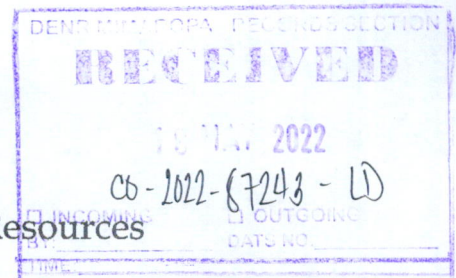


Republic of the Philippines  
Department of Environment and Natural Resources  
**OFFICE OF THE SECRETARY**  
Visayas Avenue, Diliman, Quezon City



RE : SWORN LETTER -  
COMPLAINT DATED 31  
JANUARY 2014 OF GINALYN  
M. PAGUIA AGAINST  
MOISES P. SULINO, JR.,  
LAND MANAGEMENT  
INSPECTOR OF THE CENR  
OFFICE OF SAN JOSE,  
OCCIDENTAL MINDORO.

ADM. CASE NO. 2022-05-14

X-----X

## ORDER

### 1. Nature and Facts of the Case:

For resolution is the Sworn Letter-Complaint dated 31 January 2014, filed before the Office of the Ombudsman, of Ms. Ginalyn M. Paquia (Paguia) against Mr. Moises P. Sulino (Sulino), Land Management Inspector of the CENR Office of San Jose, Occidental Mindoro, for alleged selling of a parcel of land covered by Certificate of Stewardship Contract (CSC) No. 025942 located in Sitio Bulwang, Brgy. Ambulong, San Jose, Occidental Mindoro, allegedly owned by Paguia.

### 2. Proceedings Undertaken:

On 07 April 2014, Deputy Ombudsman for Luzon Gerard Mosquera sent to this Office a 1<sup>st</sup> Indorsement Letter referring the subject complaint and its pertinent attachments for appropriate action.

Consequently, DENR Assistant Secretary Anselmo Abungan of the Legal Services issued a Memorandum dated 20 May 2016, referring the subject complaint and its attachments to the Office of the Regional Executive Director (RED) of DENR MIMAROPA Region

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for proper disposition and resolution considering that Sulino is occupying a position with salary grade (SG) below 24, in accordance with DENR Memorandum Circular (DMC) No. 2010-18 on Guidelines in the Resolution and Disposition of Administrative Disciplinary Case, where *"All complaints involving employees with salary grade below 24 x x x shall be handled and resolved at the Regional Office x x x."*

The Office of the RED transmitted back to this Office the case folders of Sulino with the information that the latter had already retired from government service since 13 December 2013 based on the Certification dated 20 July 2016 of Dennis Valdez, the OIC Chief of Personnel Section.

### 3. Issue:

The issue to be resolved in this case, is whether this Office should proceed in adjudicating the administrative proceedings against Sulino in view of his retirement on 13 December 2013 prior to the filing of the subject Letter-Complaint of Paguia on 31 January 2014.

### 4. Findings/Discussion:

This Office speaks in the negative.

The Secretaries and Head of agencies have administrative disciplinary jurisdiction over their officials and employees. Section 47, Chapter 7, Subtitle A, Title I, Book V of Executive Order (EO) 292, or the Administrative Code of 1987, provides:

#### Section 47. *Disciplinary Jurisdiction.* - (1) ....

(2) The Secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities **shall have jurisdiction** to investigate and decide matters involving disciplinary action against **officers and employees under their jurisdiction**. Their decision shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary...

Hence, if the person complained of is no longer an employee of the department or agency concerned, the Secretary or Head of Agency loses his administrative disciplinary jurisdiction over such



person. In the case of *Missing Exhibits and Court Properties In Regional Trial Court, Branch 4, Panabo City, Davao Del Norte* (A.M. No. 10-2-41-RTC dated 27 February 2013), the Supreme Court dismissed the complaint against Judge Jesus L. Grageda for alleged involvement in the missing exhibits and court properties in Regional Trial Court, Branch 4, Panabo City, Davao Del Norte, since the subject complaint was filed more than two years and seven months after Judge Grageda compulsorily retired. During his incumbency, Judge Grageda was never given the chance to explain the alleged violation of Supreme Court rules, directives and circulars. Up to the present, the OCA has not commenced any formal investigation or asked Judge Grageda to comment on the matter. Thus, the complaint against Judge Grageda must be dismissed.

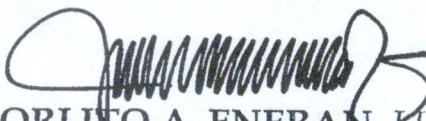
In this case, this Office no longer has jurisdiction over Sulino because at the time of the filing of administrative complaint by Paguia against Sulino, the latter is no longer connected in government service. The subject complaint was filed by Paguia against Sulino on 31 January 2014 or almost two (2) months after the latter retired from the service. Based on records, Sulino was never given the chance to explain his side on the alleged violation of selling of the subject property. Thus, as adjudged in the above cited jurisprudence, the complaint of Paguia against Sulino be dismissed.

**WHEREFORE**, the sworn Letter-Complaint dated 31 January 2014 of Ginalyn M. Paguia against Moises P. Sulino, Jr., Land Management Inspector of the CENR Office of San Jose, Occidental Mindoro, is **DISMISSED**.

**SO ORDERED.**

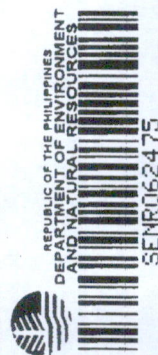
Quezon City, Metro Manila, APR 21 2022

By Authority of the Secretary<sup>1</sup>:

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

- over -

<sup>1</sup>DENR Administrative Order (DAO) No. 2020-05.



Copy furnished:

**Ms. Ginalyn Paguia**  
Tagumpay B. Bagong Sikat  
San Jose, Occidental Mindoro

**Mr. Moises Sulino, Sr.**  
c/o the Chief, Administrative Division  
DENR Region 4-B (MIMAROPA Region)  
1515 L&S Building, Roxas Blvd, Manila

**The Regional Executive Director**  
DENR Region 4-B (MIMAROPA Region)  
1515 L & S Building, Roxas Blvd., Manila

**The Chief, Personnel Division**  
DENR Central Office