

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
CO1 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
CO1 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)

Criminal Cases Nos. 6602, 6603, 6604, and 6605
Joint Order

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.

Criminal Cases Nos. 6602, 6603, 6604, and 6605
Joint Order

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