

October 9, 2023

For: (SGD) JOE-MAR S. PEREZ, MPA, MDRR
Director III
Head, DENR Action Center/ Hotline 8888

Subject: **CTN 2023-0919-0273, Complaint against PAMO Occidental Mindoro for Alleged Delaying of Administrative Hearing**

This is in response to the complaint submitted by Mr. Dante Esteves with Ticket No. CTN 2023. Please be informed of the following antecedents:

1. That on January 17, 2023, a group of 9 fishermen, that includes Mr. Esteves, 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).
6. That since the Presiding Judge has decided to denied the release of the conveyances, the office opted not to conduct the administrative hearing anymore.

PRAYER

It is in these reasons that the undersigned has not, in any way, delayed the Administrative Hearing, but rather have the Municipal Trial Court to decide on the fate of the conveyances. That with this foregoing, the Regional Office has instructed the PAMO to still conduct the administrative hearing, which commenced on September 25, 2023, for reference of issuance order of finality by the Regional Executive Director.

Respectfully yours,


KRYSTAL DAYNE T. VILLANADA