

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

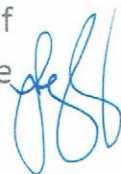
**MANIFESTATION/ MOTION TO REPLACE/CHANGE
THE HEARING OFFICER**

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



x-----x

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



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 MARLEN) 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 NOAH
COLOR	:	WHITE/BLUE
ENGINE	:	SUMO ENGINE 18 HP & YAMMA ENGINE 12 HP
BOAT CAPTAIN	:	NOMEL 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 PAIL
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

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



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

ATTACHED AGENCY <i>Pangalan ng Tanggapan/Kawanihan/Ahensiya</i>	PROVINCIAL ENVIRONMENT AND Natural Resources Office Occidental Mindoro
OFFICE ADDRESS AND/OR CONTACT INFORMATION <i>Lokasyon at Impormasyon sa Pakikipag-ugnayan ng Opisina</i>	Brgy. Payompon, Mamburao, Occidental Mindoro (043) 458-9885; (043) 711-0140 penroocc.mindoro@denr.gov.ph
OFFICE COPY FURNISHED <i>Opisinang binigyan ng kopya ng dokumento</i>	DENR Region 4B mimaroparegion@denr.gov.ph
DATE RECEIVED BY DENR ACTION CENTER <i>Petsa ng Pagkatanggap ng DENR Action Center</i>	29 September 2023
NAME OF SENDER/CLIENT <i>Pangalan ng Nagpadala/Kliyente</i>	Mr. Danilo Esteves
SENDER/CLIENT ADDRESS AND/OR CONTACT INFORMATION <i>Lokasyon at Impormasyon sa Pakikipag-ugnayan ng Nagpadala/Kliyente</i>	< danteesteves195@gmail.com >
NATURE OF DOCUMENT <i>Uri ng dokumento</i>	COMPLAINT
DETAILS OF DOCUMENT <i>Detalye ng dokumento</i>	This pertains to the complaint of Mr. Danilo Esteves against PAMO of Occidental Mindoro for its alleged delaying of the administrative hearing involving the confiscation of their fishing boats as they were apprehended fishing within the Apo Reef Natural Park. Accordingly, the said confiscation adversely affected their livelihood, their financial capabilities, and their moral status in their barangay.

Please inform the party/ies concerned of any action taken on the subject matter, furnishing this Office thru the Action Center Email: actioncenter@denr.gov.ph, for monitoring/reference purposes. Expeditious action is required pursuant to Republic Act No. 11032, otherwise known as the **Ease of Doing Business and Efficient Government Service Delivery Act of 2018** as implemented and enforced by the Anti-Red Tape Authority. Failure to

Republic of the Philippines)
Province of Occidental Mindoro) s.c.
Municipality of San Jose)

AFFIDAVIT

I, DANTE ESTEVES y PLAQUINO, of legal age, Filipino, married and a resident of Brgy Emilio Aguinaldo, Sablayan, Occidental Mindoro after having been duly sworn to in accordance with law do hereby depose and say;

1. That on October 05, 2023, I executed an Affidavit of Withdrawal of Complaint, alleging among others that I am withdrawing my complaint against Krystal Dayne Villanada facilitated through the ARTA- Main and which was referred by the latter to the DENR ARTA to PENRO in Mamburao Occidental Mindoro;
2. Unfortunately, the one that was caused to be notarized and filed with the Provincial Environment and Natural Resources Office (PENRO) was the draft of the said Affidavit of Withdrawal instead of the final draft;
3. That this is because the affidavit was only sent through email which due to poor internet connection, the latter e mail which contains the final draft was late to arrive and I was not able to notice the same; thus, the inadvertent error;
4. That it was only when the said document was brought before our counsel, as the same will be used as attachment in their manifestation/motion that the inadvertent error was discovered;
5. It is thus with this predicament that I would like to request for the withdrawal of the earlier filed affidavit of Withdrawal and in its place a new one be admitted which is dated October 06, 2023; but notarized only today, said new affidavit of withdrawal is hereto attached as **Annex A**; with a request that the earlier copy be disregarded,
6. That this is despite the fact that just a few minutes ago, I received a notification from the ARTA-DENR Action Center that the same was already acknowledged by them and that the case is already closed as this document (Affidavit of Withdrawal of Complaint) will still be used in various pleadings that will be filed against them;



Affidavit

Dante Esteves, Affiant

X-----X

7. That I am executing this affidavit to attest to the truth of the foregoing facts.

IN WITNESS WHEREOF, I have hereunto affixed my signature below this 6th day of October 2023 at San Jose, Occidental Mindoro.


DANTE P ESTEVES

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this 6th day of October, 2023 at San Jose, Occidental Mindoro. I further certify that I have personally examined the affiant and is fully convinced that all his statements are true and correct, fully understood by him and voluntarily gave the same

Doc. No. 5359
Page No. 18
Book No. VII
Series of 2013

Copy furnished

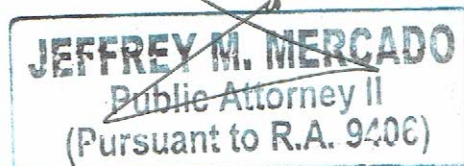
CENRO ANASTACIO SANTOS
KRYSTAL DAYNE T. VILLANADA
CENRO Sablayan, Occidental Mindoro

DENR ARTA
Denr.arta@denr.gov.ph

FELIX S MIRASOL JR CESO IV
Regional Executive Director MIMAROPA
Ermita Manila

ATTY GANDHI FLORES
Chief Legal Division
DENR Bldg by the Bay
Ermita Manila

ERNESTO TANADA
PENRO
Brgy Payompon, Mamburao, Occidental Mindoro



Republic of the Philippines)
Province of Occidental Mindoro) s.c.
Municipality of San Jose)

(ANNEX "A")
TO ANNEX "C"
OF THIS MANIFESTO
TMM

AFFIDAVIT OF WITHDRAWAL OF COMPLAINT

I, **DANTE ESTEVES**, of legal age, Filipino, married and a resident of Brgy Emilio Aguinaldo, Sablayan Occidental Mindoro, after having been duly sworn to in accordance with law do hereby depose and say;

1. That on September 13, 2023, I went to the ARTA main office to complain **KRYSTAL DAYNE T. VILLANADA** for delaying the administrative hearing for confiscation of our motorized boat; which caused financial strain and humiliation to us;
2. That, finally, initial hearing was already conducted for the administrative confiscation, it was then that we were informed that the procedures that they will use in prosecuting the administrative confiscation is that of DAO 97-32;
3. Upon review of the said procedures outlined in DAO 97-32, we were able to discover that it should **not be** PAMO Krystal Dayne T Villanada **but CENRO ANASTACIO SANTOS** who should be responsible for scheduling the hearing of our case; and that she was blamed for the delay because of she arrogated unto herself the authority which does not pertain to her;
4. That if we will continue my complaint in this matters against Krystal Dayne Villanada, it is my humble opinion, the same will only be dismissed and our efforts will only be nullified because we are actually barking at the wrong tree;
5. At any rate, our counsel had already assisted us in preparing the appropriate complaint against all concerned employees of the CENRO Sablayan, Occidental Mindoro; and that this complaint was already incorporated in the new complaint that will be filed as soon as possible;
6. In view of which, I would like to withdraw the complaint I had filed against Krystal Dayne Villanada coursed before the ARTA Main and which was referred by the said office to the DENR ARTA Office, the referral was docketed as NOTICE OF REFFERAL-202309190273, to give way to the appropriate complaint which we will be filing the soonest possible time.



Affidavit of Withdrawal of Complaint against Krystal Dayne T Villanada

PAMO- Apo Reef Natural Park Sablayan Occidental Mindoro

Dante Esteves, Affiant

X-----X

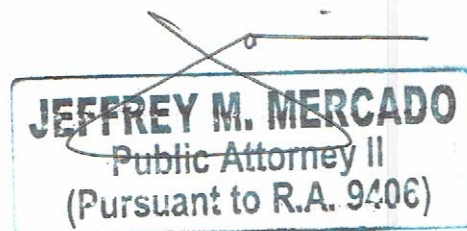
7. That on October 03, 2023, a feedback/notification was received by the undersigned informing him that my complaint was already referred to the PENRO of Occidental Mindoro; thus, this affidavit of withdrawal informing them of this matter to avoid duplication of complaint which might give rise to forum shopping; thus, this affidavit;
8. That the above complaint is only being withdrawn so as not to duplicate the complaint which was already incorporated in the new complaint which I am going to file and not because of some other reasons such as desistance;
9. That it is further requested that should the complaint be already referred to the CENRO Sablayan Occidental Mindoro, ***it is humbly requested*** that this affidavit be forwarded to the said Office for their immediate information and appropriate action;
10. That I am executing this affidavit to attest to the truth of the foregoing facts.

IN WITNESS WHEREOF, I have hereunto affixed my signature below this 4th day of October, 2023 at San Jose, Occidental Mindoro.


DANTE ESTEVES
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME this 5th day of October, 2023 at San Jose, Occidental Mindoro. I further certify that I have personally examined the affiant and is fully convinced that all his statements are true and correct fully understood by him and voluntarily gave the same

Doc. No. 5360
Page No. 158
Book No. W
Series of 2023



Copy furnished

KRYSTAL DAYNE T. VILLANADA

National Road, Brgy Sto Nino,
Sablayan, Occidental Mindoro

ANASTACIO SANTOS

CENRO, Sablayan, Occidental Mindoro

Affidavit of Withdrawal of Complaint against Krystal Dayne T Villanada

PAMO- Apo Reef Natural Park Sablayan Occidental Mindoro

Dante Esteves, Affiant

X-----X

DENR ARTA

denr.arta@denr.gov.ph

FELIX S MIRASOL JR, CESO IV

Regional Executive Director MIMAROPA

3RD Floor 1515DENR By the Bay Bldg

Roxas Blvd, Brgy 668

Ermita Manila

ATTY GANDHI G. FLORES

Chief Legal Division

3RD Floor 1515DENR By the Bay Bldg

Roxas Blvd, Brgy 668

Ermita Manila

denr4blegal@gmail.com

