



MEMORANDUM

FOR : The Regional Executive Director
DENR IV-B MIMAROPA Region
1515 L&S Bldg., Roxas Blvd.
Ermita, Manila 1000

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : LETTER COMPLAINT DATED SEPTEMBER 9, 2022
RECEIVED FROM THE PUNONG BARANGAY OF BGY.
CANDAWAGA, RIZAL, PALAWAN

Respectfully forwarding the copy of the letter complaint dated September 9, 2022 received by our Office on September 16, 2022 from Punong Barangay Fatima Montaña of Barangay Cadawaga Rizal, Palawan and the Comprehensive Investigation Report on the said incident.

In the said letter complaint, the Punong Barangay alleges that five of our employees in DENR CENRO Quezon (Rizal Station) - one of whom was identified to be Rafael "Boy" Dela Cruz, a contract of service (COS) as Forest Protection Officer- were asking for travel allowance in the amount of Two Thousand Two Hundred Pesos (Php 2,200.00) per person after conducting a requested survey in the barangay market area. The said employees allegedly received the total amount of Php 11,000.00 from the barangay treasurer and further requested for a Certificate of Appearance, which made the barangay officials doubt on why they must pay the "per diems" of the said DENR employees in exchange for the requested survey. Hence, the Punong Barangay is inquiring whether the acts of the DENR employees were in accordance with the DENR rules and regulations and is likewise asking for appropriate action on the said matter.

On September 29, 2022, the undersigned created a fact-finding team to conduct an in-depth investigation and to determine the identities of the four remaining DENR employees involved in the said incident.

Accordingly, the five employees referred to by the Punong Barangay of Bgy. Candawaga, Rizal were verified to be the following:

1. Michael V. Joven – Permanent
2. Juvy A. Tabaque - Permanent
3. Mark Jay S. Anado – Contractual (No longer connected in CENRO Quezon)

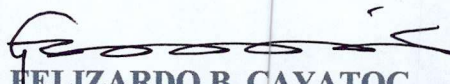


4. Bobby M. Ganeta – Contractual
5. Rafael O. Dela Cruz - Contractual

Pursuant to Section 10, Rule 3 of the 2017 Rules on Administrative Cases in the Civil Service (RACCS), administrative proceedings may be initiated by the disciplining authority motu proprio by issuance of a show cause order. Further, the DENR Manual of Authorities on Human Resource Matters provides that approval of formal charge sheet to employees below Division Chiefs in PENR/CENR Offices is under the authority of the Regional Executive Director (RED).

In line with this, the undersigned requests for the issuance of a Show Cause Order against the involved permanent officials in accordance with the 2017 RACCS and DENR Manual of Authorities on Human Resource Matters and further course of action against the COS personnel such as making them also to explain as part of due process and/or termination from the service.

For information and further instructions.


FELIZARDO B. CAYATOC

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By Gloe
Date: 22 NOV 2022 22-3125



Republika ng Pilipinas
Lalawigan ng Palawan
Bayan ng Rizal
BARANGAY CANDAWAGA

TANGGAPAN NG PUNONG BARANGAY

Setyembre 5, 2022

To: FELIZARDO B. CAYATOC
PENRO

Sir,

Magandang araw po.

Kami po ay nagrequest sa tanggapan ng DENR-Rizal para magsukat sa Barangay Market Area at pumunta po dito ang limang (5) DENR Staff na pinangungunahan ni Mr. Rafael "Boy" Dela Cruz pagkatapos ng pagsukat bumalik sila sa Barangay hall at humingi ng travel allowance na Php 2,200.00 per person na may kabuuang halaga na Php 11,000.00 na binigay ng aming Barangay Treasurer. Pagkatapos ibinigay nila ang mapa ng Sicud Public Market at humingi ng Certificate of Appearance sa Barangay Secretary.

Kami po ay umasa na walang bayad ang aming pagrequest dahil tayo po ay government property kaya kami po ay nagtaka na mayroon kaming binayaran sa kanila sa ganoong halaga.

Hinihiling po namin na gawan ng aksyon kung ito po ba ay naaayon sa inyong tanggapan.

Kalakip po nito ang xerox copy ng mapa ng Sicud Public Market na pag-aari ng Barangay Candawaga.

Maraming salamat po.

FATIMA G. MONTAÑO
Punong Barangay

Saksi:

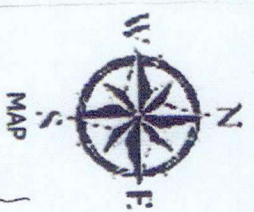
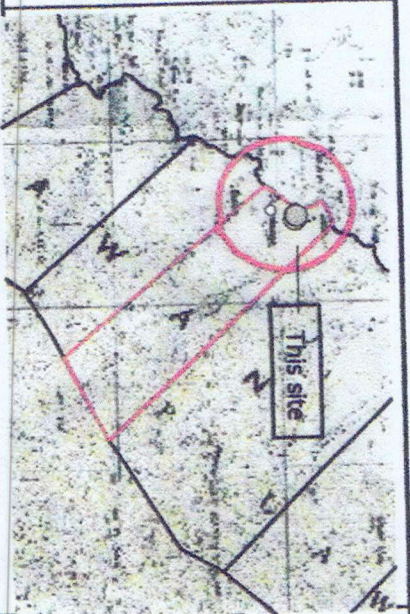
ALICIA L. CAMILON
Barangay Secretary

MARLOUSE M. DAYTO
Barangay Secretary

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: *[Signature]*
DATE: 09-16-2022 22-8384

TOTAL AREA : 8,587.61 sq.m.



Showing the area for Barangay
Candawaga Market Site

Located at

BRGY. CANDAWAGA
MUNICIPALITY OF J.P. RIZAL
PROVINCE OF PALAWAN

Projection: Universal Transverse Mercator - Zone 50 (N)
Datum : World Geodetic 1984 (WGS84)

TECHNICAL DESCRIPTION

corner	Longitude (I)	Latitude (I)
1	117°30'04.4" E	8°52'25.4" N
2	117°30'04.2" E	8°52'24.6" N
3	117°29'56.3" E	8°52'26.1" N
4	117°29'56.8" E	8°52'27.5" N

Digitized by:


MICHAEL N. JOVEN

Fernando / Timorland
Project No. 13-J
L.C. No. 167-2007
and 168-2007

8,587.61 sq.m.

Note:
subject for future
project survey/
instrument used
as per the planimeter

Area
Corner



October 28, 2022

MEMORANDUM

FOR : **PENRO FELIZARDO B. CAYATOC**
Provincial Environment and
Natural Resources Officer

FROM : **FACT FINDING TEAM per PENRO SO 2022-082 s.2022**
Team Leader : CHIEF MSD FRANKLIN G. HERNANDEZ
Member : ATTY. HARLENE A. HEMOR
Member : ATTY. HAZIELL P. PASCUA

SUBJECT: **COMPREHENSIVE REPORT ON INVESTIGATION OF THE COMPLAINT FILED BY THE PUNONG BARANGAY CHAIRMAN FATIMA G. MONTAÑO OF BARANGAY CANDAWAGA, RIZAL, PALAWAN AGAINST FIVE (5) DENR PERSONNEL OF CENRO QUEZON (RIZAL SUB-STATION)**

This has reference to the PENRO Special Order No. 2022-082, series of 2022¹, creating the Fact Finding Team to investigate the complaint filed by Punong Brgy. Chairman Fatima G. Montaña of Brgy. Candawaga, Rizal, Palawan.

Accordingly, the Fact Finding Team (Team) shall be composed of Chief MSD Franklin G. Hernandez as the Team Leader, with Atty. Harlene A. Hemor and Atty. Haziell P. Pascua as the Members. The Team is specifically ordered to: (1) Conduct an in-depth investigation and gather relevant information, documents and data that are vital in the conduct of investigation; and (2) Submit a comprehensive report of findings, comment and recommendation after the termination of the investigation.

In compliance therein, we are submitting this comprehensive report of findings, comment and recommendation on the subject complaint for reference of your office on the proper action or recommendation.

I. PARTIES

Complainant

In compliance with PENRO Special Order No. 2022-082, the Fact Finding Team secretly proceeded to the Barangay Hall of Brgy. Candawaga, Rizal, Palawan on 03 October 2022, to conduct investigation and verification with the complainant and witnesses. We were able to talk to the witnesses, Brgy. Secretary Alicia L. Camilon and Brgy. Treasurer Marlouse M. Dayto. On the other hand, the complainant, Punong Barangay Fatima G. Montaña was in Puerto Princesa City for an official travel, hence, the initial confirmation with her was made through the witnesses and the then Officer-in-charge Susana Besales, and subsequently, direct communications with Punong Barangay Montaña via messenger.

Alleged DENR Personnel

In the afternoon, we proceeded to the DENR Rizal Substation and propounded some clarificatory questions to Michael V. Joven and Rafael O. Dela Cruz, and in DENR CENRO

¹ PENRO Special Order No. 2022-082, series of 2022, herein attached as Annex "A"



Quezon to Esmael N. Sonon and Sanie L. Alcantara. We were not able to talk to Bobby M. Graneta and Juvy A. Tabaque as they were not present in both places at that time, while Mark Jay S. Anado is no longer connected with the DENR CENRO Quezon.

II. ALLEGATIONS OF THE COMPLAINANT AND WITNESSES

The complaint of Punong Brgy. Chairman Fatima G. Montaña of Brgy. Candawaga, Rizal, Palawan was communicated in her letter² dated 05 September 2022, signed by Punong Barangay Fatima G. Montaña as complainant, and Brgy. Secretary Alicia L. Camilon and Brgy. Treasurer Marlouse M. Dayto as witnesses, and received by the office of the PENRO on 16 September 2022, containing the following material allegations:

1. That in response to the request of Bgy. Candawaga for the survey of their Bgy. Market Area, five (5) DENR Staff, lead by Mr. Rafael “Boy” Dela Cruz, surveyed the area;
2. That after the survey, the DENR Staff demanded travel allowance amounting to P2,200.00 per person, or for the total amount of P11,000.00;
3. That Barangay Treasurer released the total amount of P11,000.00 to the DENR Staff, and the latter gave the subject map of Sicud Public Market to the Barangay Officials upon receipt of the total amount from the Barangay; and
4. That the DENR Staff requested for the Certificate of Appearance from the Barangay Secretary.
5. Thus, the Barangay is requesting for an action on this matter in accordance with the rules and procedures of the DENR, as it is the understanding of Barangay officials that there should be no charges for their request for survey considering that what is involved is a government property.

Further, during the 3 September 2022³ investigations and the subsequent verifications⁴ conducted with the complainant and witnesses, the following additional allegations and representations were identified, of which Brgy. Captain Montaña, Brgy. Secretary Camilon and Brgy. Treasurer Dayto are willing to execute sworn statements in relation thereto if subsequently required:

1. That Michael Joven called Bgy. Captain Montaña to inform them that there will be five DENR personnel who will conduct the survey of the market of Barangay Candawaga;
2. That allegedly, there were five (5) DENR employees who conducted the said survey. In the record book of the Barangay, there appears five names as follows:
 - a. 09 February 2022⁵
 - i. Mark Jay S. Anado – Contractual
 - ii. Juvy A. Tabaque – Regular
 - iii. Michael V. Joven – Regular
 - b. 30 March 2022⁶
 - i. Bobby M. Graneta – Contractual
 - ii. Rafael O. Dela Cruz – Contractual

² Letter from Punong Barangay Fatima G. Montaña dated 05 September 2022 herein attached as Annex “B”

³ Investigation conducted by Fact Finding Team at Barangay Hall of Bgy. Candawaga, Rizal, Palawan

⁴ Direct communications with Punong Barangay Montaña and Bgy. Treasurer Dayto via messenger

⁵ Copy of Barangay’s Logbook dated 09 February 2022 herein attached as Annex “C”

⁶ Copy of Barangay’s Logbook dated 30 March 2022 herein attached as Annex “D”



3. That the DENR personnel requested Certificate of Appearance for five (5) persons from Brgy. Secretary Camilon, to which the latter provided, but did not keep in their records copy of such;
4. That after the survey, the DENR personnel demanded the amount of P2,200 each or a total of P11,000.00 as per diems of five DENR personnel who conducted the said survey;
5. That there were various follow ups from the DENR personnel for the payment of their per diems, to wit:
 - a. Phone call by Rafael Dela Cruz to Brgy. Captain Montaña
 - b. Phone call by Michael Joven to Brgy. Captain Montaña
 - c. Personal follow up by group of Rafael Dela Cruz at Kampong Ulay, Rizal, Palawan
6. That the barangay officials were informed that the survey will not be released without their payment;
7. That because of the persistent follow up and the condition for the release of the survey of the market, they have no choice but to give the amount demanded by the group of Rafael Dela Cruz;
8. That Brgy. Secretary Camilon and Brgy. Treasurer Dayto personally released the amount of P11,000.00 to Rafael Dela Cruz and another companion sometime in May 2022;
9. That Brgy. Treasurer Dayto requested from Rafael Dela Cruz and his companion an official receipt to support the disbursement, but the group of Rafael Dela Cruz provided a blank and unofficial receipt No. 0346345⁷ and No. 0346346⁸, which appeared to be some document issued by a grocery store;
10. That Brgy. Treasurer Dayto prepared Petty Cash Voucher No. 0346345⁹ with remarks "P11,000 DENR", and recorded the same transaction in the Treasurer's record book for March 2022¹⁰ under her custody as "DENR 11,000";
11. That Rafael Dela Cruz and his companion failed to sign the acknowledgement receipt or any documents related therein since the collection and receipt of the P11,000.00 was made in an urgent manner at the entrance of the building of Barangay Hall;
12. That immediately upon receipt by Rafael Dela Cruz of the amount of P11,000.00 from Brgy. Treasurer Dayto, Rafael Dela Cruz pulled out the copy of incompletely signed survey map¹¹ from his backpack and gave its copy to Brgy. Secretary Camilon and Brgy. Treasurer Dayto. The survey map contains only the original signature of Michael V. Joven, and none of any other authorized signatory; and
13. That prior to the arrival of the Fact Finding Team on October 03, 2022, allegedly there was someone from DENR CENRO Office which inquired about the subject of this complaint.

III. INVESTIGATION AND VERIFICATION WITH THE ALLEGED DENR EMPLOYEES

In the afternoon of 3 September 2022, the Fact Finding Team conducted an investigation and propounded clarificatory questions on the alleged DENR employees Michael V. Joven and Rafael O. Dela Cruz at DENR CENRO Quezon (Rizal Substation) and to Esmael N. Sonon and Sanie L. Alcantara DENR CENRO Quezon. Bobby M. Graneta and Juvy A. Tabaque were not

⁷ Copy of Unofficial receipt No. 0346345 herein attached as Annex "E"

⁸ Copy of Unofficial receipt No. No. 0346346 herein attached as Annex "F"

⁹ Copy of Petty Cash Voucher No. 0346345 herein attached as Annex "G"

¹⁰ Copy of Treasurer's Record Book for March 2022 herein attached as Annex "H"

¹¹ Copy of Survey Map with incomplete signature herein attached as Annex "I"



present then as they were in the field/on travel, while Mark Jay S. Anado is no longer connected with the DENR CENRO Quezon.

Michael Joven

1. Michael Joven claims that he received the amount of P2,000 for the said transaction but could not remember who among his co-employees handed him the money. At first he claimed that an official of Barangay Candawaga delivered the money to him, but later could not remember if it was actually handed by the Barangay official or by his co-employees assigned in DENR CENRO Quezon (Rizal Substation);
2. That they did not demand payment but accepts only when voluntarily given by the barangay;
3. That the survey requested by the Barangay is considered as private when it is beyond the DENR personnel's target and not covered by the NGP, tenurial and other special orders, as in this case;
4. That the survey of the market was around May 9, 2022, but he could not remember who were the DENR personnel who went with him to Brgy. Candawaga, which could probably be any of Bobby Graneta, Rafael Dela Cruz, Mark Jay S. Anado, Sannie Alcantara and Ismael Sonon;
5. That he did not issue any survey map to Brgy. Candawaga, and likewise could not remember signing the survey map of Barangay Candawaga;
6. That DENR CENRO Rizal Substation has no records of the travel since as a practice, what is only recorded is the general and consolidated travel/fieldwork from DENR CENRO Quezon to Rizal Substation and various barangays, and no specific itinerary; and
7. That there was no double payment of per diems since they are only allowed to claim per diems for travel from CENRO Quezon to Rizal Substation, and when the travel is official and covered by their targets and functions.

Rafael Dela Cruz

1. Rafael Dela Cruz denies having received any amount from Barangay Candawaga in connection with this particular requested survey of market of Brgy. Candawaga;
2. That he denies making follow up and collections from Barangay Candawaga;
3. That he denies any participation in the survey of the market of Brgy. Candawaga;
4. That he has not been in the Barangay Hall of Brgy. Candawaga for the purpose of the survey of the market;
5. That the last time he was in the barangay was for the purpose of facilitating the request of the barangay in connection with the conflict in the road near the beach ("Aplaya");
6. That he was not aware of the survey map with incomplete signature that was in the possession of the barangay officials; and
7. That he did not sign any documents in relation to the subject of this complaint.

Sannie Alcantara and Ismael Sonon

1. Sannie Alcantara and Ismael Sonon both denied that they participated in the conduct of market survey claiming that they were not in Rizal that time but in other assignment in Narra and Quezon.

Bobby M. Graneta and Juvy A. Tabaque

1. Bobby M. Graneta and Juvy A. Tabaque were on field/travel on the date of investigation, hence no statements were solicited from them.

Mark Jay S. Anado

1. Mark Jay S. Anado is no longer connected with the DENR CENRO Quezon.



IV. RECOMMENDATIONS AND CONCLUSION

After careful consideration of the circumstances surrounding the complaint, and after deliberation of the facts gathered during the investigation, verification and clarificatory inquiries, the Fact Finding Team is of the opinion that **there is probable cause to reasonably believe that the complained act probably happened and that the DENR personnel allegedly charged therein probably committed the same.**

In arriving at the above conclusion, the Fact Finding Team went to Brgy. Candawaga purposely in a clandestine manner to avoid any possible destruction of evidence. After examinations of the available documentary, testimonial and corroborating evidence, we came up with the following rationale for our recommendation based on the confronted issues:

On the validity of the claim for per diems:

The complaint revolves on the issue of **“Whether or not the DENR personnel is authorized to claim per diems when conducting survey of property of Local Government Unit (Barangay).”**

We submit that the DENR personnel cannot claim per diems from other branches or instrumentalities of the government in the conduct of their official functions. This is because there are allotted budgets for the performance and execution of the functions of each offices. There is special order issued to conduct survey and is usually accompanied with designated budget. Hence, the DENR personnel cannot claim from the requesting party as there will be double claim.

Assuming arguendo that Barangay Units are considered as private since it is beyond the target/function of the DENR personnel, no per diems may still be claimed. This is for the reason that DENR personnel, being government officials, are not allowed to conduct private survey, but may only refer the concern to a private geodetic engineer and only after the issuance by the office of the proper survey authority.

As per verification with the records, the alleged DENR personnel did not claim per diems from the office specifically for the survey of the market of Brgy. Candawaga. However, even if they did not claim from DENR CENRO office, they still cannot claim per diems from Brgy. Candawaga, more so force the Barangay to give per diems in exchange of the survey. As explained, there should be an order for the survey from the CENRO office with allotted budget, or in the alternative, if the survey is considered as private, they should have referred the matter to a private geodetic engineer.

On the issuance of unofficial survey map:

The survey map¹² for the market of Brgy. Candawagan is the source of this present complaint. The complainant and witnesses claim that the DENR Personnel held and would not release the map without the payment of the demanded P11,000.00 per diems of five DENR personnel. The map was immediately given to them by Rafael Dela Cruz right after the receipt of the latter of the demanded amount of money from the barangay. On its face, the said map was only signed by Michael Joven and without the proper approval of the other authorized officers. DENR

¹² Unofficial Survey Map is earlier attached as Annex I



employees are mandated to release only official survey map, completely signed and approved by the proper officers within the agency. In this case, the copy of the barangay was originally signed by Michael Joven, hence, with the presumption of regularity in signing unless denied by the signatory after showing sufficient evidence of forgery. Here, Joven merely states that he could not remember signing it.

On the identity of the alleged five (5) DENR personnel:

From interview and records, it may be inferred that **Michael Joven, Rafael Dela Cruz and Bobby Graneta** participated in the survey of market of Brgy. Candawaga, and in addition, Rafael Dela Cruz and Michael Joven received their per diems, as follows:

Bgy. Captain Montaña, who personally knows Rafael Dela Cruz, positively identified the same Rafael Dela Cruz as the one who demanded and made follow up for the payment of the sum of P11,000.00 as per diems of five DENR personnel who conducted the survey for the market of Brgy. Candawaga. This is supported by the testimonies of Brgy. Secretary Camilon and Brgy. Treasurer Dayto who personally handed the amount of P11,000.00 to the same Rafael Dela Cruz and another one companion sometime in May 2022. The disbursement was recorded in the Treasurer's record book¹³. Likewise, the presence in the barangay hall of Rafael Dela Cruz on the same period is supported by the Visitor's log book of the barangay dated March 30, 2022¹⁴.

The identity of Michael Joven was established by Bgy. Captain Montaña as the one who informed him that there will be five (5) DENR personnel conducting the survey, and allegedly made a follow-up to him on the demanded amount of P11,000.00 as per diems of five (5) DENR employees. Moreover, the survey map¹⁵ released to the barangay officials was originally signed by Michael Joven, bearing his name and official signature, hence establishing his participation.

When the pictures of the DENR personnel assigned in Rizal Substation, were shown to Bgy. Captain Montaña, the latter was able to identify Bobby Graneta as the other one included in the survey of the market, being in-charge of the GPS. Bobby Graneta's presence in the barangay hall on the same period that the money was allegedly received by Rafael Dela Cruz is supported by the Visitor's log book of the barangay dated March 30, 2022¹⁶ where he appeared together with Rafael Dela Cruz. This tallied also with the statements of Brgy. Secretary Camilon and Brgy. Treasurer Dayto that Dela Cruz and his another one companion accepted the money.

On the other hand, the identities of the remaining two (out of five) alleged DENR personnel, were not directly shown by the evidence, but may be identified as **Mark Jay S. Anado** and **Juvy A. Tabaque** from the following statements:

Michael Joven represented that their other companions on the subject survey could be any of Bobby Graneta, Rafael Dela Cruz, Mark Jay S. Anado, Sanie Alcantara and Ismael Sonon. The Visitor's record book of the barangay

¹³ Treasurer's record book is earlier attached as Annex H

¹⁴ Visitor's log book dated March 30, 2022 is earlier attached as Annex D

¹⁵ Unofficial survey map is earlier attached as Annex I

¹⁶ Visitor's log book dated March 30, 2022 is earlier attached as Annex D



shows Mark Jay S. Anado, Juvy A. Tabaque and Michael V. Joven appeared in Barangay Candawaga on February 09, 2022.¹⁷

When the record book or any other documents that would support the names of the personnel who were sent on the subject survey were requested from the DENR CENRO Quezon (Rizal Substation) thru Michael Joven, he said that none is kept in their office. With the assistance of the DENR CENRO Quezon, we also requested for the validation of the records for the months of February, March, April & May 2022 to check if they have Certificate of Appearance from Brgy. Candawaga, but we found nothing.

During the meeting of the Fact Finding Team with CENRO Leonard Caluya and Ms. Rosita Castulo on October 3, 2022 as attended by Sanie Alcantara and Ismael Sonon, it was identified that Alcantara and Sonon were not in the Rizal Substation at the time of survey but were on other assignments (Narra, Palawan). Their names also do not appear in the Visitor's Logbook of the barangay.

Therefore, leaving Mark Jay S. Anado and Juvy A. Tabaque as the other two possible DENR personnel referred to.

On the motive of the complainant and witnesses:

There is no bad blood identified between the barangay officials who submitted the complaint letter and the alleged DENR personnel. Absence the existence of any evil or ill motive on the part of the complainant and witnesses to make false accusations against the DENR CENRO Quezon (Rizal Substation) personnel, their complaints may be taken cognizance. Moreover, both parties being public servants are aware of the consequences of baseless accusations, thus mitigating the possibility of false accusations.

On the documentary evidence:

Listed below are the identified lapses in the documentary evidence of the barangay officials:

1. No Acknowledgement Receipt signed by the person who received the amount;
2. The purpose of the visit in the visitor's logbook is not indicated in the records;
3. The Petty Cash Voucher¹⁸ and Treasurer's Record Book¹⁹ merely indicates "P11,000 DENR" and "DENR 11,000", without specific date of transactions. The names of the individuals were also not reflected; and
4. Although there was CCTV in the barangay hall, it was not working.

Although the involved barangay officials failed to secure proper documentation for the disbursement of P11,000.00, they (Bgy. Captain Montaño, Brgy. Secretary Camilon and Brgy. Treasurer Dayto) signified their intention to execute sworn statements reflecting the matters herein testified by them when required by the office. Moreover, dismissing this complaint solely by reason of these lapses in the documentation, and without requiring the explanations of the DENR personnel allegedly involved, would be prejudicial to the DENR office given that the parties involved are both government agencies/instrumentalities. Besides, there exists other corroborating

¹⁷ Visitor's log book dated February 09, 2022 is earlier attached as Annex C

¹⁸ Petty Cash Voucher is earlier attached as Annex G

¹⁹ Treasurer's Record Book is earlier attached as Annex H



pieces of evidence such as the testimonies, petty cash vouchers, treasurer's record book, visitor's log book, signed survey map, motive, and others, as herein explained.

Taken the circumstances and the corroborating evidence as a whole versus the supposedly lack of documentary evidence, we are inclined to give more weight to the testimonies and other corroborating evidence.

On the testimonial evidence:

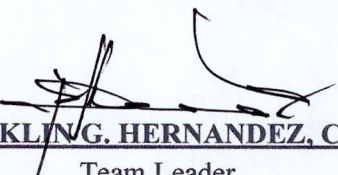
The complainant and her witnesses are able to convey their allegations and recollection of the events with clarity and consistencies. Even if repeatedly cross-examined by our team, they are able to maintain their accounts of the circumstances that transpired. They even re-enacted how and where exact part of the barangay hall that they made the payment of P11,000 to Rafael Dela Cruz. They are able to point out Rafael Dela Cruz as the one who followed up and received the money from them, and that there were five DENR personnel who conducted the survey and then demanded for their per diems of P2,200 each in exchange of the survey map. The only deficiency is that they failed to recall the particular date of the month that the survey was conducted and the payment of per diems was made. They are only able to recall that they made the payment sometime in May 2022, which was supported by their records (such as Treasurer's Record Book and Visitor's Logbook). Nevertheless, all their other testimonies are convincing and consistent.


On the other hand, the testimonies of the alleged DENR Personnel (Michael Joven and Rafael Dela Cruz) are conflicting. Joven recalls receiving per diems for the said survey of Brgy. Candawaga, while Dela Cruz denies all allegations. Joven mentioned Dela Cruz as one of the DENR personnel who conducted the survey, but Dela Cruz denies transacting with the Brgy. Candawaga. Their accounts of the events surrounding this complaint are not clear. Thus, the testimonies of the complainant and witnesses are more convincing, hence given more weight.


THEREFORE, considering herein circumstances, the Fact Finding Team recommends that appropriate action be taken, among others, a Show Cause Order, for Mr. Michael V. Joven, Mr. Rafael O. Dela Cruz, Mr. Bobby M. Graneta and Ms. Juvy A. Tabaque, the purpose of which is to shed light to their sides on the allegations in the complaint. Sannie Alcantara and Ismael Sonon may not be included for the reasons discussed above. Mark Jay S. Anado is no longer connected with the DENR.

Prepared by:

FACT FINDING TEAM
(per PENRO Special Order 2022-082, series of 2022)


MR. FRANKLING G. HERNANDEZ, Chief MSD
Team Leader


ATTY. HARLENE A. HEMOR
Member


ATTY. HAZIELL P. PASCUA
Member



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES
OFFICE

PENRO SPECIAL ORDER
NO. 2022-082
Series of 2022

SEP 29 2022

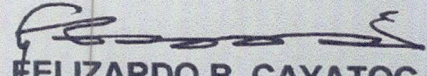
**SUBJECT: CREATION OF FACT FINDING TEAM TO INVESTIGATE
THE COMPLAINT FILED BY PUNONG BRGY. CHAIRMAN
FATIMA G. MONTAÑO OF BRGY CANDAWAGA, RIZAL
PALAWAN**

In the interest of the service and in order to act on the complaint filed by the Officials of Brgy. Candawaga, Rizal, Palawan against some DENR personnel of CENRO Quezon, Palawan, a Fact Finding Team is hereby created compose of the following;

Chief MSD FRANKLIN G. HERNANDEZ	-	Team Leader
ATTY. HARLENE A. HEMOR	-	Member
ATTY. HAZIELL P. PASCUA	-	Member

1. The Team shall conduct in-depth investigation and gather relevant information, documents and data that is vital in the conduct of investigation;
2. The concerned CENR Office is hereby enjoined to extend full assistance to the Team to facilitate the accomplishment of their work;
3. The Team shall submit a comprehensive report of findings, comment and recommendation after the termination of the investigation.

This Order shall take effect immediately and will automatically rescind upon completion of the investigation and submission of the final report.


FELIZARDO B. CAYATOC
PENRO



Lalawigan ng Rizal

Bayan ng Rizal

BARANGAY CANDAWAGA

TANGGAPAN NG PUNONG BARANGAY

Setyembre 5, 2022

To: FELIZARDO B. CAYATOC
PENRO

Sir,

Magandang araw po.

09-10-2022 22-8384

Kami po ay nagrequest sa tanggapan ng DENR-Rizal para magsukat sa Barangay Market Area at pumunta po dito ang limang (5) DENR Staff na pinangungunahan ni Mr. Rafael "Boy" Dela Cruz pagkatapos ng pagsukat bumalik sila sa Barangay hall at humingi ng travel allowance na Php 2,200.00 per person na may kabuuang halaga na Php 11,000.00 na binigay ng aming Barangay Treasurer. Pagkatapos ibinigay nila ang mapa ng Sicud Public Market at humingi ng Certificate of Appearance sa Barangay Secretary.

Kami po ay umasa na walang bayad ang aming pagrequest dahil tayo po ay government property kaya kami po ay nagtaka na mayroon kaming binayaran sa kanila sa ganoong halaga.

Hinihiling po namin na gawan ng aksyon kung ito po ba ay naaayon sa inyong tanggapan.

Kalakip po nito ang xerox copy ng mapa ng Sicud Public Market na pag-aari ng Barangay Candawaga.

Maraming salamat po.

FATIMA G. MONTAÑO
Punong Barangay

Saksi:

ALICIA L. CAMILON
Barangay Secretary

MARLOUSE M. DAYTO
Barangay Secretary

DATE	NAME	ADDRESS	DATE	TIME IN	TIME -
1/8/22	Melanie octo	Quizon		5:11	
1/8/22	Filan	Quizon		5:11	
1/8/22	Monic	Quizon		5:11	
1/12/22	Jeromey	Quizon		4:05	
1/14/22	Malaya C. Bundo	Quizon		9:25	
1/25/22	Arson Bano	Quizon		3:51 PM	4:11
2/3/22	Ronel Alcantara	S. Espinoza		9:00 AM	
2/5/22	Renato C. Fanciano	Quizon		9:00 AM	
2/8/22	Joana	Quizon		9:19 AM	
2/8/22	Peggy Mae Borja	Quizon		9:20 AM	
	Quenon Siega	Quizon			
	Rommel Jaque V. Torneo	Quizon			
	Mark Jay S. Anado	Quizon		9:11 AM	
	Sony R. T. Anado	Quizon			
	JOVEN, ALICIA V.	Quizon			
2-11-22	Benjamin V. Anado	Quizon			
02-15-22	Cesmo Anado	Quizon		12:15	
02-15-22	BALTAZAR POZEL	Quizon			
02-16-22	Genaro L. Sabili	Quizon		9:20	12:10
02-16-22	Juanita T. Buite	Quizon		8:00	
02-16-22	Enjie B. Mandin	Quizon		8:00	
02-24-22	EDUARDO S. ANADO	Quizon		7:12	
3-1-22	JANICE ANADO	Quizon			
3-1-22	Blasdim Landin	Quizon			
3-17-22	Cherry D. Dela Cruz	Quizon		4:09	

CERTIFIED TRUE COPY
Date: 02/12/2022
Signature: [Signature]


CERTIFIED TRUE COPY
Date: Oct. 3, 2022
Signature: Aliza L. Camilan - R

ADDRESS	TIME - IN	TIME - OUT	SIGNATURE
Quezon	5:11		[Signature]
Quezon	5:11		[Signature]
Quezon	5:11		[Signature]
Quezon	4:05		[Signature]
Quezon	9:25		[Signature]
Quezon	8:51 PM	4:11 PM	[Signature]
Quezon	9:00 AM		[Signature]
Quezon	9:00 AM		[Signature]
Quezon	9:19 AM		[Signature]
Quezon	9:20 AM		[Signature]
Quezon	9:11 AM		[Signature]
Quezon	12:15		[Signature]
Quezon	9:20	12:00 PM	[Signature]
Quezon	8:40		[Signature]
Quezon	8:00		[Signature]
Quezon	9:12		[Signature]

DATE	NAME	ADDRESS	TEMP	AGE	TIME-IN	TIME-OUT	SIGNATURE
3/21/22	DAVID DERRAL	Punta Maya, Pinal					
3/22/22	Charles Baloy	PCC		72	12:05		
3/22/22	Princess Mae Flores			20	2:35		
3/24/22	KEVIN D. CANTUS	Wassan, Quezon, Palawan		25	11:03		
3/30/22	JOEL CANTUS	PROY. Pansilingan		33			
	Bobby M. Graneta	Bray, Punta Baga		61			
	Rafael O. Dela Cruz						
10/18/22	Torson Fresnillo	Punta Baga		35	10:00		
10/18/22	Jonathan Upan	Punta - MAYA Pinal		77	1:19 PM		
01/01/22	ALEXIS U' AKAAN	"		18	11:37		
MAY 06 2022	PLT FREDDIE S UGALDE	FEDAHICOLA PAL		43	2:15		
	PCPL VERHIE F KIOTE	SAN VICENTE PAL		25	2:15		
	PCPL ROMUICK GARY L. RAYOS	SAN VICENTE PAL		29	2:15		
	PCPL FORSTELL ORENDA	SAN VICENTE PAL		31	2:15		
	PCPL MICHAEL JOHN RIOS	SAN VICENTE PAL		24	2:15		
	PCPL HURRY E. ANSA	SAN VICENTE PAL		31	2:15		
	PCPL ROMUICK M BESO	SAN VICENTE PAL		25	2:15		
	PCPL ALDO PERKINSON	"		20	7:15		
	PAT CARLOS, ALVIN DA	SAN VICENTE PAL		27	2:15		
	MAYOR BATURAN	DPNH NABALA		37	4:10		
	LISTEN VILLENZO	DPNH NABALA			4:10		
07/11/22	Gunbeam S. Sangcalan	Punta Baga		25	4:30		
	Pepi Michelle Espinoza	Punta Baga		24	4:31		
	PSA Wely Albit	Punta Baga		24	11:15		
7/07/22	Mary Lys F. Arayo	"					
	Norlander M. Ayala	"					
	John-roy Bayate	"					
	Vergel S. Gomez	"					
	Christopher Dilon	"					
	Mary Jane P. Seledonia	"					
7/17/22	Mary Jane Celestina	Punta Baga		74	9:41		
	Mary Lea Arayo	"		24	9:50		

[illegible]

[illegible]

PETTY CASH VOUCHER	
Paid to _____	No. _____
Address _____	Date _____
PARTICULARS	AMOUNT
	11, 500
	DENR
TOTAL	
Approved by: _____	Received Payment by: _____
 THANK YOU COME AGAIN Nº0346345 SIGNATURE _____	

CERTIFIED TRUE COPY

Date:

Signature:

10-7-21

Juan Carlos R. Diaz

3/3/22

Water Maint.

DATE

3/3/22

620	}	8768-
3705		
2968		
175		
600		
1,100		
645		+ 645

DEMR

11,000 -

9413

BGM

2,482 -

Hyd System

1,250 - 1120 -

Pris.

445 - -

BNS Bldg -

1000

Center Board

1500

Pump / Casing

1000

BHW

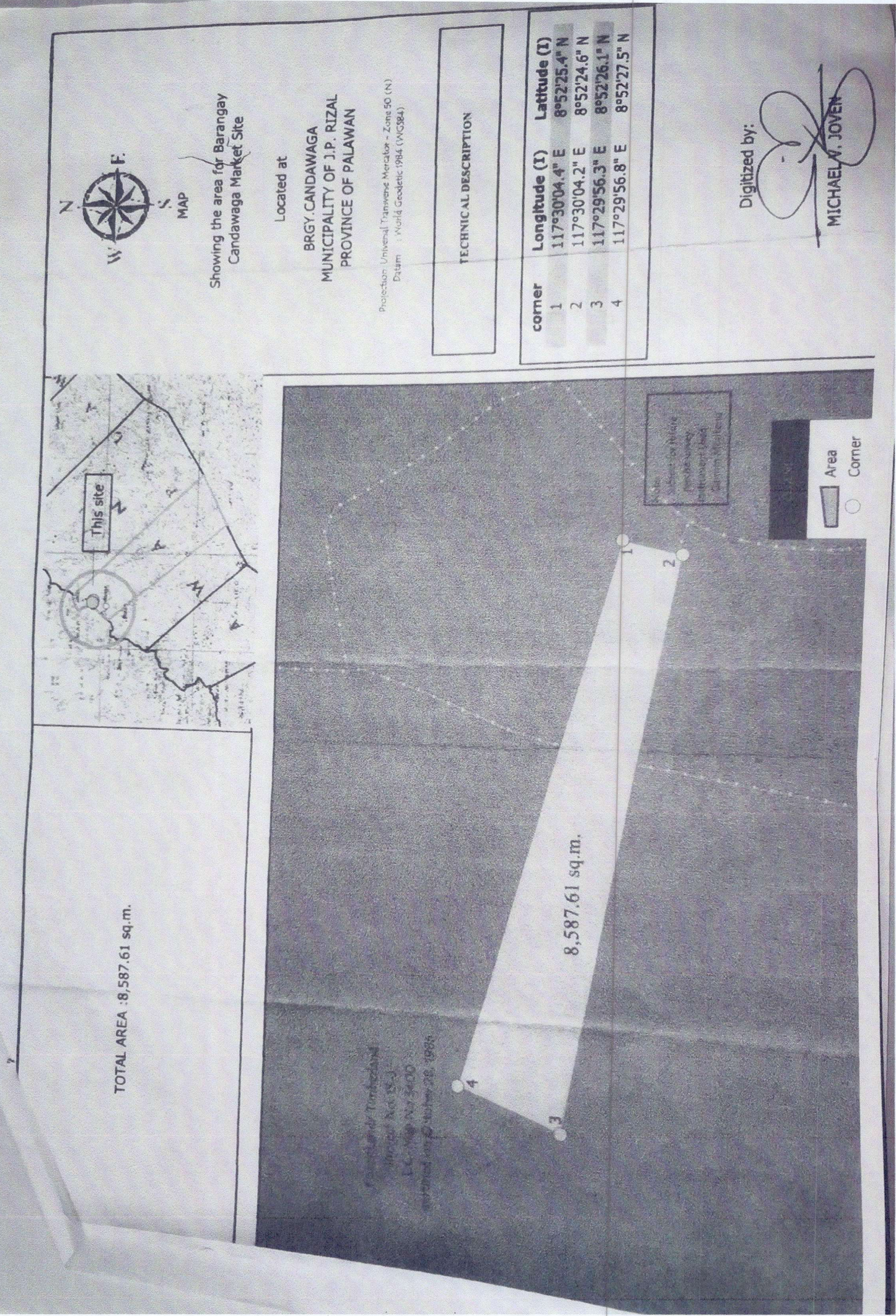
fit 2000

mark 2000 } 4000 -

CERTIFIED TRUE COPY

Date: 10.03.22

Signature: MARLOUSE M. DAY





Republika ng Pilipinas
Lalawigan ng Palawan
Bayan ng Rizal
BARANGAY CANDAWAGA

TANGGAPAN NG PUNONG BARANGAY


Setyembre 5, 2022

To: FELIZARDO B. CAYATOC
PENRO

Sir,

Magandang araw po.

**DENR PENRO
PALAWAN RECORDS
RECEIVED**

BY: 
DATE: 09-16-2022 22-8384

Kami po ay nagrequest sa tanggapan ng DENR-Rizal para magsukat sa Barangay Market Area at pumunta po dito ang limang (5) DENR Staff na pinangungunahan ni Mr. Rafael "Boy" Dela Cruz pagkatapos ng pagsukat bumalik sila sa Barangay hall at humingi ng travel allowance na Php 2,200.00 per person na may kabuuang halaga na Php 11,000.00 na binigay ng aming Barangay Treasurer. Pagkatapos ibinigay nila ang mapa ng Sicud Public Market at humingi ng Certificate of Appearance sa Barangay Secretary.

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Hinihiling po namin na gawan ng aksyon kung ito po ba ay naaayon sa inyong tanggapan.

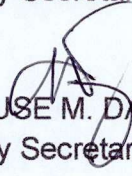
Kalakip po nito ang xerox copy ng mapa ng Sicud Public Market na pag-aari ng Barangay Candawaga.

Maraming salamat po.

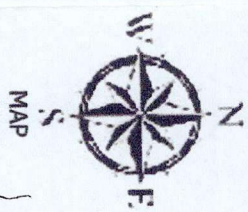
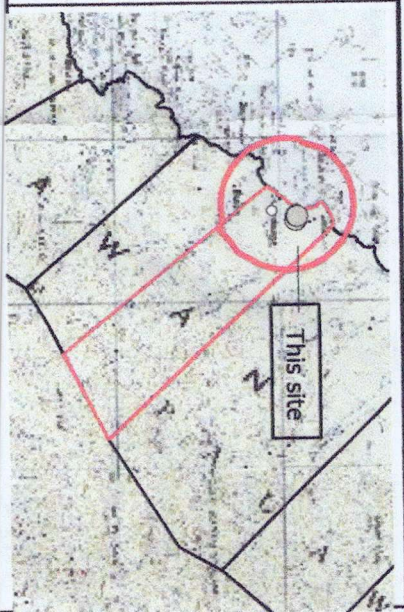

FATIMA G. MONTAÑO
Punong Barangay

Saksi:


ALICIA L. CAMILON
Barangay Secretary


MARLOUSE M. DAYTO
Barangay Secretary

TOTAL AREA :8,587.61 sq.m.



Showing the area for Barangay
Candawaga Market Site

Located at

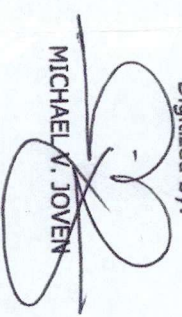
BRGY CANDAWAGA
MUNICIPALITY OF J.P. RIZAL
PROVINCE OF PALAWAN

Projection: Universal Transverse Mercator - Zone 50 (N)
Datum : World Geodetic 1984 (WGS84)

TECHNICAL DESCRIPTION

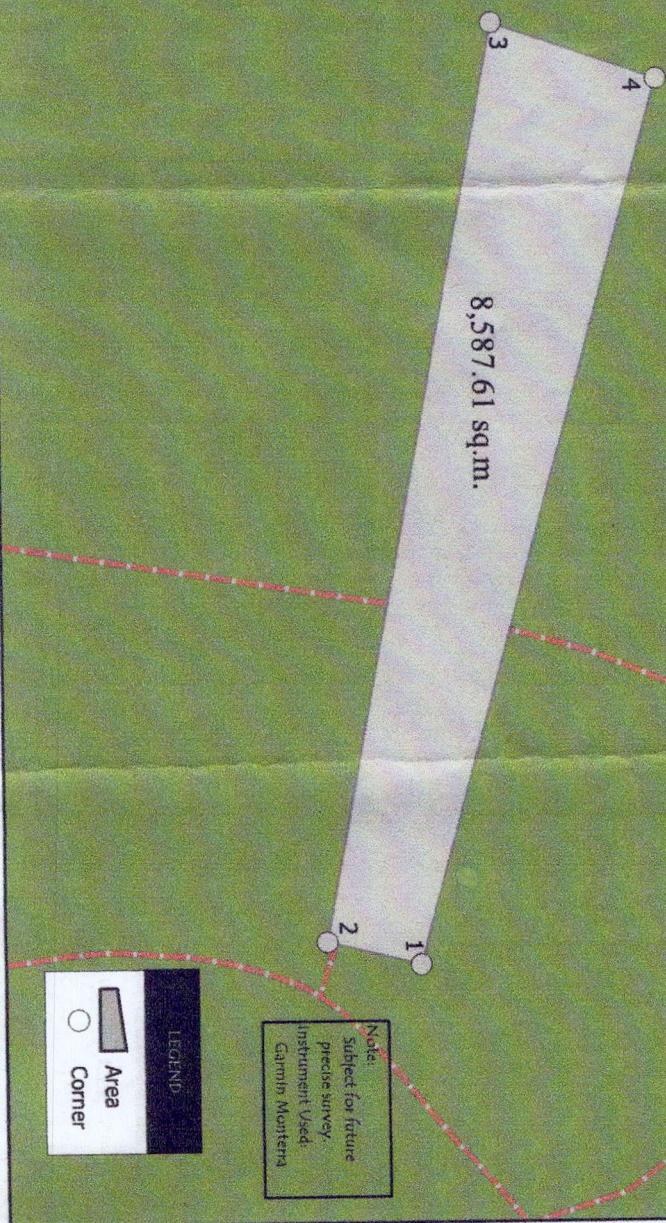
corner	Longitude (I)	Latitude (I)
1	117°30'04.4" E	8°52'25.4" N
2	117°30'04.2" E	8°52'24.6" N
3	117°29'56.3" E	8°52'26.1" N
4	117°29'56.8" E	8°52'27.5" N

Digitized by:


MICHAEL N. JOVEN

Forestland/ Timberland
Project No 13-J
L.C. Map No 3400
certified on October 28, 1986

8,587.61 sq.m.



LEGEND

Area

Corner

Note:
Subject for future
precise survey.
Instrument Used:
Garmin Monterra