERED.

Given this 22nd day of June 2023, Sablayan, Occidental Mindoro.


JEICO P. N. POLITICO
Presiding Judge

Copy furnished:

Pros. Roberto P. Evangelista
Atty. Jeffrey M. Mercado
PASU Krystal Dayne T. Villanada
Park Ranger Ludygario D. Matira
PCpl. Julius Cesar T. Adap
PCpl. Pelais M. Mateo
Accused Junnel Esteves y Plaquino
Accused Ronald Ortega y Juayno
Accused Welson Ortega y Juayno
Accused Robert Ortega y Juayno
Accused Nomer Bingala y Halover
Accused Jesus Cantor y Tayco
Accused Narciso Alvaro y Mondido
Accused Jomar Malunes y Francisco
Accused Dante Esteves y Plaquino
Movant Dan Lester Esteves
Movant Erica Mondido



Department of Environment and Natural Resources
MIMAROPA Region
APO REEF NATURAL PARK
Protected Area Management Office



September 21, 2023

PAGPAPABATID NG PAGDINIG

Wilson
G. JUNNEL ESTEVES y PLAQUINO
G. RONALD ORTEGA y JUAYNO
G. ROBERT ORTEGA y JUAYNO
CO1 DANTE ESTEVES y PLAQUINO
G. NOMER BINGALA y HALOVER
G. JESUS CANTOR y TAYCO
G. NARCISO ALVARO y MONDIDO
G. JOMAR MALUNES y FRANCISCO

General Emilio Aguinaldo, Sablayan, Occidental Mindoro

Mga Ginoo,

Ito po ay may kaugnayan sa bangkang pangpangisdaan na **M/Bca NOAH (OCM 060322066714)** at **M/Bca JANINE** at sa mga tauhan nito, na nahuli ng mga elemento ng Task Force MARLEN (Marine and Apo Reef Law Enforcement for Nature) dahil sa pagpasok at pagkuha ng yamang dagat sa nasasakupan ng Apo Reef Natural Park noong ika-17 ng Enero 2023. Ang naturang pagpasok at pagkuha ng yamang dagat sa nasasakupan ng pinangangalagaang pook ng walang kaukulang lisensiya o permiso mula sa Protected Area Management Board (PAMB), paglabag sa isinasaad ng Seksiyon 18, talatang G ng RA 11038, na kilala sa tawag na ENIPAS Act ng 2018; at sa Seksiyon 1, Artikulo II ng "PAMB Ordinance No. 001, Series of 2007."

Ayon po sa isinasaad ng DENR Administrative Order (DAO) 97-32, Serye ng 1997, na nakaugnay sa DAO 2000-45, Serye ng 2000, hinihiling po namin na kayo ay dumalo sa **Unang Pagdinig o Administrative Hearing** ukol sa pagkakahuli ng nabanggit na mga bangka at mga tauhan nito na gaganapin sa **ika-25 ng Setyembre 2023, ika 2:00 ng hapon** sa **DENR-CENRO Sablayan**, So. Balud, Sto. Niño, Sablayan, Occidental Mindoro.

Sumasainyo,

Krystal Dayne T. Villanada
KRYSTAL DAYNE T. VILLANADA
Protected Area Superintendent

1st ADMINISTRATIVE HEARING

MINUTES OF 1ST ADMINISTRATIVE HEARING FOR THE APPREHENDED TWO (2) UNIT MOTORIZED BANCA (M/BCA NOAH AND M/BCA JANINE) INSIDE APO REEF NATURAL PARK

Attendance:

Junnel Esteves y Plaquino	-	Respondent
Ronald Ortega y Juayno	-	Respondent
Welson Ortega y Juayno	-	Respondent
Robert Ortega y Juayno	-	Respondent
CO1 Dante Esteves y Plaquino	-	Respondent
Nomer Bingala y Halover	-	Respondent
Jesus Cantor y Tayco	-	Respondent
Narciso Alvaro Y Mondido	-	Respondent
Jomar Malunes y Francisco	-	Respondent
Erica D. Mondido	-	Boat Owner
Atty. Jennifer R. Garcia – Laudencia	-	Counsel for the Respondents
Anastacio A. Santos	-	CENRO / Hearing Officer
Krystal Dayne T. Villanada	-	PASu / Secretariat

Paunang mensahe mula sa Hearing Officer: Ang pagdinig na ito ay para sa dalawang (2) yunit ng bangka, MBKA Noah at M/Bca Janiane, na nakumpiska sa loob ng Apo Reef Natural Park noong January 17, 2023. Nais lang po naming sabihin na kayo ay maaring kumuha ng inyong abogado o legal na tagapayo para sa pagdinig na ito.

CENRO Santos : May I ask Madam Counsel to please, ok naba? To repeat nalang yong request nyo kasi ngalang di na narecord.

Atty. Laudencia : Tinatawag naba? Formal ano natayo? Nakacheck na nang attendance?

CENRO Santos : Hindi legal counsel kasi po bago yon nasabi ko we as this will be recorded then you see it natapos, inaano kolang po na with the being the counsel of the accused i-formal na natin sabi you ask present natin dito is same those be presented in the court then after that madam counsel we will check the attendance to

Atty. Laudencia : Kasi sabi nyo kasi kaina that is not what was a could date to me to while ago. Sabi kasi kanina hindi kayo magsisimula mag record kung hindi kayo nakacheck ng attendance muna whether all the respondents are present. And that is why I am asking you know, bakit tayo magrerecord pala ay hindi pa pala nakakacheck ng attendance?

CENRO Santos : Eh Madam Counsel para natin, kasi ma'am binalikan kolang po yong and after that proceed na ung mga accuse na nandito e same yong at narito sila para malaman po natin. After ng manifestation n'yo po we will provide po muna yong document, then mag ro-roll call po tayo.

Atty. Laudencia : Sure na nakarecord yan? Because this would be the third time that I will be repeating my request.

May I request that a copy of all the pertinent documents in connection with this case with this administrative case against these respondents to give this to them because not furnishing them a copy of this documents this pieces of evidence against them it is a violation of their right. To be form of the nature and the cause of accusation against them especially that they have that this office had plenty of time within which to furnished them a copy of this pieces of documents considering that is already more than 8 months from the time they were apprehended. And according to your rules they should be allowed sufficient time within which to examine those records. DAO 97-32,

CENRO Santos : Yes yes! This is the different from 97-32

Atty. Laudencia : You read your notice, that is what I read because that it was in a core, okey that is the case meaning to say, even the notice is not proper.

CENRO Santos : Stand be to corrected the PASu, DAO 97-32, pertaining forest product base on their guidelines be adapted by the style of the administrative proceedings

Atty. Laudencia : Any memorandum or any addendum pertaining to DAO 97-32 which the stage you are adapting, because as I read and from experience this is a, this pertain to a lumber but this does not pertain to fish.

PASu Villanada : But the department administrative order 2000-45, states that the PASu, actually the PASu has the right to conduct the administrative proceedings, including the marine resources that were confiscated inside the protected area.

Atty. Laudencia : Yes, but under what procedure should you use, because that should be the procedure which will be adapted in this the administrative proceedings should be properly informed to the respondents. So may I know and me I request for that adaption that you are telling us which gives you the Authority to pursue this case in accordance with the DAO 97-32. That it should be the DAO 97-32 should be the one that will adapt in this proceeding in connection the fisheries and Aquatic resources.

CENRO Santos : While waiting for printing of that addendum, adaption of the 97-32 marine resources a in time a suspent in a few minutes habang dumating po yong mga dokumento. Then after po dun, will give you the document, kung meron po tayong sa tingin niyo is not proper, then sabi sa adapting we can always give you a comment before we proceed to the actual so suspend lang muna natin in a few minutes while waiting the document.

Atty. Laudencia : Paano tayo nakasiguro na yun na nga Seizure Receipt kasi ang term na ginamit Seizure Receipt hindi "apprehension receipt". After separate meaning to seizure and apprehension. Magkaiba yun.

CENRO Santos : Pero I think Madam Counsel, the receipt of the everything na nakalagay dyan that also corresponds the Seizure Receipt.

Atty. Laudencia : Paano natin sasabihing ganon e meron lang kayong apprehension pero wala kayong Seizure, iba kasi yun e!

CENRO Santos : Yes Madam Counsel ganto kasi yan eh, they adapted DAO 97-32. Tama po kayo, you have the apprehension receipt then you have a Seizure receipt and the custody, Seizure order proceed the admin hearing. Ngayon, siguro ang ceased and deceased order natin, kumbaga natin itong dito sa dagat to the adapted yung DAO 97-32 the para kung kung baga they have the apprehension receipt. Sa kanila ang receipt parang ginawa nila na this not corresponds.

Atty. Laudencia : Let just put it on record that there is no Seizure Receipt, only apprehension receipt.

CENRO Santos : Can I see the receipt?

Atty. Laudencia : And for the record because the hearing officer is the CENRO so I presume he is also the seizing officer.

CENRO Santos : No no, not necessary ganon ma'am. When the crime committed at your fault, yung mismong nag-apprehend can also issue the Seizure receipt, but once the product is delivered to him then he will issue the Seizure order.

Atty. Laudencia : Yon po ang interpretation nyo. Oo sige, basta naka record yan na ganon ang sinabi nyo, ok. Hihingi ako ng transcript nyan ha. So wala kayong Seizure receipt, dito sa inyo madali lang naman hanapin e. apprehension report, inventory report, receipt of impounded boat, receipt for distributed confiscated fish, at ito di ko maintindihan itong napakalabong ito, o paano ko ito makikita kung ano ito?

PASu Villanada : Ay sorry ma'am

Atty. Laudencia : Map showing

PASu Villanada : Opo ito na s'ya ma'am, kukuha nalang po kami sa court kasi ito po we just, furnished this so ito wla itong signature ung nasa court po ang may pirma.

Atty. Laudencia : Sino ang pumirma sa Map?

PASu Villanada : Ah our GIS expert.

Atty. Laudencia : Pero pwede bang pahingi ako ng pangalan ng pumirma dun sa kung sino yong pumirma at tsaka, ito lang ang malinaw sa kanila e picture, although di ko lang alam kung dun lang sa ano yong coordinates ay tama ba kasi ito ay sa NOAH yung isang binigay niyo sa akin kay Janine diba?

PASu Villanada : Opo

Atty. Laudencia : Ano baa ng nakalagay kay Janine kasi hindi naming maintindihan masyado yong coordinates na nakasulat

PASu Villanada : Ito po

Atty. Laudencia : Ay parehas ata ito e

PASu Villanada : Opo, ay sa pier napo yan.

Atty. Laudencia : Magkaiba to Janine and Noah 12,38,37 ba ito?

37,120,33,14 sa Janine, yong noah ay 12,37,50,120,33,31 ay ito ano to 33 to?

12,37,49,120,33 ano ito 33 o hindi 36

PASu Villanada : 33 po magkadugsong po yong ano nila sa taas e

Atty. Laudencia : Ito ba dito magkaparehas ng coordinate?

PASu Villanada : Hindi po. Kasi po habang inaapprehend po yan syempre gumagalaw po syempre nasa dagat pon yan e.

Atty. Laudencia : So 33 po yan?

PASu Villanada : Yes 33

Atty. Laudencia : Sure yun na 33, on record 33 daw yung NOAH coordinate sa first picture is 12,37, 50 north 120,33,31 east sa second picture is 12, 37,49 north 120,33,35 east.

Madam ibig sabihin ba itong may mga coordinate, yung picture na may mga coordinate doon pinicturan ito sa laot?

PASu Villanada : Hmmf, yes ma'am, dipo lahat ma'am ha yung mga isda dyan ay sa pier na po yan ma'am.

Atty. Laudencia : E itong may mga isda isda nato? Picture ng mga isda sa pier nato

PASu Villanada : Yes ma'am

Atty. Laudencia : Yung Bangka lang sa laot? O pati itong lambat sa pier narin?

PASu Villanada : Sa pier po yang mga lambat ma'am.

Atty. Laudencia : So ito lang ang documento na meron kayo? Na nabanggit kona to ito? Ah katibayan ng maayos na pagsisiyasat, apprehension report 2 pages, inventory report na hindi rin mabasa, receipt of impounded boat, receipt for distributed confiscated fish, spot report of the apprehended two units of motorize bangka inside Apo Reef Natural Park on January 17 at 1828 hrs, email for transmission January 18, 2023 from the protected area superintendent Apo Reef Natural Park compose of 2 pages and pictures 7 pages of pictures ito lang po ba yong Janine

PASu Villanada : Yes ma'am

Atty. Laudencia : Ito lang? Baka kasi mamaya pagka nag ano tayo bigla nag presenta kayo meron pala kayong documentong iba pa kaya ako nagtatanong. Ito nalang talaga? Ito lang talaga ang hawak ko, ganun din po dito sa kabila. Yung NOAH katibayan ng maayos na pagsisiyasat, apprehension report consisting of two pages, inventory report, receipt of impounded boat, receipt for distributed confiscated fish, ito may Mapa?

PASu Villanada : May mapa po ata parehas yan.

Atty. Laudencia : Supposeb te may mapa, pero wala akong makitang mapa.

PASu Villanada : Wala po kasi ne-reproduce lang po yan kuha nalang tayo sa court.

Atty. Laudencia : Kay NOAH wala?

CENRO Santos : Yes po Madam Counsel hindi po makita ang ating Mapa kaya sabi nga namin we will a

Atty. Laudencia : Oo hindi hindi itong kay Janine wala?

PASu Villanada : May Mapa din po yan

Atty. Laudencia : Meron din in addition dto sa binanggit ko may mapa

PASu Villanada : The same Map po lahat po may Mapa yan

Atty. Laudencia : So may Mapa si NOAH so meron 7 pages na picture ang meron sila tapos ang coordinates nito yong what was mention, so pag sinabing coordinate lilinawin kolang po ah, itong mga ito ibig sabihin nito ito yong lugar kung saan matatagpuan

CENRO Santos : Yes correct

Atty. Laudencia : Yan ung coordinates na ito doon matatagpuan, doon natagpuan yong

Bangka?

PASu Villanada : Yes ma'am

Atty. Laudencia : So, linawin kolang din po na itong sinasabi ninyong PAMB Ordinance Number AR07001-1 Series of 2011 ito yong ginamit ninyong ano, ano to?

PASu Villanada : Ma'am?

Atty. Laudencia : Para saan po ito?

PASu Villanada : Ma'am naka stipulate po dyan sa Section 11 the PAMB is adapting the procedures for DAO 97-32 for administrative adjudication

Atty. Laudencia : Pero hindi ito yong violation nya?

PASu Villanada : Ma'am?

Atty. Laudencia : Hindi ito yong violation ng respondents

PASu Villanada : Hindi po

Atty. Laudencia : So hindi ito yong batas na na violate nya? Only that ang sinasabi ninyo ito yong ginagamit ninyong base kaya ginagamit ninyong bases yong DAO 97-32 is because of the provision in section 11 of this a PAMB Ordinance. Pero as point of clarification these respondents are being a subjected to these administrative proceedings because of the violation dun sa RA 11038. No other law except yong 11038?

PASu Villanada : Yes Ma'am.

Atty. Laudencia : Kaso hindi ko po maintindihan ano tong section 38 of DAO 25 series of 1992 although ang sinsabi ninyo dito, ito ay pinipresenta nyo lang sa akin for puposes of saying that DAO 97-32 ay a yun yung inaadapt ninyo yun ung basis ninyo for adapting 97-32. So pano yung Mapa natin?

PASu Villanada : We can get the copy of the Map from the court to na may pirma para po mas official kasi po eto we just reproduce it for the sake na makita natin kasi malabo na masyado yung mapa namin but the Map in the court those are signed Maps

Atty. Laudencia : Pwede po malaman sir kung sino talaga ang team leader ng apprehending team?

Was it a Pagador or was it Ludygario Matira?

PASu Villanada : Si ludygario Matira po. Ludygario Matira was the team leader.

Atty. Laudencia : So it's not Pagador?

CENRO Santos : Kasi Madam Counsel kasi may schedule kasi yang mga yan yung

blue marine task force and they stay there for a week tapos nagkakaroon po ng changes of the

Atty. Laudencia : So ibig sabihin si Pagador, diko kasi alam ang pangalan pasensya na, so si Pagador wala doon hindi s'ya part ng apprehending team?

PASu Villanada : Kasama po si Efraim Pagador.

Atty. Laudencia : Kasama sya sa apprehending team but he is not the team leader?

PASu Villanada : Yes ma'am

Atty. Laudencia : The team leader is Ludygario?

PASu Villanada : Hmmmm.

Atty. Laudencia : Pag nasa pampang na ba nag babago ng team leader o yong team leader doon sa dagat s'ya rin ang team leader dun sa pagsampa dun sa lupa s'ya parin ang team leader?

PASu Villanada : Ganto po sya ma'am. The organizational chart ng Apo Reef si Efraim Pagador ang Team Leader ng team nila Team Pating, but when it comes to apprehension it is Ludygario Matira na nag te-Team Lead sa kanila. Kasi may kanya kanyang assignment po yang mga yan. The over-all Team leader is Efraim Pagador but when it comes to apprehension it is Ludygario Matira.

Atty. Laudencia : Meron kayong ano nyan may policy po kayo nyan na ganon? Yung arrangement ninyo may papel yan?

PASu Villanada : Opo.

Atty. Laudencia : So, pwede po kami makahingi ng papel nayan?

CENRO Santos : Well a Madam Counsel that is a internal arrangement within the PAMO na

Atty. Laudencia : Ay hindi po kasi kasama po yan sa depensa nila e

CENRO Santos : Ah ang ano kasi natin dyan Madam Counsel doon, is a pagdating kasi apprehension somebody has to take over para sa preparation ng filing but of course with the close coordination with the team leader nan aka-apprehend.

Atty. Laudencia : So, in short sir

CENRO Santos : Ang ano lang natin dyan Madam Counsel that the internal arrangement that was not written in the black and white

Atty. Laudencia : So ayun wala syang black and white dyan so internal arrangement.

CENRO Santos : Tama?

PASu Villanada : Yes sir.

Atty. Laudencia : And the yun po bang mga apprehending team natin ay mga empleyado ng CENRO?

CENRO Santos : Empleyado naman po lahat but there is regular there's contractual employees.

Atty. Laudencia : So. Paano pala naming hahabulin yung contractual?

CENRO Santos : Hahabulin po Madam Counsel what?

Atty. Laudencia : Hahabulin namin sila. Paano halimbawa magpafile kami ng reklamo paano namin sila pa-file-lan ng reklamo kung wala.

CENRO Santos : Its is also part of their duty, pumasok po sila sa DENR, specifically sa Apo Reef and that is part of their duty kaya tinatawag silang Park Ranger. So may duties responsibilities sila. Empleyado sila but in a contractual basis yong iba permanente po

Atty. Laudencia : Sino lang po dun ang empleyado ng ano? I presume yong nabasa ko kompleto ba yon? Yung nakasulat dito sa gilid? So ang empleyado lang dun ay si Mr. Pagador at tsaka ikaw?

PASu Villanada : Yes ma'am

Atty. Laudencia : All the rest si Mr. Matira, Pacaul, Dantayana contractual yun?

PASu Villanada : Yes ma'am

Atty. Laudencia : Pero up to present narito parin sila

PASu Villanada : Except for Pacaul

Atty. Laudencia : Dahil nag abroad na sya, nakaalis na o paalis palang

PASu Villanada : Paalis napo!

Atty. Laudencia : Kaya hindi na sya makakaupo sa witness stands sa December 5

PASu Villanada : Yes po

Atty. Laudencia : So contractual yung iba, si Pagador at ikaw lang ang ano.

Tsaka gusto ko ding malaman kung sino ang nakapirma doon sa mapa, yung nakapirma po yo yung nag prepare?

CENRO Santos : Yes, yung ating pong mga GIS specialist

Atty. Laudencia : Ano yun mga empleyado din natin na permanent?

CENRO Santos : Yes permanent sila

Atty. Laudencia : Ok. Yung nag drawing nyan permanent employee?

CENRO Santos : Well kasi ang ating ano, ang atin pong Apo Reef basi po yan nong na proclaim yan there is already defined boundaries dun s'ya sa dagat, hindi natin makita yung talagang definite boundary nya kasi dagat yan not like the terrestrial makikita natin presence ng mga ilalagay na muhon, what so ever, pero pagdating sa dagat it could be sa boya. Then sabi nga natin after na proclaim yan tapos napalabas sya sa NIPAS act then come up enhance ung NIPAS act so ito legislated na sya so from there walang tinanggal, ne retain nya yung what ever noon yan ne retain nya yan , so yun nga this is being monitor of the detailed personel sa lugar na yun kaya sabi nga natin mayroon silang shift at tsaka task force of TF MARLEN compose of different agencies at enforcement may specific base nandoon sa ground then after 7 days sabi nag papalit para lang ma protektahan lang natin an atin pong Apo Reef from possible to intrusion kasi alam din naman natin e, Apo Reef kasi s very rich in marine resources because of the presence of corals, so alam din naman natin talagang strictly prohibited

Atty. Laudencia : Pero yung boundaries sir, parehas noon at ngaun?

CENRO Santos : Yes, yes, kung ano po yung nakalagay dyan sa E-NIPAS yan na yan

Atty. Laudencia : So kung ano yang nakalagay dyan sa mapa, yun din yun? So I presume na kung ano yung nakalagay sa mapa, ano yung boundaries nang nasa mapa dati pa, is up to present yan din yun, at nererepresent nga ninyo na yang mapa nayan na ipinakikita ninyo is di same doon sa kung ano yung nakalagay doon sa official record

CENRO Santos : Yes.

Tsaka po, tsaka sabi ko nga sa pag momonitor nila sabi ko pag nakita ka pag napicturan ka using the gadget yung ating pong gadget ah.

Atty. Laudencia : Wala kayang sira yung gadget n'yo? May possibility ba na nasisira yung gadget nyo nagkakamali?

CENRO Santos : As fas as the office's concerned hindi po umaalis ang mga tauhan nating defective

Atty. Laudencia : So, wala talagang pagkakamali

CENRO Santos : Wala kasi that is the rule ng opisina when you conduct a monitoring

sa mga protected area see to it sa gadget na ginagamit ay talagang functional kasi

Atty. Laudencia : Sino po ang nag kakalibrate ng gadget nayan?

CENRO Santos : Sila po ay tinuturuan ko para e calibrate is a matter na pipindutin mo lang yan e. Ah satellite base kasi sya.

Atty. Laudencia : So it's a matter of a, di pinindot mo, it's a matter of plotting lang yan diba

CENRO Santos : Yes

Atty. Laudencia : So ganon kasimple, na plot po ba yan nong, di nakita nyo yung coordinates, pli-not po ba yan?

PASu Villanada : Hindi po. In-import po yong geotagged photos papunta dun sa mapa hindi po sya yung tinatype pina-plot or what so ever.

Sini-send po namin sa mapper yung geotagged photos na sinisend namin, natatandaan n'yo po hinold po muna sila sa pier ng habang inaasikaso po natin yung inventory ng mga isda na nahuli sa kanila, habang ginagawa po namin yun pinapa-plot narin po namin using the geotagged photos import lang po yung geotagged photos papunta sa mapa then nakikita po n'ya kung nasa loob or nasa labas.

Atty. Laudencia : Pero yun ay ginawa sa pampang na hindi dun sa dagat sa laot habang nasa laot pa?

CENRO Santos : Ay dipo Madam Counsel kasi will we do not have the the equipment para to transfer the gathered data sa field. Precisely ito po kasi base on Google earth so sabihin whatever picture taken with geotagged is base on global positioning system. Kung sinabi natin na pag kuha ko sa iyo kung ako sayo, I'm very pretty sure using the Google Map o Google Earth Map, alam natin kung nasan ka.

Atty. Laudencia : Sabi nyo yun sir ha?

CENRO Santos : Yes,

Atty. Laudencia : Nandun din kayo sir, nong iniimport import nila yan?

CENRO Santos : I was not there but that how is we prepare the Map.

Atty. Laudencia : So alam nyo rin sir yung preparation ng Map nayan?

CENRO Santos : I'm not expert on that but sabi ko I have a little knowledge on it.

Atty. Laudencia : O kaya nga sir syempre nong nandun kau

CENRO Santos : When the Map is prepared of course wala po ako dun kasi sabi ko nga, nung makuha lahat ng mga data, the next is how to prepare yung mga supporting documents.

Atty. Laudencia : Dun nalang kayo sa supporting documents?

CENRO Santos : Documents and sa mga specialist natin sila kasi yung mga expert namin so they are the one who are preparing of course pag dating sa court they can stand to prove that the Map, na pinapakita namin was obtained in the ground.

Atty. Laudencia : Pero sir wala kayong participation doon sa

CENRO Santos : I was called by PASu Talla when nahuli na po ay nasa pier na for the to witness yong nakitang mga, e we witness lang, yung may nahuli po tayo pati yung mga isda, and then we call other agency.

Atty. Laudencia : So ano kaya ang gagawin natin ngayon ay wla ang Mapa?

PASu Villanada : They will accept this is the same Map

CENRO Santos : We cannot, because sabi ko this might ipapakita namin sa inyo, sasabihin nyo well this is different, truly, kasi unsigned e di po ba?

Atty. Laudencia : Kaya ang kaylangan ko yung original

CENRO Santos : Kaya nga po, pero kung yun po ang ating pagbabasihan, ah Madam Counsel I, of course sabi nga natin, we will prepare kung ano pa yung meron kayo want to raise yung gusto nyo pa i-raise so that we will call another proceedings and we will present what ever yung gusto n'yo. Kasi this time kasi we cannot present this one kasi nga this is kung бага unofficial ito because though similar lang pag dating sa Map but when it comes with other attributes is different kasi unsigned. Ok just for the sake for discussion.

Atty. Laudencia : Hayaan mo silang magbigay.

CENRO Santos : Madam Counsel kung talagang you need the Map, I think we cannot proceed with the proceeding until nakita natin yung Map then have to manifest that you ask that the

Atty. Laudencia : Parehas tayo ako kasi nanghihingi ako ng dokumento, e kayo ang di makapagbigay ng dokumento sakín so what the manifest?

CENRO Santos : Hindi sabihin natin na, sinabi nyo samin na where is the Map? So at this moment we cannot provide

Atty. Laudencia : O di yun nga because of that

CENRO Santos : Then but we assure you that the PASu will get a copy a probably seguro e certified through copy para sigurado tayo and we will present in the next meeting.

Atty. Laudencia : Kelan kaya yun?

CENRO Santos : A e set monga kelan no,

PASu Villanada : Kalian po kaya kayo andito sir?

CENRO Santos : Sige set mo para ano

Wala ba kayong conflict sa court? Kailan ba ang hearing n'yo sa court?

PASu Villanada : December 5.

Atty. Laudencia : O pwede naman ng December 5, para sa umaga doon, sa hapon ako dito. Pero December nayun. Sabagay late naman talaga kayo, tagal nyo naman na e, dapat within the week diba?

PASu Villanada : Actually, nabanggit nga rin po ni RED na medyo in favor pa daw po na, kasi kung sakali na nag decide si Judge na e-release po yung, diba nag request po kayo sa court na e-request na e-release po yung Bangka if ever the Judge ay pinanigan kayo na e-release yung bangka wala po kaming magagawa kundi e-release po yun. Kaya lang po I don't know if provide nyo po si Attorney na yung request nyo po ay denenide po ng court yung request nyo to release the boat, kaya hindi rin po namin sya ma release even if makausap nyo po si RED namin.

Atty. Laudencia : Hindi naman yun ang habol namin e, Kundi yung proceedings tignan natin kung ano yung proceedings kung talagang kaylangan nyong e

PASu Villanada : For the purposed of administrative hearing ang atin naman pong pinag uusapan kung ang Bangka po ba ay ibabalik o i-ceased against in favored in the government. So since nga po may decision naman po si Judge so pinapaalam ko lang po na ganon po yung nangyari sa kanya, Just in case before, kunwari before po nag request kayo RED na sinabi ni RED na e-release n'yo, wala po akong magagawa kasi wala nga po akong kinanduct na admin hearing. Yun naman po yung consequence that I'm willing to take e ngayon po nakarating na sa knowledge nya di yun po.

Atty. Laudencia : Kaya nagpalitan kayo?

PASu Villanada : Di naman po sa ganon

CENRO Santos : Ah ganito po yun Madam Counsel, the administrative adjudication proceedings ang purpose is yung mga conveyances o kaya kung anuman yung andon. Ngayon whatever yung ano kahit na mayroong decision ang court hangga't wala pang decision from the Regional Executive Dirtector we cannot just release the ano, and since sabi nga natin ano walang nagawang proceedings itong administrative

proceedings, therefore sabi nga natin kung бага sa amin kayo nag file wala din na din ano natin yan for that mahaba yung panahon na supposed to be na dapat yan natin ,ah pero may cancel ang problema lang natin dun is kahit na sabihin na natin na , you do not under so you have no right para e hold natin yung ano, but thean ther is already ano decision from the court.

Atty. Laudencia : Iba yong de-proceeding sa court, at iba yung proceedings sa admin a

CENRO Santos : But it is very clear nasabi na di pwedeng e release, so kami ho

Atty. Laudencia : So but justification nyo lang yan but then magkaiba ang administrative proceedings at iba ang criminal proceedings. Dun sa criminal proceeding iba rin naman ang quantum of evidence na kailangan mo at iba rin yung dito sa atin sa administrative proceedings, but then nandyan nayan e, nangyari nayan so lets just face the consequences, sila may consequence sila kung kayang patunayan na kung talagang ano, kung mapapatunayan. Kayo rin naman mayron din kayung lapses, so pwede rin na you can face the music when the musics play, so yun na yon.

CENRO Santos : E problema po yan, wala nman pong problema yan

Atty. Laudencia : E kaya nga kanya kanyang dispensahan yun

CENRO Santos : Oo, Kasi nga syempre sabi the matter was already in the court, presentation nalang po tayo ng evidences

Atty. Laudencia : Dun sa korte.

CENRO Santos : Yes.

Atty. Laudencia : Sa criminal case but not in the administrative case.

CENRO Santos : But then Madam Counsel sabi ko nga there was already presented the mayron na po ito sa court. So we to have respect until such time na nagkaroon ng decision that criminal case at sabi nya release then release kasi sabi ko nga, because of that instruction eh hindi po kayo basta it is evidence po yun e, pagtinanong kasi samin yun e, where is the banka.

Atty. Laudencia : E that's your defense

CENRO Santos : E kaya hindi po kami mag rerelease

Atty. Laudencia : That's your defense bahala kayo nasa depensa ninyo yan kung yan ang sinasabi ninyo na good thing na, I heard your defense.

CENRO Santos : So ganon lang natin yan so unless nalang sabi nating terminated we to release, mean time nasasa amin po yong ano kaya

Atty. Laudencia : Ayus pa naman yung Bangka nila hindi nabubulok o ano?

CENRO Santos : Well sinabi kopo kay PASu i-secured the Bangka's at siguraduhin lang na sabi ko

Atty. Laudencia : Hindi naman binubokbok?

CENRO Santos : Lalagyan po sila ng ano nang balutan, kasi sabi ko that liability jan, so we well see kasi syempre pagdating sa ano dyan you have also the right to visit yung mga evidence natin

Atty. Laudencia : Di hayaan mo na ebidensya natin nayan, kaya lang kawawa din nman tong mga to pero sige lang, o kaya kailan tayo?

CENRO Santos : So will move the ano say your asking Madam Counsel that the yong we have to provide the Map, so

Atty. Laudencia : Kasi that's important a, very important piece of evidence

CENRO Santos : Okey can we, kung ok po sainyo yung ano, di po ba wala po ba kayung schedule sa October Madam Counsel?

Atty. Laudencia : Meron e saglit a ipakuha kolang ung aking notebook

CENRO Santos : Kung fully book will move sa November

Aside from that Madam Counsel yong map, e meron pa po ba kayong gustong e-klaro, na for me kasi nga nereview nyo po yung,

Atty. Laudencia : Diba enenumerate ko yung dokumento yun nalang din naman so kahit na hingin ko sa inyo yung Seizure order wala kayong maibigay sakin

CENRO Santos : No no I mean may mga hinahanap kayong DAO na sabi nyo

Atty. Laudencia : Kasi DAO 25 section 38

CENRO Santos : So could we add para mapresent, so hindi e reresearch po namin para maibibigay namin yan

Atty. Laudencia : Kasi gino Google ko sya ang lumalabas is 29

CENRO Santos : Baka yung old po yun

Atty. Laudencia : O baka Kasi,, inaamin ko Tanga ako diko sure masyadong

PASu Villanada : Ah ano kasi s'ya ma'am 1992 na supersede napo yun

Atty. Laudencia : Lampas na tayo sa alas dos, three o'clock na o, 3:01, hapag pamilya,

uuwe pa sya,

CENRO Santos : Ay hindi, hinihintay lang po namin yung schedule ng availability mo Madam Counsel.

Atty. Laudencia : Hindi nga sila, baka may itatanong sila e, ano

CENRO Santos : Kayo po, sabagay di pa naman po tayo naka umpisa dun sa ano talaga, ah sa inyo Madam Counsel kung yung, sa amín naman po e kami naman po yung makapag adjust.

Madam Counsel sa 10 busy ka may schedule ka sa 10?

Atty. Laudencia : Alanganin yung 10 e,

CENRO Santos : So available yun 9 na, so for the record po a, well set the hearing sa October 9, ok so hindi napo kami magpapadala ng invitation, by October 9 andito tayo by 10 o'clock, then PASu is instructed to produce yung the Map a certified thru copy ah will siguro

Pwede po ba kayo na aside from the Map you want na gusto nyong Makita

Atty. Laudencia : Ano nalang pwede bang humingi nalang ako ng contact number para kung sakali ano.

Dagdag ko nalang wag mo na lang ako hingian na sabihin mo sakín na nanghihingi ka naman ng written request?

CENRO Santos : Ok, una e kami po ay nagpapasalamat at tumugon po kayo dun sa invitation namin para po dito sa gagawin naming admin hearing regarding po dun sa nangyari sa January 17, 2023 at since na at this moment we cannot provide yung kaylangan ni Madam Counsel so na postponed natin sa October 9 at 10 o'clock in the morning at uulitin kopo wala napong invitation na ipapadala so, expect na yung presence nyo po on that day para po matapos na po natin ito, so we call this ano this meeting unless nalang kung meron po kayung gusto na ano, wala na, there be none so, Dini-declare po natin na for the meantime tapos na muna, Thank you.

Isinagawa ngayong ika - 25 ng Setyembre, 2023 dito sa tanggapan ng , DENR Sablayan, Occidental Mindoro.

Kinuhanan ng pahayag

Kinuhanan ng pahayag

Kinuhanan ng pahayag

Kinuhanan ng pahayag

ANASTACIO A. SANTOS
Hearing Officer/Tagapagdinig

MGA SAKSI:

KRYSTAL DAYNE T. VILLANADA
ARNP - Protected Area Superintendent

ATTENDANCE

UNANG PAGDINIG (Administrative Hearing)

(Pagdinig na may kaugnayan sa pagkakahuli ng bangkang de motor (M/Bca JANINE) at sa tauhan nito, na hinuli ng miyembro ng Task Force MARLEN dahil sa pagpasok at pagkuha ng yamang dagat na walang kaphahintulutan mula sa kinauukulan sa nasasakupan ng Apo Reef Natural Park, Sablayan, Occidental Mindoro, noong ika-17 ng Enero 2023.)

(Activities/Gawain)

CENRO, Sablayan, Occidental Mindoro

(Venue/Pagdarausan)

Setyembre 25, 2023

(Date/Petsa)

[illegible]

ATTENDANCE

UNANG PAGDINIG (Administrative Hearing)

(Pagdinig na may kaugnayan sa pagkakahuli ng bangkang de motor (M/Bca NOAH) at sa tauhan nito, na hinuli ng miyembro ng Task Force MARLEN dahil sa pagpasok at pagkuha ng yamang dagat na walang kakahintulutan mula sa kinauukulan sa nasasakupan ng Apo Reef Natural Park, Sablayan, Occidental Mindoro, noong ika-17 ng Enero 2023.)

(Activities/Gawain)

CENRO, Sablayan, Occidental Mindoro

(Venue/Pagdarausan)

Setyembre 25, 2023

(Date/Petsa)

[illegible]

October 04, 2023

Mr. ATANASIO SANTOS
CENRO
National Highway, Brgy Sto Nino
Sablayan, Occidental Mindoro



Sir

Good day

In relation to the case of **DANTE ESTEVES et al and JUNNEL ESTEVES et al**, may I respectfully request for a certified copy of the following documents

1. On site record of violation
2. On site report
3. SEIZURE RECEIPT
4. SEIZURE ORDER
5. Duty detail of the apprehending team
6. Videos and pictures of the operation conducted in connection with the apprehension of Dante and Junnel Esteves et al on January 17, 2023

In case there is none available, may I request that a certification to that effect be instead issued in their favor.

In addition, may I also request for a copy of the transcript of stenographic notes of the hearing held on September 25, 2023.

This request is in pursuance to section 7 (2) 2nd paragraph which states that " **a complete set of the documents supporting the apprehension and seizure as herein above outlined shall be provided to the interested parties at their expense** "

Thank you.

Respectfully,


ATTY JENNIFER R. GARCIA-LAUDENCIA
Counsel for the Respondents

RECEIVED THE COPY OF THE FOLLOWING DOCUMENTS:

M/BCA NOAH

- KATIBAYAN NG MAAYOS NA PAGSISIYASAT
- APPREHENSION REPORT
- INVENTORY REPORT
- RECEIPT OF IMPOUNDED BOAT
- RECEIPT FOR DISTRIBUTED CONFISCATED FISH
- MAP
- PHOTOS

M/BCA JANINE

- KATIBAYAN NG MAAYOS NA PAGSISIYASAT
- APPREHENSION REPORT
- INVENTORY REPORT
- RECEIPT OF IMPOUNDED BOAT
- RECEIPT FOR DISTRIBUTED CONFISCATED FISH
- MAP
- PHOTOS

SPOT REPORT

TRANSCRIPT OF STENOGRAPHIC OF THE HEARING HELD ON SEPTEMBER 25, 2023

RECEIVED BY:


DANTE P ESTEVES

DATE:

10-05-23

2nd ADMINISTRATIVE HEARING

MINUTES OF 2ND ADMINISTRATIVE HEARING FOR THE APPREHENDED TWO (2) UNIT MOTORIZED BANCA (M/BCA NOAH AND M/BCA JANINE) INSIDE APO REEF NATURAL PARK

Attendance:

Junnel Esteves y Plaquino	-	Respondent
Ronald Ortega y Juayno	-	Respondent
Welson Ortega y Juayno	-	Respondent
Robert Ortega y Juayno	-	Respondent
CO1 Dante Esteves y Plaquino	-	Respondent
Jesus Cantor y Tayco	-	Respondent
Jomar Malunes y Francisco	-	Respondent
Erica D. Mondido	-	Boat Owner
Atty. Jennifer R. Garcia – Laudencia	-	Counsel for the Respondents
Isaias A. Guimod	-	Deputy, CENRO / Hearing Officer
Krystal Dayne T. Villanada	-	PASu / Secretariat
Julius Pastrano	-	Legal Researcher
Odelon I. Dangelos	-	Forest Technician II
Jane Frances Senosa	-	CMEMP Extension Officer

Paunang mensahe mula sa Hearing Officer: Ang pagdinig na ito ay para sa dalawang (2) yunit ng bangka, MBCA Noah at M/Bca Janiane, na nakumpiska sa loob ng Apo Reef Natural Park noong January 17, 2023. Nais lang po naming sabihin na kayo ay maaring kumuha ng inyong abogado o legal na tagapayo para sa pagdinig na ito.

Atty. Laudencia : Pwede ba natin pagsabay nalang natin silang dalawa?

DMO IV Guimod : Mas maganda kung hihintayin nalang natin si PASu.

Atty. Laudencia : Kayo po ay sino? Mawalang galang na po.

DMO IV Guimod : Ako po si Forester Isaias A. Guimod

Atty. Laudencia : Forester III?

DMO IV Guimod : DMO IV

Atty. Laudencia : Kayo naman po ay si?

Legal Researcher : Legal Researcher, Julius Pastrano.
Pastrano

Atty. Laudencia : Kayo po ang aatend na?

DMO IV Guimod : Kanina tinawag po ako ni CENRO kasi mayroon po s'yang management conference, in-assign po ako upang mag conduct ng admin hearing ngayon kaya nagkataon lang po kasi na yung time

Atty. Laudencia : Sigurado po ba kayo na kayo ang apprehending?

DMO IV Guimod : Ah, yes

Atty. Laudencia : Payag po ba kayo na kayo ang atend?

DMO IV Guimod : Kasi yun ang utos ng ating CENRO,

Atty. Laudencia : May papel po kayo, binasa nyo naman po yung kopya, nakarecord naman tayo pero okay lang sabihin kahit e record natin its better for me. Nabasa nyo po yung DAO 97-32?

DMO IV Guimod : Yes.

Atty. Laudencia : Yan ang sinasabi ko sayo e. Kung ano meaning ng DAO nila e.

DMO IV Guimod : Ang sinasabi ng DAO 97-32 ay ah at least salary grade 18.

Atty. Laudencia : Habang wala pa sana nauna na, Section 6 at Section 7. Ayaw ko nasa ng iba. Kung sino nalang yun nalang. Siya ang nag schedule nito today eh. Ako nga may gagawin din eh. Tapos suddenly busy? What's that? Ito ngang mga mangingisda na to, will waiting for your own ano, chance to prove themselves. Tapos parang mga wala lang din silang kwenta. Dahil lang may ganito bump off. Naka schedule na yan eh. Siya nga ang nag reset reset n'yan ngayun ay alam nya rin naman ang sabi n'yang schedule-schedule nayan e. Sabagay, okay naman ako. Di i-record na po muna natin para naririnig nila at para nakarecord. Because it's in the record. Kaya nga nag tataka, I seeing different face again. So nasaan na ang continuity ng proceedings?

Legal Researcher :
Pastrano : Sigge po ipaparating po namin pagdating po ni PASu Tala.

Atty. Laudencia : Tapos yun dapat makarating na sa kanila yung affidavit. Diba pina receive n'yo na yung affidavit? Availability n'yo, kami okay lang tapos ngayon sasabihin nya busy s'ya? Ay kami hindi busy? Harapin n'ya kami, kasi s'ya ang nag-schedule nito? Otherwise reset n'yo nalang. Yun lang gusto n'ya e, yun lang, i-reset yan.

Andito po ba yung mga apprehending officers?

DMO IV Guimod : Andito sila lahat ano?

FT II Dangerous : On-duty Sir.

DMO IV Guimod : Ah naka duty sila.

FT II Dangerous : Ah yung team po nila ngayun ang nakaduty. Bukas po ang shifting, every Tuesday.

Atty. Laudencia : Kaso may hearing ngayun, so dapat nandito sila. Hindi naman pu-pwedeng sabihin nila ay, kasi prenisume na namin na hindi pwede eh, hindi na kami kailangan dun. Because they are witnesses, so they should be here because it is the right of this respondents to be informed about the accusation against them and pursuant 97-32 they should be provided with the complete pieces of evidence. Parang wala namang kaimpo-importansya itong mga respondesnts nito sa inyo. Tratuhin ninyo. Ini-schedule na ito sa araw na ito, tapos sasabihin n'yo busy kayo? Busy ang cellphone Ninyo? Tapos duty kasi. Ito ba? Ito hindi ba ito duty nito this is their obligation so pagtapos hinuli tapos na.

DMO IV Guimod : Kasi po si attorney meron po s'yang prenapare na ano katanungan nga para sa paglilinaw na bakit nahuli yung bangka.

Atty. Laudencia : Hindi nga po yun e, di po yang ganon. Kasi sawsaw po kayo uli sa isang proceedings na hindi po kayo ang nagsimula, walang continuity. Tsaka may mga consequences po yan. Kaya nga tinatanong ko kayo kanina kung handa po ba kayo sa mga consequences, kasi ako ayaw ko. Kung sino nalang, yun nalang. Nandoon po ba kayo noong nagkaroon ng apprehension of seizure?

DMO IV Guimod : Wala po.

Atty. Laudencia : Oh wala kayo dun e.

DMO IV Guimod : Pwede ipaabot ko nalang kay CENRO?

Atty. Laudencia : Opo opo sige po.

May CCTV ba dito? Gumagana ba yun?

CMEMP EO Senosa : Meron po pero parang hindi din po ata.

Atty. Laudencia : Hindi tayo nare-record?

CMEMP EO Senosa : May recorder naman po.

Atty. Laudencia : Hindi yun ngayon. Pero pag d'yan galing ang recording magrereklamo ako pero kung ito official record official proceeding na tayo formal proceedings na rerecord that's okey na.

PASu Villanada : As per CENRO po, he cannot decide on this motion so we have to forward this to our Regional Office but for the purpose of this Administrative Hearing po it should proceed as planned.

Atty. Laudencia : A saglit muna.

PASu Villanada : Sige po.

Atty. Laudencia : That's motion is address not on you but to the Regional Executive Director. We just copy furnished you a copy of that motion for you to be informed that there is a pending motion before the Office of the Regional Executive Director. So, we are waiting for the advice with respect to that motion. Now, if the proceedings will proceed today despite that motion and despite our vehemently position to the proceedings today on the ground that this respondent, pursuant to procedural due process is entitled to an impartial and the unbiased and competent hearing officer who can decide this case who would recommend, who would make the recommendation for this the respondents? On the case that was filed against them and considering that if you will prose the minutes of the administrative hearing which was conducted on September 25, 2023 it would see that our apprehension with respect to the impartiality of this office is very much clear and patent you will just look at the minutes. You were able to read, I am sure you were able to read that. So, we are manifesting are be vehemently objection to ah the handling of ah this office of the administrative proceedings for ah this confiscation on the ground that was mentioned in the motion because that is conflict of interest already. In fact, hindi palang nila napapa-notarize eh, di ko lang alam iniwan ko lang sa sasakyan. There was already a prepared complaint filed against you and the CENRO. And ahh although in difference to Sir Isaias that ahh he is the DMO IV that he would be handling this case and he a he is not tainted with ahh at this point in time with a conflict of interest but just the same because the person involved here is the CENRO who is the chief of office in which he belongs. We do not repose trust and confidence on this office to handle the administrative proceedings but anyway this proceeding has long been delayed for a more than eight months so what is a day of delay that they would be waiting that a would be added to them it that would only mean that ahh they would be assure that the proceedings that ahh the persons would hear their case would be impartial and competent.

Legal Researcher : It depends on the Regional Director on his decision.
Pastrano

PASu Villanada : Yeah, so were gonna wait for the decision of RED but because CENRO want to push through now,

Legal Researcher : But because this is an administrative proceeding which is only
Pastrano the purpose is for verification. We should proceed Ma'am with due you respect.

Atty. Laudencia : Verification but that verification would lead to the confiscation of kung бага sa ano that would lead to the ahh confiscation of the property of this respondent which is constitutionally protected right the right to their property.

Legal Researcher : Yes mam
Pastrano

Atty. Laudencia : So, we cannot just ah we could just say na eh ito naman eh lang. We cannot just say lang. No, this is their property we are talking here of their property which is constitutionally protected right of every person

Legal Researcher : Yes Ma'am it is their property but the apprehension officer of this Apo Reef apprehended their Banca.

Atty. Laudencia : Not does it does not mean the Banka was apprehended, does not mean they are already guilty. And besides may I know your authority why are you now here and why are you now presiding over this meeting over this proceeding?

Legal Researcher : Ma'am I am just assisting them.
Pastrano

Atty. Laudencia : No, you are not assisting them, you are talking to me directly. That's not proper.

Legal Researcher : Im sorry, I'm sorry with all due respect Ma'am.
Pastrano

Ma'am pakisabi nalang po na ito ay for verification lang.
(Talking to PASu Villanada)

Atty. Laudencia : Saglit muna we objected that, ano yon *amicus curiae* wala naman tayong ganyan a?

Ano ba tayo ngayon? Anong proceedings natin? Sino ang dapat? Kasi nagkakagulo tayo. O di kung ganon tatawag din kami ng barangay. Tatawag din kami ng mayor. Tatawag kami ng kung sino kasi nandito rin kayo e, pwede pala kahit sino, when this is a proceedings.

Legal Researcher : With due respect, I am inhibiting already myself from this.
Pastrano

Atty. Laudencia : Thank you very much

DMO IV Guimod : Kanina Ma'am nag-usap kami ni CENRO na iparating ko yung position n'yo ahh sabi naman ho naman n'ya ahh you are the next in Rank sa akin so ahh proceed with the admin hearing sabi

nya Ma'am

Atty. Laudencia : Proceed with the admin hearing? It seems that ahh we are objecting to the ahh administrative hearing that is being a undertaken today because this matter has already been a recognized by the CENRO as the hearing officer. He is the one who presided over the administrative proceedings last time and he is the one who set this date for hearing today, otherwise this will not we call today he is the one its here in the transcript.

DMO IV Guimod : Yes Ma'am

Atty. Laudencia : Di ba o tapos ngayon sasabihin n'ya busy sa ibaba.

PASu Villanada : No Ma'am, the Regional Director has called for a meeting with all the CENRO's in MIMAROPA that's why urgent po hindi po s'ya makakaatend but

Atty. Laudencia : So ibig sabihin kami hindi kami urgent?

PASu Villanada : No, that's not what it means that's why he delegated for the next in rank to our Deputy CENRO to conduct this administrative hearing.

Atty. Laudencia : Ok. Hintayin namin s'ya kung kailan s'ya matapos. Kasi hindi n'yo pu-pwede na sabihin ninyong ganon, na parang pinag papasa-pasahan n'yo ang mga respondent na ito. That's an insult to them. Ang tagal nilang naghintay tapos sasabihin ninyo ngayon dahil hindi lang ganito kasi ganon e kayo ang nag-set n'yan. Kami ba ang nag set n'yan in the first place? We are ready last September 25 you are not the one. Your office is not the one who is not ready. Your office is the one who is not ready, hindi pala you are not, who is not ready. O tapos ngayun ganito lang uli kami sasabihin nyo na naman, e di kasi pwede si CENRO kaya ganito ganyan ganyan. Insulto naman yan sakin, kahit sakin insulto yan, bakit kami hindi ba importante oras naming? Ako hindi ba importante oras ko? Itong mga ito binabayaran ako, magkanong binabayad n'yan sakin? Ganon nalang ba mga mangingisda ito wala na nga silang pang hanapbuhay kasi kinuha nyo nga. O tapos ngayon nilalaro-laro nio lang kami pinepending nyo lang kami.

PASu Villanada : Ma'am hindi naman po sa pinepending ma'am, hindi naman po sa ganon. But I will, sige po kakausapin ko po si CENRO regarding po dyan sa inyong clamor ngayon and babalikan ko po kayo Sir.

Atty. Laudencia : Transcript transcript alam n'ya rin yan eh. S'ya nag set nyan eh.

PASu Villanada : Ay uulitin ko po ha its recorded, we can put that into the

minutes. So ang sabi po ni CENRO, ay sa ngayon po ay meron talaga silang Regional Executive Committee Meeting sa Region and he can't be there, ne-require po sila ni RED. So, if ahh mga respondents po natin ay gustong si CENRO talaga ang maka kaharap and since may manifestation na rin naman po kayo to replace or change the hearing officer will just wait for the decision of the Regional Office kung kailan po natin uli ito ika-conduct at sino na po ang mag he-hearing officer po sa inyong administrative.

Atty. Laudencia : Opo, clarification is this, the Regional MANCOM ba ang tawag dun?

PASu Villanada : Opo, Executive Committee Meeting po.

Atty. Laudencia : Oo. Executive Committee Meeting, ahh just schedule today?

PASu Villanada : Ammm, nagsabi po ay weekend? Ano po s'ya eh, ahh, anong tawag dito, biglaan po ang emergency executive meeting po talaga s'ya.

Atty. Laudencia : Oh basta we are manifesting our objection because ahh this administrative proceedings was schedule today ahh it his consent and he was the one at his instance today and the we were assured that he is ahh available for todays ahh proceedings so,

PASu Villanada : But any way you have manifestation or motion naman so we have to wait naman po, I'll gonna receive this tong mga pina recieve nyo sa, alin po ba dito ang amin?

Atty. Laudencia : And now we were just, kahit alin jan tatlo man ata yan, okey just a manifest, I'm ahh reiterate our request yung yung letter of request October 9

PASu Villanada : Okey ma'am regarding this request. Yes Ma'am I can give you the certified ahh mag-papacertified po ako sa court nong mga nakuha namin but this is this are the only documents we can only present there are no other documents with regards to this case po

Atty. Laudencia : O kaya nga sabi ko in the letter of request there was that, if there is none, a certification on to that effect be issued.

PASu Villanada : Ma'am hindi na po siguro kami mag ce-certified kasi ilalagay naman po namin sa transmittal, that these are the only documents that we have.

Atty. Laudencia : I ahh that's your ano, but a if you will not a give as the certification then we would the elevate this matter to the ARTA because you refuse to give the certification when that is it public documents which ah are being requested by ahh these

respondents.

PASu Villanada : Sige po Ma'am, I have to discuss this po with CENRO since ngayon naman po yung date nang inyong letter.

Atty. Laudencia : O pati yang mga duty detailed duty detailed na iyan of course that is not a part of the record of the court because that will not ask by the court unless that will be a subpoenaed by the respondents. And the again what I am asking is certified true copy from this office. Now if you will tell us that ahh, sige bahala kayo kung ang ipapa-certified true copy n'yo ay galing sa court ibig sabihin wala kayong record dito. And also Ma'am may I

PASu Villanada : Akin na po itong dalawang kopya? Sorry.

Atty. Laudencia : Hindi po isa lang. Isa lang yung sa inyo yung amin dalawa. May I also reiterate our request with respect to the Map, because even if you will give us the copy from the court which I could if ahh that is your stand I can also get a copy of those document before the court but that is not my point you are not getting my point, now I am, I would like to reiterate my request second paragraph with the special request that the map were the scales written on and around the map as well as the names of the signatory that's clear and legible, kasi hindi po mabasa.

PASu Villanada : Ma'am the only problem with is naipakita ko po sa inyo nong last na admin hearing natin yung copy naiwan po sa amin

Atty. Laudencia : Ay hindi ko maintindihan sa inyo ibig n'yo sabihin wala kayong file nyan?

PASu Villanada : Naibigay na pong lahat sa court. Ito nalang po yong naiwan sa amin which is hindi po namin na check na ito pala ay mga malabong kopya na.

Atty. Laudencia : Kasi papaano naman ang right ng mga respondents na ito tapos ang gusto ngayong mangyari magtatanong lang kayo, mag-ka-clarify lang kayo sa respondents, at sila ay hindi naman na pwedeng magtanong. Parang hindi naman po yun ang sinasabi ng summary procedure nang definition eh papaano namang, eh papanong maiintindihan yan eh the map is very very vital in the defense of this respondents and the scales which are written around that map is very an indispensable issue in this case so the map is very important e hindi n'yo kami mabigyan ng map na legible hindi po pweding i-reproduce ninyo yan ng mas Malaki?

PASu Villanada : Sige po Ma'am

DMO IV Guimod : Yes, we will do that attorney

Atty. Laudencia : Pasensya na po

PASu Villanada : Okey lang po its ok we understand

Atty. Laudencia : Alam kung na-stress na ikaw Ma'am ha so kung baga sa akin e pino-protektahan kolang din naman ang respondents

PASu Villanada : Its okey. Karapatan n'yo lang din naman yun wala naman problema sa amin yun.

Atty. Laudencia : Pasensya na, pasensya.

PASu Villanada : Ah we also have the, paki-get mo kay legal yung ano kasi diba nag percieve po dito si Mr. Esteves last week nong

Atty. Laudencia : Nang alin?

PASu Villanada : With motion to withdraw may sagot po si CENRO doon sa

Atty. Laudencia : Motion to withdraw pina receive lang din naming sa kanila pero yun ay naka address kay PENRO, copy kaya nasa ilalim kayo, copy furnished pati ikaw pinabigyan namin ng kopya.

Kasi nga copy furnished lang kayo naka-address yun kay PENRO. Pero it was already ahh replied by ahh ARTA DENR na its already close.

Buti si Madam ano, buti hindi ka din naman sumagot?

PASu Villanada : Ito po yung TSN natin nong first admin hearing. Opo pwede po kaya natin na mapirmahan so that we can submit?

Atty. Laudencia : Ay hindi kasi magbibigay pako nang comment ng correction kasi ang daming correction masakit sa tenga baka isipin ng magbabasa yun talaga ang English ko e hindi naman. May mga acquisition dito e, hindi man acquisition ang sinabi ko

PASu Villanada : Sige ma'am ibigay nyo nalang po samin.

Parang kulang kayo? Nasaan pa yung iba n'yong kasama?

Atty. Laudencia : Sabi nila kanina gusto nila hiwalay kaya nga gusto ko sanang sabay na sila para sabay nang nakikinig hindi bali yong pag tanong ay hiwalay

DMO IV Guimod : Medyo maliit kasi tong area natin attorney.

Mr. Esteves : Attorney kahit medyo sikip, mas mahalaga naririnig din nila

PASu Villanada : O Kuya Odel, pakitawag mo sila.

Atty. Laudencia : Kasi last time kasi hindi rin sila nakarinig.

PASu Villanada : Sila naman ang nasa loob.

Atty. Laudencia : A sila ang nasa loob last time?

So paano itong ano, paano itong mga request namin na ito o wala na kaming hihintayin sa inyo?

PASu Villanada : Idi-discuss ko po with CENRO today and then will try to respond to your email nalang po Ma'am.

Atty. Laudencia : O sige sige.

Kung may kaylangan pong bayaran dun sa kanilang nire-request na mga dokumento na ito magbabayad po sila, pero kung pwede namang pro bono, di maraming salamat.

O baka pati ito sinagot ni CENRO?

PASu Villanada : Alin po iyan?

Atty. Laudencia : O hindi n'ya pa nababasa, Manifestation Motion to Replace?

PASu Villanada : Ay di po. Napabasa ko na po yan.

Atty. Laudencia : Napabasa?

PASu Villanada : Opo.

Atty. Laudencia : O baka sagutin n'ya rin ito?

PASu Villanada : Yes Ma'am.

Atty. Laudencia : Sa likod ibig sabihin kay RED naka address.

PASu Villanada : Okey po, meron po ako nun.

Isinagawa ngayong ika - 9 ng Oktubre, 2023 dito sa tanggapan ng DENR Sablayan, Occidental Mindoro.

Kinuhanan ng pahayag

Kinuhanan ng pahayag

Kinuhanan ng pahayag

Kinuhanan ng pahayag

ISAIAS A. GUIMOD
Hearing Officer / Tagapagdinig

MGA SAKSI:

KRYSTAL DAYNE T. VILLANADA
ARNP - Protected Area Superintendent

ATTENDANCE

IKALAWANG PAGDINIG (Administrative Hearing)

(Pagdinig na may kaugnayan sa pagkakahuli ng bangkang de motor (M/Bca NOAH) at sa tauhan nito, na hinuli ng miyembro ng Task Force MARLEN dahil sa pagpasok at pagkuha ng yamang dagat na walang kaphahintulutan mula sa kinauukulan sa nasasakupan ng Apo Reef Natural Park, Sablayan, Occidental Mindoro, noong ika-17 ng Enero 2023.)

(Activities/Gawain)

CENRO, Sablayan, Occidental Mindoro

(Venue/Pagdarausan)

Oktubre 9, 2023

(Date/Petsa)

[illegible]

ATTENDANCE

IKALAWANG PAGDINIG (Administrative Hearing)

(Pagdinig na may kaugnayan sa pagkakahuli ng bangkang de motor (M/Bca JANINE) at sa tauhan nito, na hinuli ng miyembro ng Task Force MARLEN dahil sa pagpasok at pagkuha ng yamang dagat na walang kapahintulutan mula sa kinauukulan sa nasasakupan ng Apo Reef Natural Park, Sablayan, Occidental Mindoro, noong ika-17 ng Enero 2023.)

(Activities/Gawain)

CENRO, Sablayan, Occidental Mindoro

(Venue/Pagdarausan)

Oktubre 9, 2023

(Date/Petsa)

NAME (Pangalan)	OFFICE/ORGANIZATION/ADDRESS (Opisina/Organisasyon/Tirahan)	SIGNATURE (Lagda)
DANTE P. ESTEVES	GEN. EMILIO AGUIRRE, Sr. J. de Mdo.	[Signature]
Ronald Ortega		[Signature]
Jannel Esteves	GEA, SABLAYAN, OCC. Mdo.	[Signature]
Robert Ortega		[Signature]
Nelson Ortega		[Signature]
Atty. J.R. Garcia-Landeros		[Signature]
Kristel Villanada	ARNP - PAMO	[Signature]
ISAAC A. GUIMOD	CENRO - Sablayan	[Signature]
Jane Frances T. Senosa	ARNP - PAMO	[Signature]
JULIUS R. PASTRANA	LR - CENRO SABLAYAN	[Signature]

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES
National Highway, Brgy Sto Nino, sablayan, Occidental Mindoro

IN RE: ADMINISTRATIVE CONFISCATION HEARING
FOR THE APPREHENSION OF THE RESPONDENTS
ON JANUARY 17, 2023 ALLEGEDLY AT APO REEF
NATURAL PARK

DANTE ESTEVES y PLAQUINO
JUNNEL ESTEVES y PLAQUINO
RONALD ORTEGA y JUAYNO
NOMER BINGALA y HALOVER
JESUS CANTOR y TAYCO
NARCISO ALVARO y MONDIDO
JOMAR MALUNES y FRANCISCO
INDANG MONDIDO,

Respondents

X-----X

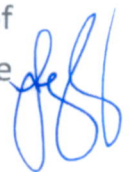
**MANIFESTATION/ MOTION TO REPLACE/CHANGE
THE HEARING OFFICER**

COMES NOW, the herein respondents, through counsel, unto this honorable office, most respectfully avers;

1. That respondents were apprehended by the TASK FORCE MARLEN of the Apo Reef Natural Park- Sablayan, Occidental Mindoro on January 17, 2023 at around 6 o clock in the evening; attached as **Annex A** is a copy of the Spot Report;
2. Thereafter, no administrative hearing for confiscation as stated in the Inventory Report was conducted, thus, respondents went to the ARTA Main Office to file a complaint against Krystal Dayne Villanada; attached as **Annex B** is a copy of the ARTA referral;
3. That finally, on September 25, 2023 an initial hearing was conducted and through inquiries during the hearing, it was discovered that the proceedings will proceed in accordance with DAO- 97-32, because according to them that is the same procedures that they adopt in their apprehensions, they even gave their legal basis to prove the veracity of their claims;



4. The said administrative hearing was reset because the CENRO and the task force are not ready to give a complete records of this case; it was reset to October 09, 2023; this coming Monday,
5. However, upon perusal of the said DAO-97-32, it was further found out that there were **several blatant violations** committed by all the parties concerned **including the CENRO who is the current hearing officer in this case** prompting the respondents to decide to file various administrative and criminal cases against them; copy of the said Administrative cases is humbly reserved to be submitted as soon as the same was filed at any time from today up to Monday;
6. In addition, because of the provisions of DAO- 97-32, respondents finally **realized** that it should **not be Krystal Dayne Villanada** alone who should be solely responsible for the delay in the schedule of hearing but to their assessment, **MORE LIABILITY lies with the CENRO who is the CURRENT HEARING OFFICER in this case;**
7. Thus, on October 03, 2023, upon notice that the complaint they had filed before the ARTA Main was already endorsed to the Provincial Environment and Natural and Resources Office,(PENRO) respondent, Dante Esteves, immediately caused the said complaint withdrawn through an Affidavit of Withdrawal sent via email, to the Office of the Provincial Environment and Natural Resources Office in Mamburao, Occidental Mindoro; copy furnished this honorable office, citing **inter a lia** that respondent will instead be filing an appropriate administrative cases against CENRO ANASTACIO SANTOS and KRYSTAL DAYNE VILLANADA; attached as **Annex C** is a copy of the Affidavit of Withdrawal;
8. With due respect, naturally, human nature will mostly protect their interest rather than upholding justice, both officers will find it difficult to separate their personal interest with that of this case as they will be mandated to submit pieces of evidence in support of their defense thus, they will need to prove that what they have



done is in accordance with law, which will be in conflict with the stand of the respondents, thus, conflict of interest between the hearing officer and the respondents is present;

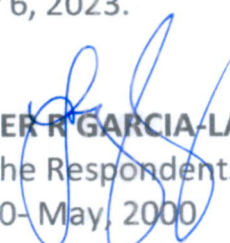
9. Further, procedural due process requires that there must be an **IMPARTIAL and COMPETENT COURT** with judicial power to hear and determine the matter before it; it is the humble and honest submission of the respondents that the same could not be complied with by the CURRENT HEARING OFFICER for reasons cited above;

10. It is with this predicament that respondents most respectfully requests that the current hearing officer be replaced to comply with the mandates of procedural due process;

11. Thus, this request

WHEREFORE, premises considered, it is most respectfully prayed for that after due notice an order be issued ALLOWING and DIRECTING the replacement of the CURRENT HEARING OFFICER with another one which could hear and decide this case with IMPARTIALITY. Such other reliefs as are just and equitable under the circumstances are likewise prayed for.

San Jose, Occidental Mindoro October 6, 2023.


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 NO VII- 0017469 until 04/14/25

2568 Calderon St, Brgy Labangan Poblacion

San Jose, Occidental Mindoro, 5100

jenlaudencia72@gmail.com

In Re: Administrative Confiscation Hearing

For the Apprehension of Dante Esteves et al on January 17, 2023

Allegedly on Apo Reef Natural Park

Dante Esteves et al

X-----X

The Officer on Duty

RED, MIMAROPA

Ermita, Manila

Sir/ Madam

Good day.

Please submit the foregoing Manifestation upon receipt for consideration of this Honorable Regional Executive Director without further oral argument.

Thank you.


ATTY JENNIFER R. GARCIA-LAUDENCIA

Copy furnished

ANASTACIO SANTOS

CENRO- Sablayan, Occidental Mindoro

KRYSTAL DAYNE T VILLANADA

Apo Reef Natural Park Office

CENRO, Sablayan, Occidental Mindoro