

REPUBLIC OF THE PHILIPPINES

DEPARTMENT OF JUSTICE

National Prosecution Service

OFFICE OF THE PROVINCIAL PROSECUTOR

Provincial Capitol Complex, Brgy. Camilmil, Calapan City, Oriental Mindoro

Email address: opporientalmindoro@doj.gov.ph Mobile No. 0963-389-9012

25 October 2022

HON. BENEDICTO A. MALCONTENTO

Prosecutor General

National Prosecution Service

Department of Justice

Padre Faura Street, Ermita, Manila

Tel. No. (02)8527-5001

Email address: opg@doj.gov.ph



Dear **Prosecutor General Malcontento**:

Good day! Greetings of peace.

This refers to the case *People vs. Rudy Villagen y Suelos* (Criminal Case No. CR20-11418) which emanated from the Regional Trial Court, Pinamalayan, Oriental Mindoro, Branch 42 (RTC) in which the presiding judge, Hon. Erwin Y. Dimayacyac, dismissed the case granting the accused's *Motion to Quash* on the ground that the facts charged do not constitute an offense. The case involves the transportation of 475 sacks of wood charcoal.

When the case was pending before the RTC, a special prosecutor from the Department of Environment and Natural Resources (DENR) participated in the proceedings under the control and supervision of the public prosecutor. This is in consonance with Section 3 of Rule 9 of A.M. No. 09-6-8-SC otherwise known as *Rules of Procedure for Environmental Cases* which provides:

"Section 3. Special prosecutor. - In criminal cases, where there is no private offended party, a counsel whose services are offered by any person or organization may be allowed by the court as special prosecutor, with the consent of and subject to the control and supervision of the public prosecutor."

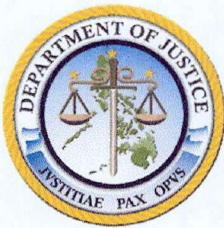
This is to respectfully inform you that the undersigned is in conformity with the DENR in elevating the case before the Court of Appeals via Rule 65 of the Rules of Court in view of the environmental impact of manufacturing wood charcoal and to obtain a ruling from the higher courts on the interpretation of charcoal within the contemplation of PD 705. Attached together with this letter are the records of the case and the draft of the Petition.

With this, we are humbly requesting from your good Office the indorsement of the case to the Office of the Solicitor General for elevation to the Court of Appeals.

Thank you very much for your kind consideration.

Sincerely,

HUMILITO A. DOLOR
Provincial Prosecutor



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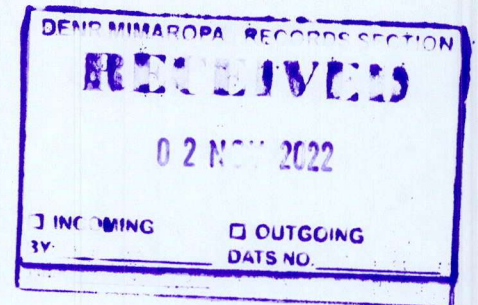
HON. MENARDO I. GUEVARRA

Solicitor General

Office of the Solicitor General Building

134 Amorsolo Street, Legaspi Village

Makati City



Dear **Solicitor General Guevarra**:

Good day! Greetings of peace.

This refers to the case *People vs. Rudy Villagen y Suelos* (Criminal Case No. CR20-11418) which emanated from the Regional Trial Court, Pinamalayan, Oriental Mindoro, Branch 42 (RTC) in which the presiding judge, Hon. Erwin Y. Dimayacyac, dismissed the case granting the accused's *Motion to Quash* on the ground that the facts charged do not constitute an offense. The case involves the transportation of 475 sacks of wood charcoal.

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This is to respectfully inform you that the undersigned is in conformity with the DENR in elevating the case before the Court of Appeals via Rule 65 of the Rules of Court in view of the environmental impact of manufacturing wood charcoal and to obtain a ruling from the higher courts on the interpretation of charcoal within the contemplation of PD 705. Attached together with this letter are the records of the case and the draft of the Petition.

With this, we are humbly requesting your good Office to elevate the case to the Court of Appeals in the interest of environmental justice.

Thank you very much for your kind consideration.

Sincerely,

HUMILITO A. DOLOR
Provincial Prosecutor