



Official Receipt
of the
Republic of the Philippines

Nº 3466371 M

Date July 22, 2022

Agency DENK - PENRO

Fund

Payor Jerry M. Balangue

Nature of Collection	Account Code	Amount
Appeal Fee		P 500.
TOTAL		P 500.

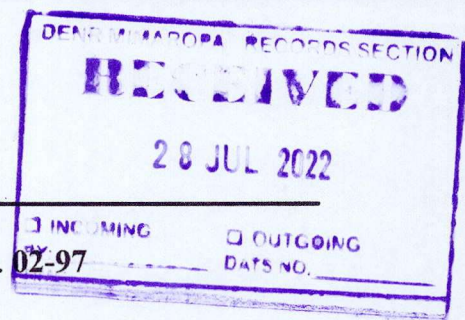
Amount in Words FIVE HUNDRED PELOS
ONLY

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

Received the amount stated above.

JUVY P. SARMIENTO
Collection Officer

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



DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES, REGION IV-B
Represented by Regional Executive Director
VICENTE S. PARAGAS

Complainant-Appellant,

Adm. Case No. **07-97**

For : Grave Misconduct
P.D. 807, Civil Service Decree of
Philippines

-versus-

JERRY M. BALANGUE

Respondent-Appellee,

X ----- X

FOR : **THE HONORABLE SECRETARY**
DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES, DILIMAN, QUEZON CITY

APPEAL MEMORANDUM
FROM THE DECISION DATED AUGUST 23, 2021

COMES NOW “JERRY M. BALANGUE” the Respondent-Appellant in the above-entitled case, hereby files this Motion for Reconsideration from the decision rendered by the Regional Executive Director Vicente Paragas dated August 23, 2021 and respectfully alleges the following to wit:

FACTS/ANTICEDENTS :

1. The undersigned Respondent was precisely committed the alleged violation from the date of the discovery of violation dated February 14, 1996. The preventive suspension of Six (6) months without pay was ordered and issued dated February 20, 1997 by the Regional Executive Director VICENTE PARAGAS. Finally the Administrative proceeding was started on April 21, 1997 upon created the committee to hear the instant administrative case against the respondent;
2. The DECISION was rendered by the Regional Executive Director on August 23, 2021 and formally received by the undersigned only on May 25, 2022 and upon receipt of the Decision, the respondent immediately filed his Notice of Appeal before the office of the DENR Secretary dated May 27, 2022; (Attached is the Registry Mail as exhibit “A”)
3. Unfortunately, from the date of the Decision of this case the respondent was continuously working in the office as the Chief Enforcement Unit of the PENRO-Palawan and concurrent Provincial Data Manager (LAWIN). (Attached is the Copy of Last Payroll as Exhibits “B”)
4. The Respondent was filed his Application for Early Retirement on October 7, 2022 and complied the office clearance duly signed and approved by the Head Administrative Section as well as the PENR Officer;(attached is the duly accomplished office clearance as Exhibits “C”)

ISSUES :

1. WHETHER THE RESPONDENT-APPELLEE COMMITTED THE VIOLATION UNDER THE P.D. 807 “Known as the Civil Service Decree of the Philippines”;
2. ✓ WHETHER THE RESPONDENT- APPELLEE EE HAVE THE RIGHT TO COMPROMISE THE PENALTY OF DISMISSAL, FROM THE COMMISSION OF WRONGFUL ACT AS DISCOVERED BY THE DISCIPLINING AUTHORITY WAY BACK ON THE YEAR 1996

[Handwritten signature]

AND THE DECISION WAS DATED AUGUST 23, 2021 ONLY ON MAY 25, 2022 RECEIVED THE DECISION FOR DISMISSAL;

3. WHETHER THE GOVERNMENT SUFFERED DAMAGES TO SUSTAINED THE PUNISHMENT OF THE DISMISSAL OF RESPONDENT-APPELLEE;
4. WHETHER THE DISCIPLINING AUTHORITY HAD VIOLATED THE PRESCRIPTIVE PERIOD REQUIRED ON THE PROSECUTION UNDER THE REQUIREMENT CALLED IN ADMINISTRATIVE OFFENSES;

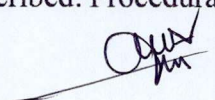
ARGUMENT:

1. Definitely the Respondent-Appellee had violated the P.D. 807 known as "Civil Service Decree of the Philippines" that was according to the evaluation and reviewed by the Disciplining Authority. However, the instant entitled case identified as Grave Misconduct and the subject matter is anomalous issuance of certification favoring to one Bacolod family, where in at the time of inspection being verbal instruction by the supervisor to accompany the members of the local barangay and City Council were about the said family was found by the team to be the actual occupant long time ago.

Further, again I have stated in my answer that very clear that there was nothing in my certification, where I have mentioned the status of the land whether it was Alienable and Disposable. Furthermore, it was only defined the status of the occupation that in my reports were denominated as Certifications and that it was filed in the CENRO;

Finally, the Respondent-Appellee had suffered and rendered completely six (6) months suspension without pay.

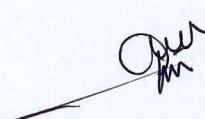
2. The Respondent is entitled to enjoy his right to compromise the penalty of which committed the wrongful act discovered by the Disciplining Authority sometimes on February 1996, it was noticed that the prescriptive period of time refers the prosecution was already prescribed the decision dated August 23, 2021 and the same was received by the respondent only on May 25, 2022. Eventually, on May 25, 2022 have already arrived and consummated the 25 years on which is more than 10 to 15 years as prescribed by the law to prosecute and punished administrative offenses. Finally, the Respondent/Appellee have the right to file his petition to reverse and dismiss the instant complaint against him for the grounds that the prosecution had already prescribed; Under **Article 3019 by Batas Pambansa approved on March 16, 1982**, Provides for its own prescriptive period. **Section 11** thereof provides that offenses committed and punishable under the said law shall prescribed in **fifteen (15) years**.
3. On whether the government suffered damages to sustained the punishment of the dismissal of the Respondent-Appellee? The truth of the matter there is no damages had been found from the government further simply because the subject certification was not used solely for their personal interest to gain, despite it is a requirement for their application called by the DENR. There was no private collection of entrance just what the fact finding reported, added is the acquisition of Tax Declaration that is not true, a mere hearsay. The Tax Declaration was issued sometimes on the year 1961.
4. On whether the Disciplining Authority had violated the prescriptive period on the prosecution. Definitely he committed the lapses and violated the requirement period to deliver the decision on the administrative cases. Which under existing Administrative Cases it was emphasis here is on more or more than ten (10) years to **fifteen (15) years** before it is punished and therefore on the herein offense charged were already prescribed. Procedural rules must be faithfully followed



and dutifully enforced. The prescription of the crime or offense is the loss or waiver by the state of its right to prosecute an act prohibited and punished by law. Section 117. Non-execution of Decision. Any officer or personnel or fails to implement the Decision, Order of the commission to the prejudice of the public service may be cited in indirect contempt of the commission as defined in Rule 16.


RELATED ISSUES AND MANIFESTATION:

1. Just to expedite my sentiment and experienced and difficulties while in the services as Forest Guard and designated as Chief Forest Protection Officer, BFD District Office, as Deputized Land Inspector, Provincial Data Manager (LAWIN), and Concurrent Chief Monitoring Enforcement. Added to my designation is the representative of the PENR Officer in the prosecution in court under Environmental Cases;
2. Difficulties in the field during activities of conducting patrolling with bad weather, conducted apprehension with life threatening sometimes with the experienced of gun totting, harassment of highly political personalities in our area;
3. Unpaid Travelling Allowances due to delayed disbursement and distribution of Regional Office, Manila, no fuel allowances for the personal motorcycle, no protective materials, gadgets etc. in the field;
4. Series of filing of cases on P.D. 705 in court and related violation on Environmental Law and attended hearings as witness for the government without receiving per diem as well as no assisting counsel which clear that the DENR has no protection over the services of Forest Officer that was the sentiment of being a front liner in protecting the environment;
5. Unfortunately, It is not unknown in our office here in the province of Palawan, City of Puerto Princesa that there have been series of incidents of illegal treatment of Forest Officers who have been tragically killed during apprehension of forest products and until now have been without justice, and similar punishment to those who gave the truth to what was seen in the area, person living on a parcel of land with according to our director has been guilty and punished by DISMISSAL for which the offense was sufficient to the penalty applied which resulted in the violation of the rights of a very small employee. It is painful to the family affected over the long service and bitter experience, sadly.
6. Eventually, the expectation of family of the government employee is that the accumulated time rendered by their parent service to the government, endured all the trials and hardships performing duties, maybe ruined at work in the confiscation of illegals, that it will be compensation for small cases that damaged the government. Also, today snake island has long been used by the DENR as an environmental research center the view of the pious director Vicente Paragas was sad;
7. Finally, the truth of the matter it's a pity that he was accused of making money and was envied, he was heated up buried in sin, which is very unfair, because a person with position and have the influence will not be punished after being removed from service, very sad.

A handwritten signature in black ink, appearing to be 'Open' or similar, with a long horizontal line extending to the left.

WHEREFORE premises, it is prayed to the Honorable Secretary of DENR, that the above information would open his mind of whether the respondent had a serious law to apply for dismissal without benefit, and so would the pious director if he violated also the law set forth in the length of time prosecution and trial and punishment of administrative offenses. The accused also prays for a change of decision of amendment of the penalty towards the true repeal of the DECISION which in turn to reversion of the order into light offense.


Submitted this **07-22-22** day of July 2022 at the Office of the Secretary, DENR-Central Office, Diliman, Quezon City, Philippines.


JERRY M. BALANGUE
Respondent/Appellee
0906376-9418/0921322-7778

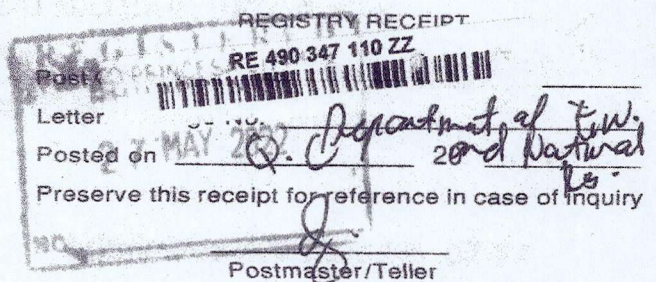
SUBSCRIBED AND SWORN to before me this **07-22-22** day of July 2022 personally came and appeared the above named Respondent/Appellee with **Tax Identification No. 912-850-181**, known to me and to me known to be the same person who executed the foregoing instrument which he acknowledged before me as his free and voluntary act and deed.

Doc. No. 432
Page No. 88
Book No. cen
Series of 2022.




ATTY. ROLAND E. PAY
Notary Public
JUNE 24, 2022 TO DECEMBER 31, 2023
PTR NO. 0228617/01-03-2022
IOP NO. 185254/02-23-2022
ROLL NO. 32126
NCLE COMPLIANCE NO. VI-0026667/4-29-2019

DEPARTMENT OF ENVIRONMENT AND
OFFICE OF THE SECRETARY
Diliman, Quezon City



Department of Environment and
Natural Resources, Region IV-B
Rep. by Regional Executive Director
VICENTE S. PARAGAS

Complainant,

- versus -

for :

JERRY M. BALANGUE

For : GRAVE MISCONDUCT

Respondent,

X-----X

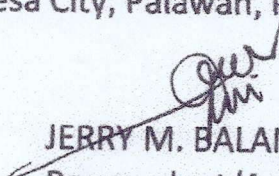
NOTICE OF APPEAL

COMES NOW "JERRY M. BALANGUE" . the Respondent-Appellant in the above-entitled case, hereby files this notice from the decision rendered by the Regional Executive Director dated August 23, 2021.

Respondent/Appellant received a copy of the decision on May 25, 2022 and has until June 10, 2022 within which to file this Notice of Appeal that the said decision not being in accord with evidence adduced and jurisprudence applicable.

Respectfully submitted.

May 26, 2022 at Puerto Princesa City, Palawan, Philippines.


JERRY M. BALANGUE

Respondent/Appellant

7 Yellow Bell, St./Near Basketball
Court of Sampaguita St., Bgy San Miguel,
Puerto Princesa City, Palawan, Phil.

CP # 09063769418

Copy Furnished:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Region IV-B, PENRO, Puerto Princesa City
Sta. Monica, Puerto Princesa city


CLEARANCE FORM

I PURPOSE: Optional Retirement				
October 15, 2021 Date of Application				
TO: DENR-PENRO-PALAWAN I hereby apply for clearance from money, property and work-related accountabilities for: Purpose: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Transfer <input checked="" type="checkbox"/> Retirement </div> <div> <input type="checkbox"/> Resignation <input type="checkbox"/> Leave </div> <div> <input type="checkbox"/> Other Mode of Separation : Please specify : </div> </div> Effectivity/ Inclusive Period: <u>October 8, 2021</u>				
Office of Assignment: <u>DENR-PENRO, Palawan</u> Position/SG/Step: <u>Forest Ranger SG-4</u>	 JERRY M. BALANGUE Name and Signature of Employee			
II CLEARANCE FROM WORK-RELATED ACCOUNTABILITIES				
We hereby certify that this applicant is cleared of work-related accountabilities from this Unit/Office/Dept. <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> JOHNNY P. LILANG Immediate Supervisor </div> <div style="text-align: center;"> FELIZARDO B. CAYATOC Head of Office </div> </div>				
III CLEARANCE FROM MONEY AND PROPERTY ACCOUNTABILITIES				
Name of Unit/Office/Department	Cleared	Not Cleared	Name of Clearing Officer/Official	Signature
1 Administration Sector				
a. Administrative Services			FRANKLIN G. HERNANDEZ Chief Administrative Officer/MSD	
b. Human Resource Welfare & Assistance			MAILAH L. REGALADO Administrative Officer IV(HRMO II)	
c. Management Services			DONNABEL J. OCAMPO Administrative Officer I (Supply Officer I)	 2/26/22
d. Records			RHEA D. JUAB Administrative Aide VI (Storekeeper) Acting Records Officer	
2 Library				
a. Legal Office Library	N/A	N/A	N/A	N/A
b. Library Services	N/A	N/A	N/A	N/A
3 Finance and Assets Management				
a. Accounting Unit <input type="checkbox"/> Land Bank loan <input type="checkbox"/> Cooperative Bank loan <input type="checkbox"/> Unliquidated travel			CATHY R. FLORES Accountant I In-Charge Accounting Unit	
b. PALAWAN DENR EMPLOYEES MULTIPURPOSE COOPERATIVE (PADEMCO)			 JOHNNY P. LILANG Manager	
4 Professional and Institutional Development				
a. DENR Foreign and Local Scholarship				
IV CERTIFICATION OF NO PENDING ADMINISTRATIVE CASE				
a. Internal Affairs Office/Legal Affairs Office	N/A	N/A		N/A
<input checked="" type="checkbox"/> with pending administrative case <input type="checkbox"/> with ongoing investigation (no formal charge yet)				
V CERTIFICATION				
<div style="text-align: center;"> FELIZARDO B. CAYATOC PENRO </div>				

CERTIFIED PHOTO COPY

RHEA D. JUAB

Republic of the Philippines
Department of Environment and Natural Resources
OFFICE OF THE SECRETARY
Visayas Avenue, Diliman, Quezon City

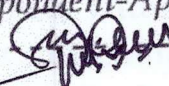
DENR PENRO
PALAWAN RECORDS
RECEIVED
BY: 
DATE: 07-19-2022 22:40:02

RE: ADMINISTRATIVE CASE
AGAINST FOREST
RANGER JERRY M.
BALANGUE

DENR-MIMAROPA Region
Administrative Case
No. 02-97
For: Grave Misconduct

JERRY M. BALANGUE,
Respondent-Appellant.

x -----

 7-11-22
10:30 Am

ORDER

Before this Office is the Notice of Appeal dated 26 May 2022, filed by respondent-appellant Jerry M. Balangue (Balangue), Forest Ranger of the CENR Office (CENRO) of Puerto Princesa, Palawan, assailing the Decision dated 23 August 2021 rendered by the Regional Executive Director (RED) of DENR MIMAROPA Region on the above-captioned case. In the Decision, the DENR MIMAROPA Region found Balangue guilty of the administrative offense of Grave Misconduct, and imposed upon him the penalty of dismissal from the service, with its accessory penalties. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, Forest Ranger JERRY M. BALANGUE is hereby found **GUILTY** of **GRAVE MISCONDUCT**. Accordingly, he is meted out the penalty of **DIMISSAL** from the service including all its accessory penalties. He is also perpetually barred from entering the government and from taking any civil service examination in the future.

SO ORDERED.

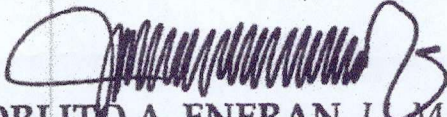


In view of the Notice of Appeal, this Office, without necessarily giving due course thereto, hereby orders that:

1. Balangue shall submit to this Office, within 15 days from receipt of this Order, his Appeal Memorandum, copy furnished the RED of DENR MIMAROPA Region, setting forth the statement of facts, issues raised, reasons or arguments relied upon for the allowance of the appeal. Otherwise, this Office shall dismiss the Appeal without further notice; and
2. The RED of DENR MIMAROPA Region shall forward to this Office, within fifteen (15) days from receipt of this Order, the complete records of the case, with each page consecutively numbered and initialed by the custodian of records, together with the Summary of Proceedings arranged in chronological order.

SO ORDERED.

Quezon City, Philippines, JUN 22 2022.


NORLITO A. ENERAN, LL.M., CESO III
Director for Legal Affairs Service

Copy furnished:

Jerry M. Balangue
No. 7 Yellow Bell St., Near Basketball Court
of Sampaguita St., Brgy. San Miguel, Puerto Princesa City
Palawan

The CENR Officer
CENRO Puerto Princesa City

The Regional Executive Director
The Chief, Legal Division
DENR MIMAROPA Region
1515 L & S Building, Roxas Blvd., Ermita, Manila

PAYROLL-C

21-9-PENRO PALAWAN-571

SALARIES

NAME	POSITION TITLE	PERA	STEP INC	BASIC SALARY	EARNED FOR THE PERIOD	WITH HOLDING TAX	PHIL. HEALTH CONTRIBUTION	GSIS							
								LIFE & RETIREMENT	CONSO LOAN	EMRGY N	EDUC ASST	PUREG	REL	OPT LIFE	CE
24 GACASA, MA. TERESA E 8 - 2 / /	Forest Technician II	2,000.00		18,417.00	20,417.00		276.25	1,657.53	2,933.14	1,311.12	216.67				
25 BALANGUE, JERRY M 4 - 8 08/02/1982	Forest Ranger	2,000.00		15,192.00	17,192.00		227.88	1,367.28	2,716.56						
26 CAYETANO, LILIBETH B 4 - 8 02/16/1998	Forest Ranger	2,000.00		15,192.00	17,192.00		227.88	1,367.28	2,309.57	1,311.12	212.25				
27 GUINTO, MARICHU O 4 - 6 03/08/2004	Forest Ranger	2,000.00		14,961.00	16,961.00		224.41	1,346.49	1,965.15	1,311.12	216.67				
28 MONGCAL, HAZEL A 4 - 2 / /	Forest Ranger	2,000.00		14,511.00	16,511.00		217.66	1,305.99	715.18	1,311.12					
29 DIAZ, DINMAR P. 4 - 2 01/04/2016	Forest Ranger	2,000.00		14,511.00	16,511.00		217.66	1,305.99	783.48	1,267.64					
30 FERNANDO, CYRILLE M. 4 - 2 / /	Forest Ranger	2,000.00		14,511.00	16,511.00		217.66	1,305.99	812.37	656.56					
31 FERNANDO, MICHAEL SR Y. 4 - 2 10/01/2015	Forest Ranger	2,000.00		14,511.00	16,511.00		217.66	1,305.99	1,044.64	1,311.12					
32 BALLARAN, GIOVANI B 4 - 2 10/01/2015	Forest Ranger	2,000.00		14,511.00	16,511.00		217.66	1,305.99							
33 ABISON, ROSELLA S 4 - 2 10/01/2015	Forest Ranger	2,000.00		14,511.00	16,511.00		217.66	1,305.99	2,198.38	1,311.12	216.67				
34 ASIS, RAMON G 4 - 2 10/01/2015	Forest Ranger	2,000.00		14,511.00	16,511.00		217.66	1,305.99	1,044.64	1,311.12					
35 YAN, WALTER C. 4 - 2 10/01/2015	Forest Ranger	2,000.00		14,511.00	16,511.00		217.66	1,305.99	1,756.97						
TOTAL		36,000.00		391,375.00	429,375.00	13,445.32	5,870.56	35,223.15	27,485.31	16,272.40	862.26	2,600.00			

[illegible]

I CERTIFY on my official oath that the above Payroll is correct and the services have been duly rendered as stated.

FUNDS AVAILABLE:

9/8/2021

9:22:11AM

FRANKLIN / G. HERNANDEZ
Chief Administrative Officer / MSD

IND NATURAL RESOURCES OFFICE

CK REGISTER

er 01 - 30, 2021

times being in full compensation for our services for the period.

FOSLA							Pag-IBIG					MOWEL PADEMCO		DENRE		OTHER DEDUCTIBLES		TOTAL DEDUCTIONS	NET AMOUNT
ELP	GFAL	MPL	CPL	DEP OSIT	RELIE F	LOAN	CONTRIBUTION	MPL	MP2	LOT PURCHASE	HOUSING LOAN	CALA MITY LOAN	ENRP	TOTAL	MONTHLY DUES	LBP/			
	4,480.05		983.33				500.00						75.00	250.00	50.00			12,733.09	7,683.91
	3,853.78		983.33				100.00					1,901.97	75.00	916.00	50.00			12,191.80	5,000.20
							100.00						75.00	3,180.00	50.00	3,226.72		12,059.82	5,132.18
			983.33				100.00						75.00	5,380.00	50.00			11,652.17	5,308.83
	6,094.65						500.00						75.00	200.00	50.00			10,469.60	6,041.40
	6,094.65						100.00		500.00				75.00	922.00	50.00			11,316.42	5,194.58
	5,780.67						500.00		500.00				75.00		50.00			9,987.25	6,613.75
	5,901.96						100.00					336.04	75.00		50.00			10,342.41	6,168.59
	4,646.52	1,371.60					100.00						75.00	3,691.00	50.00			11,457.77	5,053.23
	4,261.28						100.00						75.00	650.00	50.00			10,386.10	6,124.90
	5,614.96		983.33				100.00					336.04	75.00	250.00	50.00			11,288.74	5,222.26
							100.00						75.00		50.00			3,505.62	13,005.38
91,436.01	9,606.91	4,916.65	776.08	200.00			5,100.00		2,000.00			3,110.91	1,425.00	46,094.00	960.00	8,389.47	275,673.54	153,701.46	
							100.00						75.00	10,515.00	100.00			21,869.65	29,182.35
													75.00	10,515.00	100.00			21,869.65	29,182.35

APPROVED

CATHY R. FLORES
Assistant Vice-Charge, Accounting Section

~~ERIBERTO B. SANOS, CESE~~
~~PENRO~~