



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

AUG 23 2022

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region
1515 L & S Building, Roxas Blvd.
Ermita, Manila

THRU : Assistant Regional Director
For Technical Services

FROM : The OIC PENR Officer

SUBJECT : SUPPLEMENTAL REPORT ON THE APREHENDED FOREST
PRODUCTS (9,874.58 BOARD FEET OF GMELINA LUMBER) AT
SO. PAKIL, BARANGAY CABACAO, ABRA DE ILOG,
OCCIDENTAL MINDORO



Respectfully forwarded is the memorandum from CENR Officer Anastacio A. Santos dated August 11, 2022 pertaining to the Supplemental Report on Criminal Case filed against Ms. Evelinda Mendoza docketed as NPS-DOC. NO. INV. 22B-00028.

On May 16, 2022, the Office of the Provincial Prosecutor dismissed the said case after knowing that the submitted evidence is insufficient to establish the probable cause to indict the respondent for violation of Section 77 of PD 705.

Hence, on June 07, 2022 the CENR Officer filed a Motion for Reconsideration praying that the dismissal of the compliant be set aside and finding a probable cause for violation of Section 77 PD 705 be made against Ms. Evelinda Mendoza, but the instant Motion for Reconsideration was denied and ordered the CENR Office to release the apprehended forest products.



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

Based on the foregoing supplemental report and documents attached such as Criminal Complaint dated February 10, 2022, Resolution of the Provincial Prosecutor dated May 16, 2022, Motion for Reconsideration dated June 7, 2022, denial of the Motion for Reconsideration dated June 19, 2022, Letter from the CENRO Officer dated August 8, 2022, the CENR Office recommends that the Confiscation Order of the said apprehended forest products having an aggregate volume of 9,874.58 board feet be issued for proper disposition.

For your information, evaluation and further instruction.


ERNESTO E. TAÑADA



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

August 11, 2022

MEMORANDUM

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

THRU : The Provincial Environment and Natural Resources Officer
Mamburao, Occidental Mindoro

FROM : The Community Environment and Natural Resources Officer
Sablayan, Occidental Mindoro

SUBJECT : **SUPPLEMENTAL REPORT ON THE APPREHENDED
UNDOCUMENTED FOREST PRODUCTS (9,874.58 BD.
FT OF GMELINA LUMBER) AT SO. PAKIL, BRGY.
CABACAO, ABRA DE ILOG, OCCIDENTAL MINDORO.**

RECORDED

Date: 8/11/22

By: [Signature]

Respectfully submitted is the supplemental report on the criminal case filed against Ms. Evelinda Mendoza, together with the enclosures, to wit:

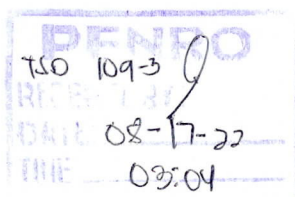
I- Supplement Report

1. Criminal Complaint dated February 10, 2022 (Annex A)
2. Resolution of the Provincial Prosecutor date May 16, 2020 (Annex B)
3. Motion for the Reconsideration dated June 7, 2022 (Annex C)
4. Denial of the Motion for Reconsideration dated June 19, 2022 (Annex D)
5. Letter from the CENR Officer dated August 8, 2022 (Annex E)

Based on this Supplemental Report, we hereby recommend the issuance of confiscation order for the subject apprehended illegal forest products for its disposition.

For your information, evaluation and further action, if any.

[Signature]
FOR. ANASTACIO A. SANTOS, MPA





Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

August 11, 2022

MEMORANDUM

RECORDED
Date: 8-16-22
By: [Signature]

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

THRU : The Provincial Environment and Natural Resources Officer
Mamburao, Occidental Mindoro

FROM : The Community Environment and Natural Resources Officer
Sablayan, Occidental Mindoro

SUBJECT : **SUPPLEMENTAL REPORT ON THE APPREHENDED
UNDOCUMENTED FOREST PRODUCTS (9,874.58 BD.
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CABACAO, ABRA DE ILOG, OCCIDENTAL MINDORO.**

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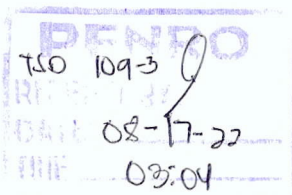
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Based on this Supplemental Report, we hereby recommend the issuance of confiscation order for the subject apprehended illegal forest products for its disposition.

For your information, evaluation and further action, if any.

[Signature]
FOR. ANASTACIO A. SANTOS, MPA





**SUPPLEMENTAL REPORT ON THE APPREHENDED UNDOCUMENTED
FOREST PRODUCTS, IN VIOLATION OF SECTION 77 OF PD 705 AS AMENDED
BY RA 7161 AND DAO 97-32, SERIES OF 1997**

I. BACKGROUND

The case was filed against Ms. Evelinda Mendoza, a resident of So. Pakil, Brgy. Cabacao, Abra de Ilog Occidental Mindoro.

A case for violation of PD 705, Section 77 (specifically cutting and removing inside a forestland without a permit) was brought to the Office of the Provincial Prosecutor against Ms. Evelinda Mendoza for determination of probable cause on February 10, 2022 docketed as NPS Doc. No. IV-06-INV-22B-00028. (See Annex A)

On May 16, 2022, the Office of the Provincial Prosecutor dismissed the above-mentioned complaint finding the evidence submitted “insufficient to established probable cause” to indict the respondent for the violation of Sec. 77 of PD 705. (See Annex B)

The said dismissal was received by this office on May 31, 2022. On June 7, 2022, the office filed its Motion for Reconsideration praying that the dismissal of the compliant be set aside and finding a probable cause for violation of PD 705, Section 77 be made against the respondent. (See Annex C)

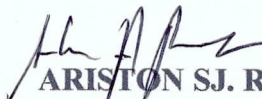
On August 8, 2022, a letter was sent to the Office of the Provincial Prosecutor stating DENR’s confiscation power based on DAO 97-32, of all illegal forest products and other items seized during apprehension, upon determination of guilt in administrative proceedings, declaring them property of the Government of the Republic of the Philippines.

II. ADDITIONAL RECOMMENDATION

Based on the above statement of facts we hereby recommend the issuance of confiscation order for the subject apprehended illegal forest products for its proper disposition.

Prepared by:

Noted by:


ARISTON S.J. RAMOS
Forester II/Chief, EMS


ISAIAS A. GUIMOD
Hearing Officer

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
OFFICE OF THE PROSECUTOR
SAN JOSE, OCCIDENTAL MINDORO

CENRO ANASTACIO A. SANTOS
Complainant,

-versus-

CRIM. CASE NO. _____

For: Violation of Presidential
Decree No. 705 or the Forestry
Reform Code of the Philippines
as amended, Section 77.

EVELINDA MENDOZA,
Respondent,

X-----X

CRIMINAL COMPLAINT AFFIDAVIT

I, ANASTACIO A. SANTOS, after having been duly sworn in accordance with law, hereby depose and state:

1. That on January 7, 2022, I received an information from Forester II/EMS Chief Ariston SJ Ramos about an alleged illegal logging operation happening at So. Pakil, Brgy. Cabacao, Abra de Ilog Occidental Mindoro; (See Annex A)

2. For verification and proper scaling, I instructed a DENR team from the Regulation and Permitting Section (RPS)-Utilization composed of Cartographer/Leader Dan L. Diwa, Forest Rangers Randy T. Paguio, Ronald Tendido and Rodrigo V. Castillo to conduct an inspection to validate the said information; (See Annex B)

3. On January 7, 2022, the team went to Barangay Cabacao, Abra de Ilog Occidental Mindoro. Coordinations were made with Barangay Chairman Roche A. Gutierrez to discuss the information received and to asked assistance during the inspection;

4. That Barangay Chairman Gutierrez deployed Barangay Kagawad Rudolfo Causapin to assist the team during the inspection. During the inspection, the team noticed a stockpile of Gmelina square logs along the riverbanks of Banabaan River. When asked who the owner is, Kagawad Causapin stated that is owned by a certain "Tebong" (Primitivo Pamanilay); (See Annex B1 and Annex C-C2)

5. That they were able to contact "Tebong" through the assistance of the Barangay and he was later asked to visit the DENR-CENRO Sablayan Coordinating Office in Mamburao to show his legal documents that will prove his ownership over the subject logs. The same day, "Tebong" visited the office and showed Cartographer Dan L. Diwa his

his legal documents. He was asked to postpone the hauling of his gmelina logs as it will be subject for further verification;

6. That on January 13, 2022, the team from the Regulation and Permitting Section (RPS)-Utilization returned to Brgy. Cabacao to visit the stockpile of gmelina square logs found alongside the riverbanks of Banabaan river. "Tebong" came, and they attempted to cross the river to reach his alleged plantation. Upon trying to cross the river, they saw another stockpile of gmelina square logs. When they asked "Tebong" who was the owner of such, he answered a certain "Binday" (Evelinda Mendoza). They also asked him if he knows where was the source of "Binday's" cut square logs and he was able to point it out for them; (See Annex B2 and Annex D-D1)

7. That they were able to contact a certain Jerry (Evelinda's brother) to call "Binday" and asked to her to provide them the corresponding legal documents of the cut logs. "Binday" came with the legal documents and confirmed ownership over the logs. The team also asked her to postpone the hauling for further verification and inspection;

8. That on January 18, 2022, they were able to successfully cross Banabaan River and reached the alleged plantations of "Binday" and "Tebong" where the cutting happened. They conducted geo-tagging of actual stumps found. They found out that the cutting operation happened inside a forestland and not inside the two's actual plantations as described under their respective CLOA's (Annex E and Annex F);

9. That on January 22, 2022, Cartographer Dan L. Diwa Sr. instructed Park Ranger Hilmar M. Villaflores to prepare a sketch map that will project the locations where the actual stumps were found and the actual locations of the subject plantations as described under "Binday" and "Tebong" respective CLOAS; (See Annex B3 and Annex G)

10. That on January 26, 2022, the team of Enforcement and Monitoring Section of CENRO Sablayan headed by the undersigned went to to Barangay Cabacao, Abra de Ilog Occidental Mindoro. We apprehended Gmelina square logs with a total volume of 14,047.75 bd. Ft. 9,874 bd ft of it is owned by Ms. Evelinda Mendoza; (See Annex H and I-I1) 56

11. That because of the large volume of logs apprehended we hired a total of seven (7) trucks to load the subject logs and transport it to DENR's Yapang Storage Facility at So. Yapang, Brgy. Batongbuhay, Sablayan Occidental Mindoro;

12. That during the apprehension, Ms. Evelinda Mendoza arrived in the area. She showed the undersigned the alleged documents of her plantation together with its corresponding tree cutting permit. I asked her to identify her plantation (by pointing out) for further verification. As a result, Ms. Mendoza pointed out an area that includes an open forestland (DENR's Reforestation Area); (See Annex I)

13. That on February 1, 2022, the team composed of GIS Operator/Tamaraw Ranger Mario Benedicto S. Salvio, Forest Protection Officer Justine Abelgas, and Forest Protection Officer Arman Villas returned to Brgy. Cabacao to inspect the actual plantation of Ms. Evelinda Mendoza as described under TCT-CLOA-T-6427. The inspection showed that the actual plantation lot area holds no planted Gmelina trees; (See Annex J-J1)



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Hence, on June 07, 2022 the CENR Officer filed a Motion for Reconsideration praying that the dismissal of the compliant be set aside and finding a probable cause for violation of Section 77 PD 705 against Ms. Evelinda Mendoza, but the instant Motion for Reconsideration was denied and ordered the CENR Office to release the apprehended forest products.



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For your information, evaluation and further instruction.


ERNESTO E. TAÑADA

August 11, 2022

MEMORANDUM

RECORDED

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

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Mamburao, Occidental Mindoro

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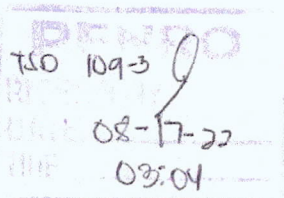
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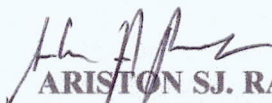
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II. ADDITIONAL RECOMMENDATION

Based on the above statement of facts we hereby recommend the issuance of confiscation order for the subject apprehended illegal forest products for its proper disposition.

Prepared by:

Noted by:


ARISTON S.J. RAMOS
Forester II/Chief, EMS


ISAIAS A. GUIMOD
Hearing Officer

DEPARTMENT OF JUSTICE
OFFICE OF THE PROSECUTOR
SAN JOSE, OCCIDENTAL MINDORO

CENRO ANASTACIO A. SANTOS
Complainant,

-versus-

CRIM. CASE NO. _____

For: Violation of Presidential
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as amended, Section 77.

EVELINDA MENDOZA,
Respondent,

X-----X

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2. For verification and proper scaling, I instructed a DENR team from the Regulation and Permitting Section (RPS)-Utilization composed of Cartographer/Leader Dan L. Diwa, Forest Rangers Randy T. Paguio, Ronald Tendido and Rodrigo V. Castillo to conduct an inspection to validate the said information; (See Annex B)
3. On January 7, 2022, the team went to Barangay Cabacao, Abra de Ilog Occidental Mindoro. Coordinations were made with Barangay Chairman Roche A. Gutierrez to discuss the information received and to asked assistance during the inspection;
4. That Barangay Chairman Gutierrez deployed Barangay Kagawad Rudolfo Causapin to assist the team during the inspection. During the inspection, the team noticed a stockpile of Gmelina square logs along the riverbanks of Banabaan River. When asked who the owner is, Kagawad Causapin stated that is owned by a certain "Tebong" (Primitivo Pamanilay); (See Annex B1 and Annex C-C2)
5. That they were able to contact "Tebong" through the assistance of the Barangay and he was later asked to visit the DENR-CENRO Sablayan Coordinating Office in Mamburao to show his legal documents that will prove his ownership over the subject logs. The same day, "Tebong" visited the office and showed Cartographer Dan L. Diwa his

6. That on January 13, 2022, the team from the Regulation and Permitting Section (RPS)-Dilliman returned to Brgy. Cabacao to visit the stockpile of gmelina square logs found alongside the riverbanks of Banabaan river. "Tebong" came, and they attempted to cross the river to reach his alleged plantation. Upon trying to cross the river, they saw another stockpile of gmelina square logs. When they asked "Tebong" who was the owner of such, he answered a certain "Binday" (Evelinda Mendoza). They also asked him if he knows where was the source of "Binday's" cut square logs and he was able to point it out for them; (See Annex B2 and Annex D-D1)

7. That they were able to contact a certain Jerry (Evelinda's brother) to call "Binday" and asked to her to provide them the corresponding legal documents of the cut logs. "Binday" came with the legal documents and confirmed ownership over the logs. The team also asked her to postpone the hauling for further verification and inspection;

8. That on January 18, 2022, they were able to successfully cross Banabaan River and reached the alleged plantations of "Binday" and "Tebong" where the cutting happened. They conducted geo-tagging of actual stumps found. They found out that the cutting operation happened inside a forestland and not inside the two's actual plantations as described under their respective CLOA's (Annex E and Annex F);

9. That on January 22, 2022, Cartographer Dan L. Diwa Sr. instructed Park Ranger Hilmar M. Villaflores to prepare a sketch map that will project the locations where the actual stumps were found and the actual locations of the subject plantations as described under "Binday" and "Tebong" respective CLOAS; (See Annex B3 and Annex G)

10. That on January 26, 2022, the team of Enforcement and Monitoring Section of CENRO Sablayan headed by the undersigned went to to Barangay Cabacao, Abra de Ilog Occidental Mindoro. We apprehended Gmelina square logs with a total volume of 14,047.75 bd. Ft. 9,874 bd ft of it is owned by Ms. Evelinda Mendoza; (See Annex H and I-I1)

11. That because of the large volume of logs apprehended we hired a total of seven (7) trucks to load the subject logs and transport it to DENR's Yapang Storage Facility at So. Yapang, Brgy. Batongbuhay, Sablayan Occidental Mindoro;

12. That during the apprehension, Ms. Evelinda Mendoza arrived in the area. She showed the undersigned the alleged documents of her plantation together with its corresponding tree cutting permit. I asked her to identify her plantation (by pointing out) for further verification. As a result, Ms. Mendoza pointed out an area that includes an open forestland (DENR's Reforestation Area); (See Annex I)

13. That on February 1, 2022, the team composed of GIS Operator/Tamaraw Ranger Mario Benedicto S. Salvio, Forest Protection Officer Justine Abelgas, and Forest Protection Officer Arman Villas returned to Brgy. Cabacao to inspect the actual plantation of Ms. Evelinda Mendoza as described under TCT-CLOA-T-6427. The inspection showed that the actual plantation lot area holds no planted Gmelina trees; (See Annex J-J1)

12. Sablayan submitted a GIS Map showing the actual locations where the stumps were found and the locations of the actual plantations of "Binday" and "Tebong" as described under their respective CLOAS (See Annex K)

15. That on February 3, 2022, the DENR-CENRO Sablayan held an administrative hearing on the subject case to give Ms. Evelina Mendoza the opportunity to explain herself. She was asked to bring documents that will prove her ownership over the subject plantations and logs;

16. That during the said administrative hearing, Ms. Mendoza claimed ownership of some of the logs found at the riverbanks of Banabaan River. When asked if the said logs were cut from her plantation and asked to show proof thereof, she stated that out of frustration, she threw on the river all the legal documents that will prove her claims; (See Annex L)

17. Therefore, I am executing this complaint-affidavit to file a case of PD 705 or otherwise known as the Revised Forestry Code of the Philippines against the respondent from cutting and removing timber without the legal documents as required under existing forests laws and regulation. (Sec.77 of PD 705)

18. To attest to the truthfulness of the foregoing, I, complainant, attaches my signature below.

Filed this 10th day of February 2022 before the Regional Trial Court of Mamburao, Occidental Mindoro.


ANASTACIO A. SANTOS
CENR Officer

SINUMPARAN AT NILABDAN SA HARAP KO NGAYONG
ika-to ng Pebrero, 2022 dito sa Mamburao, Occidental Mindoro,
at lubos kong sinisiyatat ang naglalayag at pinagtutugan
ko na ito ay walaya at kuwang loob niyang salaysay at
lubos niyang nanunawalan.


STEPHEN A. LAMANILAO
Associate Provincial Prosecutor

Republic of the Philippines
Department of Justice
National Prosecution Service
OFFICE OF THE PROVINCIAL PROSECUTOR
Mamburao, Occidental Mindoro
oppmamburaoooksimin@gmail.com

CENRO ANASTACIO A. SANTOS,
Complainant,

-versus-

NPS-IV-06a-INV-22B-00028
For: Sec. 77, PD 705, as amended

EVELINDA MENDOZA,
Respondent.

X-----X

RESOLUTION

OFFICE OF THE CENRO
RECEIVED
BY *9*
15-3-22

For resolution is the complaint of **CENRO ANASTACIO A. SANTOS** of CENRO Sablayan, Occidental Mindoro against **EVELINDA MENDOZA** of Barangay Cabacao, Abra de Ilog, this province for violation of Sec. 77, PD 705, as amended.

In support thereof is the complainant's complaint affidavit with attachments (Annexes "A" – "L").

Complainant avers that on January 7, 2022, he received information from Forester II/EMS Chief Ariston SJ Ramos of illegal logging activity at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro.¹ On the same day, he sent a team (Regulation and Permitting Section (RPS) – Utilization) thereto to inspect and verify said report.

After coordination with the Barangay, the team was accompanied by Barangay Kagawad Rudolfo Causapin.² As the team was conducting inspection activities, they noticed stockpiles of gmelina square logs on the banks of Banabaan River.³ Upon query, Kagawad Causapin informed the team that the logs are owned by one Tebong (Primitivo Pamanilay). The team contacted Tebong and was asked to show his documentations therefor at the DENR-CENRO Sablayan Coordinating Office in Mamburao. Tebong reported thereat on the same day and was requested to postpone hauling the logs pending verification.

¹ See Annex "A", Criminal Complaint Affidavit.

² See Annex "C" and series, Id.

³ Id.

Tebong crossed the other side of the river where Tebong's plantation was allegedly located. Upon reaching the banks on the other side of the river, they noticed another stockpile of gmelina square logs.⁴ After inquiry, Tebong informed that the same belongs to respondent Evelinda Mendoza @ "Binday". The team contacted respondent through her brother Jerry. Respondent was also asked to show her documentations therefor and to postpone hauling thereof pending verification.

On January 18, 2022, the team (Regulation and Permitting Section (RPS) – Utilization) were able to cross the Banabaan River to reach respondent's and Tebong's plantation where actual cutting took place. The team conducted geotagging of actual tree stumps found thereon.⁵

The verification showed that respondent and Tebong are cutting trees outside of their respective CLOAS.⁶ Hence, on January 22, 2022, the Enforcement and Monitoring Section of CENRO Sablayan apprehended and seized a total of 14,047.75 bd. ft of logs, 9,874 bd. ft. of which belongs to respondent, valued at ₱444,356.10.⁷

During the apprehension and hauling of the same by the CENRO Officers, respondent came to the site and insisted on her permits and other legal documentations.⁸ She was asked again to point to her plantation. Unfortunately, respondent pointed to areas which are considered as open forestland (DENR's Reforestation Area).

On February 1, 2022, another team (GIS Operator/Tamaraw Rangers and Forest Protection Officers) went to inspect respondent's plantation as described under TCT-CLOA-T-6427. The inspection showed that there are no gmelina tree plantation on the said CLOA-covered land.⁹

Ariston SJ Ramos, Forester II/EMS Chief, corroborates the material assertions of the complainant.

A subpoena was issued against respondent.

In defense, respondent filed her Sinumpaang Kontra-Salaysay with attachments, to wit: a.) Copy of TCT No. CLOA-T-6427¹⁰; b.) Copy of Bilihan ng Lupa covering TCT No. CLOA-T-6427¹¹; c.) Pagpapatunay from Punong Barangay of Cabacao, Abra de Ilog¹²; d.) Copy of Hand-written Letter

⁴ See Annex "D" and series, Id.

⁵ See Annex "E", Id.

⁶ See Annex "K", Id.

⁷ See Annex "H", Id.

⁸ See Annex "I" and series, Id.

⁹ See Annex "J-1", Id.

¹⁰ Annex "1", Sinumpaang Kontra-Salaysay of Evelinda Mendoza.

¹¹ Annex "2", Id.

¹² Annex "3", Id.

of respondent addressed to Engr. Caesar Quebec of CENRO Mamburao¹³; e.) Pictures¹⁴; f.) Copy of Joint Affidavit, and Certifications of Pedro A. Marmol, Jr. and Joseph A. Panganiban, both of CENRO Sablayan¹⁵; g.) Copy of Certification of Registration of Tree Plantation in Private Lands¹⁶; h.) Copy of Tree Plantation Record Form¹⁷; i.) Copy of Clearance (Cutting Permit)¹⁸.

She also filed the Sinumpaang salaysay of Edgardo Codico.

Respondent avers that she acquired the rights over the parcel of land covered by TCT No. CLOA-T-6427, registered in the name of Jose D. Cortuna, by virtue of a Bilihan ng Lupa¹⁹ executed in her favor by Lucing Claudio, the registered owner's heir.

When she bought the said parcel of land, its whereabouts were pointed to her by Lucing Claudio and one Ernani Pintulan, a mangyan leader (mayor). They also informed her that they planted gmelina trees thereon.

As the gmelinas were numerous, respondent asked the DENR on how she could capitalize on the same. She observed the rules mandated by the DENR. She secured a Certification from the Barangay having jurisdiction over her property.²⁰

She also asked permission from Engr. Caesar Quebec of CENRO Mamburao through a letter.²¹ Pursuant thereto, an inspection and verification of her property was directed. Pedro A. Marmol, Jr, ECOMS I/Chief, Permitting Unit, and Joseph A. Panganiban, Forest Ranger, conducted the inspection and verification.²² They also conducted an inventory and marking of Two Hundred Six (206) planted gmelina trees.²³ The two CENRO Officers (Marmol, Jr. and Panganiban) executed a Joint Affidavit²⁴, Certifications²⁵ and Tally Sheets²⁶ to that effect. They also issued a recommendation for the issuance of cutting permit for the gmelina trees inspected and inventoried by them.²⁷

Engr. Quebec issued a Certification of Registration of Tree Plantation in Private Lands²⁸ and a Tree Plantation Records Form²⁹. On December 23, 2021, respondent was granted Clearance³⁰ on her request for cutting permit.

¹³ Annex "4", Id.

¹⁴ Annex "5" and series, Id.

¹⁵ Annex "6" and series, Id.

¹⁶ Annex "7", Id.

¹⁷ Annex "8", Id.

¹⁸ Annex "9", Id.

¹⁹ Annex "2", Supra.

²⁰ Annex "3", Supra.

²¹ Annex "4", Supra.

²² See sidenote, Id.

²³ See Annex "5", Id.

²⁴ Annex "6", Supra.

²⁵ Annexes "6-A" to "6-C", Supra.

²⁶ Annexes "6-D" to "6-I", Supra.

²⁷ See Annex "6-J", Id.

²⁸ Annex "7", Supra.

On December 27, 2021, respondent started cutting the marked trees. By January 13, 2022, they were able to cut fifty-four (54) trees. Respondent again wrote to the DENR to request inspection of the fallen trees and to apply for a travel permit.

On January 26, 2022, the new CENRO, herein complainant, visited respondent's area. There complainant saw many log or timbers, including that of other persons. Respondent showed her documentation but complainant would have none of it.

Respondent stressed on the sufficiency of her documents and on her observance of the DENR's rules pertaining to the cutting of trees. She likewise raised that the DENR is now estopped from questioning her actions since all of which were based on and supported by documentations issued by the DENR itself.

Edgardo Codico stated in his Sinumpaang Salaysay that on September 7, 2021, he saw the two DENR Officers and Ernani Pintulan marking the gmelina trees of respondent.

By way reply, CENRO Anastacio questions the authenticity of respondent's documentary evidence, in the light of respondent's pronouncements in the administrative proceedings against her before the CENR Officer.

Complainant added that *xxx permits and licenses issued by the DENR are considered public documents*³¹ *xxx*, pursuant to the Rules of Evidence and jurisprudence; as such *xxx need not be authenticated and are presumed to be valid and genuine until the contrary is shown by clear and convincing proof*.³²

However, complainant directed our attention on the fact that respondent's supposed pieces of evidence are *xxx unnotarized, undated and bears incomplete signatures*.³³

Furthermore, complainant avers that effective August 19, 2021, a new set of requirements are needed before tree cutting permits are issued, which respondent's alleged permits does not conform with. *xxx Pursuant to DAO 2020-18, cutting permits for private plantations will no longer be issued and signed by the PERN Officer. For a tree cutting permit to be valid, the followinh documents shall be issued:*

1. *Privet Tree Plantation Registration certified by the CERN Officer.*
2. *Certification of a Forester Certifier*
3. *Notice to proceed Cutting (for monitoring purposes)*³⁴

³⁰ Annex "9", Supra.

³¹ Par. 4, Reply.

³² Par. 5, Id.

³³ Par. 6, Id.

³⁴ Id.

Complainant relied heavily on the administrative proceedings before their (complainant) office

Respondent was subpoenaed to file rejoinder.

In her rejoinder, she stressed that the DENR should be considered as being in estoppel, considering that her documentations were all issued by their (DENR) office, which authenticity they never questioned.

Respondent also pointed that complainant never denied that the signatories therein are officers and employees of the DENR. As such, their actions and issuances carry the presumption of regularity; the same being in the performance of official duties.

Respondent added that at the time of the issuance of her permits, the CENRO is Engr. Ceasar Quebec. Quebec himself gave her the requirements needed for the tree cutting permit, which she lawfully and completely complied with.

Moreover, respondent agreed with the complainant that the permits and licenses issued by the DENR are *x x x Public Documents on its own*³⁵ *x x x*. Hence the same are valid even in the absence of notarization; as in fact it does not require one.

In resolving the instant case, we will not touch on the supposed administrative proceedings before the office of the CENRO as it does not appear from the records that respondent was represented therein by any competent lawyer.

Complainant did not deny the existence and issuance of the permits and certifications³⁶ necessary to the conduct respondent's enterprise.

While complainant has raised in issue the completeness of the signatures of the DENR employees therein, the authenticity of the signatures appearing therein, albeit allegedly incomplete, were never questioned. Moreover, complainant has not even presented the purported complete signatures of his employees.

Complainant also insisted that being public documents, the permits they issued *x x x need not be authenticated and are presumed to be valid and genuine until the contrary is shown by clear and convincing proof*.³⁷ Yet, complainant is attacking the very authenticity of the same permits for being *x x x unnotarized [and] undated*³⁸ *x x x*.

³⁵ Par. 7, Rejoinder.

³⁶ Annexes "6-A" to "6-J"; "7", "8", and "9", Sinumpaang Kontra-Salaysay.

³⁷ Par. 5, Reply.

³⁸ Par. 6, Reply.

Public documents as evidence. – Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.³⁹ (Emphasis supplied.)

The permits and certifications issued to herein respondent, being admitted by complainant as public documents, need no longer be notarized.

Assuming *arguendo* that it still requires notarization; it begs the question why the permits and certifications are being released **unnotarized, undated and incomplete?** Surely, complainant do not expect to have the permits and certification, issued by his office, be notarized without his (complainant) employees appearing before the Notary Public or any officer authorized to administer oaths. That would be in violation of the Rules on Notarial Practice.

As pointed by respondent, those who issued the subject permits and certifications are complainant's regular employees, whose actions and decisions, done in the performance of their official duties, are afforded by law with the presumption of regularity; yet even without showing proof to the contrary, complainant now faults respondent for relying on his (complainant) employees' actions and decisions.

It must be stressed that respondent has complied with the requirements set forth by Engr. Ceasar Quebec, then CENR Officer, necessary for her to cut the gmelina trees on her property at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro, covered by TCT No. CLOA-T-6427. The said application was given due course by Engr. Quebec only after the inspection and verification made by Pedro A. Marmol, Jr., ECOMS I/Chief, Permitting Unit; and Joseph A. Panganiban, Forest Ranger. Pursuant to the Certifications issued by Marmol and Panganiban, Engr. Quebec granted a clearance to herein respondent for her application for tree cutting permit at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro.

A closer reading of Annexes "6-A" to "6-J", "7", "8", and "9" of respondent's Reply, all shows that respondent's trees are located at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro, and in the parcel of land covered by TCT No. CLOA-T-6427.

Complainant never denied that the trees were inventoried and numbered during the inspection and verification made by Marmol and Panganiban, and that respondent possesses the corresponding permits at the time of cutting. Hence respondent could not be said to have illegally cut the subject trees.

Respondent should not be faulted for the misrepresentation, inefficiency and negligence of complainant's employees.

WHEREFORE, premises considered, we find the evidence **insufficient to establish probable cause** to indict respondent for violation of Sec. 77, PD 705, as amended.

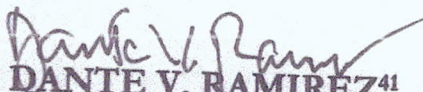
The instant case is hereby **DISMISSED**.

SO RESOLVED.

Mamburao, Occidental Mindoro; May 16, 2022.

STEPHEN A. LAMANILAO⁴⁰
Associate Provincial Prosecutor

Approved:


DANTE V. RAMIREZ⁴¹
Provincial Prosecutor

cc: All concerned.

**REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
OFFICE OF THE PROVINCIAL PROSECUTOR
SAN JOSE OFFICE
San Jose, Occidental Mindoro**

CENRO ANASTACIO A. SANTOS NPS Doc. No. IV-06-INV-22B-00028
Complainant,

-vs-

-for-

Evelinda Mendoza
Respondent.

“Violation of PD 705”

X ----- X

MOTION FOR RECONSIDERATION

Come now, complainant and unto his Honorable Office, respectfully move for the reconsideration of the Resolution dated May 16, 2022 and in support thereof, respectfully states:

1. In the Resolution dated 16 May 2022 (a copy of the same is attached as Annex “A”), the Honorable Associate Provincial Prosecutor ruled:

“Respondent should not be faulted for the misrepresentation, inefficiency and negligence of complainant’s employees.”

“WHEREFORE, premises considered, we find the evidence **insufficient to establish probable cause** to indict respondent for violation of Sec. 77, PD 705, as amended. The instant case is hereby dismissed.

2. Respectfully, it is complainant’s position that the Honorable Prosecutor erred in rendering the above-cited resolution because of the following reasons:

a. We agree with the Honorable Prosecutor that we never denied the existence of the papers and permits acquired by herein respondent from our office. What the complainant questions was the veracity of the acquired documents for it was observed to be acquired with irregularities.

It was evident on the absence of Ms. Evelinda Mendoza’s documents in our office Official Records, the incompleteness of signatures and lack of notarization of the said papers.

On February 3, 2022, Ms. Mendoza was also asked during the administrative hearing as to the whereabouts of her legal documents. Instead of submitting her papers, she chose to lie to its whereabouts. It showed her resistance and avoidance on the said matter. This observed action makes her motive more questionable.

b. We also never deny the inefficiency and negligence on the part of the named DENR employees. This complaint aims to know the truth behind the questionable dealings that transpired between the herein respondent and the said employees that caused grave prejudiced to the government.

3. That we do not agree that the DENR should be considered as being in estoppel, considering that respondent's documentations were all issued out of negligence of our office.

As stated by Republic of the Philippines represented by DENR-Region IV, Manila vs. Amor Hachero and the Register of Deeds of Palawan, GR. No. 200973, May 30, 2016;

"Be that as it may, *the mistake or error of the officials or agents* of the BOL *cannot be invoked against the government* with regard to property of the public domain. It has been said that *the State cannot be estopped by the omission, mistake or error of its officials or agents.*"

4. That herein respondent also cannot invoke absolute good faith in the present case.

In the case Office of the Ombudsman vs. Samson de leon, GR. No. 154083, February 27, 2013, it states that;

"In addition, this court has recognized the rule of caveat emptor, which translates to *"buyer beware"*. In order to exercise the diligence required by the rule, every potential buyer must inspect the real property's certificate of title. *"The rule of caveat emptor requires the purchaser to be aware of the supposed title of the vendor and the one who buys without checking the vendor's title takes all the risks and losses consequent to such failure"*

Here, respondent did not exercise the diligence required in verifying the actual location of the property she bought from

Mr. Jose Cortuna. She merely relied on the statements of Lucing Claudio as to the whereabouts of the property.

5. In Reyes vs. Pearlbank Securities, Inc., this Court held:

“Probable cause, for the purpose of filing a criminal information, has been defined as such facts as are sufficient to engender a well-founded belief that a crime has been committed and that respondent is probably guilty thereof. The term does not mean “actual and positive cause”, nor does it import absolute certainty. It is merely based on opinion and reasonable belief. Probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged”

To fairly evaluate the pieces of evidence presented in this case and to properly questioned the parties involved on stand the undersigned praying that the case be tried in the proper forum. As stated by Masayuki Hasegawa vs. Leila Giron GR No. 184536, Aug 14, 2013:

“Evidentiary matters could only be passed upon in full blown trial where testimonies and documents could be fairly evaluated per the rules of evidence. The issues upon which the charges are built pertain to factual matters that cannot be threshed out conclusively during the preliminary stage of the case. Precisely, there is trial for the presentation of the prosecution’s evidence in support of the charge, the validity, and merits of a party’s defense or accusation, as well as admissibility of testimonies and evidence, are better ventilated during trial proper than at the preliminary investigation level.”

6. Finally, we found it distressing that the Honorable Prosecutor is silent as to the apprehended illegally cut 9,874.58 bd ft. gmelina. Dismissal of this complaint will put into waste the efforts and resources of the government in its reforestation program initiatives. Reiterating what Oposo vs. Factoran stated:

"The right to a balance and healthful ecology carries with it the correlative duty to refrain from impairing the environment."

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed that the Resolution dated May 16, 2022, be reconsidered and set aside and a finding of probable cause for violation of PD 705, Section 77 be made against EVELIDA MENDOZA.

Other reliefs just and equitable are likewise prayed for.

ablayan, Occidental Mindoro, 7th of June, 2022

ANASTACIO A. SANTOS
CENR Officer

SINUMPAAN AT NILAGDAAN SA HARAP KO ko ngayong ika ____ ng
inyo, 2022 dito sa Mamburao, Occidental Mindoro, at lubos kong sinisiyasat
g nagsalaysay at pinatutunayan ko na ito ay Malaya at Kusang loob niyang
aysay at lubos niyang nauunawaan.

REPUBLIC OF THE PHILIPPINES
 DEPARTMENT OF JUSTICE
 OFFICE OF THE PROVINCIAL PROSECUTOR
 SAN JOSE OFFICE

File Copy

San Jose, Occidental Mindoro

RECEIVED

By: JH Date: 7 JUN 2022 Time: 11:07 Am

CENEO ANASTACIO A. SANTOS NPS Doc No. IV-06-INV-223-00028

Complainant

-vs-

-for-

Evelinda Mendoza
 Respondent.

Violation of PD 705"

X-----X

MOTION FOR RECONSIDERATION

Come now, complainant and unto his Honorable Office, respectfully move for the reconsideration of the Resolution dated May 16, 2022 and in support thereof, respectfully states:

1. In the Resolution dated 16 May 2022 (a copy of the same is attached as Annex "1") the Honorable Associate Provincial Prosecutor ruled:

"Respondent should not be faulted for misrepresentation, inefficiency and negligence of complainant's employees."

"WHEREFORE, premises considered, we find the evidence insufficient to establish probable cause to indict respondent for violation of Sec. 77, PD 705, as amended. The instant case is hereby dismissed."

2. Respectfully, it is complainant's position that the Honorable Prosecutor erred in rendering the above-cited resolution because of the following reasons:

a. We agree with the Honorable Prosecutor that we never denied the existence of the papers and permits acquired by herein respondent from her office. The complainant's questions was the veracity of the attached documents for it was observed to be secured with false identities.

It was evident on the absence of Mr. Evelinda Mendoza's documents in her office. Hence, the incompleteness of signatures and lack of documents on the said papers.

On February 3, 2022, Ms. Mendoza was also asked during the administrative hearing as to the whereabouts of her legal documents. Instead of submitting her papers, she chose to lie to its whereabouts. It showed her resistance and avoidance on the said matter. This observed action makes her motive more questionable.

b. We also never deny the inefficiency and negligence on the part of the named DENR employees. This complaint aims to know the truth behind the questionable dealings that transpired between the herein respondent and the said employees that caused grave prejudiced to the government.

3. That we do not agree that the DENR should be considered as being in estoppel, considering that respondent's documentations were all issued out of negligence of our office.

As stated by Republic of the Philippines represented by DENR-Region IV, Manila vs. Amor Hachero and the Register of Deeds of Palawan GR. No. 200973, May 30, 2016;

"Be that as it may, the mistake or error of the officials or agents of the BOL cannot be invoked against the government with regard to property of the public domain. It has been said that the State cannot be estopped by the omission, mistake or error of its officials or agents."

4. That herein respondent also cannot invoke absolute good faith in the present case.

In the case Office of the Ombudsman vs. Samson de leon, GR. No. 154083, February 22, 2013. It states that;

"In addition, this court has recognized the rule of caveat emptor, which translates to "buyer beware". In order to exercise the diligence required by the rule, every potential buyer must inspect the real property's certificate of title. The rule of caveat emptor requires the purchaser to be aware of the supposed title of the vendor and the one who buys without checking the vendor's title takes all the risks and losses consequent to such failure."

Here, respondent did not exercise the diligence required in

Mr. Jose Cortuna. She merely relied on the statements of Lucing Claudio as to the whereabouts of the property.

5. In *Reyes vs. Pearlman's Securities, Inc.*, this Court held:

"Probable cause, for the purpose of filing a criminal information, has been defined as such facts as are sufficient to engender a well-founded belief that a crime has been committed and that respondent is probably guilty thereof. The term does not mean "actual and positive cause", nor does it import absolute certainty. It is merely based on opinion and reasonable belief. Probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged"

To fairly evaluate the pieces of evidence presented in this case and to properly question the parties involved on stand the undersigned proving that the case be tried in the proper forum. As stated by *Masayuki Hasegawa vs. Leila Giron* GR No. 184536, Aug 14, 2010

"Evidentiary matters could only be passed upon in full blown trial where testimonies and documents could be fairly evaluated per the rules of evidence. The issues upon which the charges are built pertain to factual matters that cannot be threshed out conclusively during the preliminary stage of the case. Precisely, there is trial for the presentation of the prosecution's evidence in support of the charge, the validity, and merits of a party's defense or accusation, as well as admissibility of testimonies and evidence, are better ventilated during trial proper than at the preliminary investigation level."

6. Finally, we found it depressing that the Honorable Prosecutor is silent as to the amount of illegally cut 9,874.58 bd ft. gmelina. Dismissal of the complaint will put into waste the efforts and resources of the government in its reforestation program. It is also noted that *Oposo vs. Factoran* stated:

OFFICE OF THE PROVINCIAL PROSECUTOR

Mamburao, Occidental Mindoro
oppmamburaoooksimin@gmail.com

RECEIVED
BY 8-5-21
10:12 am

CENRO ANASTACIO A. SANTOS,
Complainant,

-versus-

NPS-IV-06a-INV-22B-00028
For: Sec. 77, PD 705, as amended

EVELINDA MENDOZA,
Respondent.

X-----X

RESOLUTION

This treats the Motion for Reconsideration filed by complainant, on June 7, 2021, seeking reconsideration and reversal of the undersigned's resolution, dated June 1, 2021, dismissing the instant case.

Movant faults the undersigned for finding the documentations of the respondent as validly issued despite of their noted irregularities therein, while admitting the inefficiency and negligence of his employees in issuing the same. and that x x x [T]his complaint aims to know the truth behind the questionable dealings that transpired between herein respondent and the said employees that caused great prejudiced to the government.¹

Additionally, he anchored his arguments on what transpired during the administrative proceedings before their Office against herein respondent involving the same subject matter.

Movant added that the DENR should not be considered as being in estoppel on account of their employees' negligence, citing jurisprudence in support thereof.

Moreover, pleads that their effort and resources in promoting the right a balance and healthful ecology will be put to naught if the instant case would be dismissed.

We are not persuaded.

¹ Par. 2b, Motion for Reconsideration.

questionable dealing of his employees, he is doing the same at the expense of the herein respondent and of the general public for the matter. If movant wants to castigate his employees for their mistakes, negligence, inefficiency, and incompetence, he could validly do so under his administrative power over these employees, but not at the expense of the public, lest the public lost trust in the government.

Also, while this Office supports the DENR's thrust for a balance and healthful ecology, this Office is always mindful of its duty as lawyers engaged in public prosecution; our primary duty is not to convict but to see to it that justice is done.⁸

And as already discussed in the assailed Resolution, this Office would not dwell on the administrative proceeding against herein respondent. The submitted minutes of the administrative proceedings fails to show that respondent was ever assisted by a competent and independent lawyer therein.

Lastly, as the apprehension and confiscation of the 9,874.58 board feet of gmelina logs runs afoul with the tree cutting permit the DENR has issued, the said logs must be returned to its rightful owner – herein respondent.

WHEREFORE, premises considered, the instant Motion for Reconsideration is hereby **DENIED**.

Corollary hereto, the 9,874.58 board feet of gmelina logs subject of the instant case, presently in custody of Movant is hereby ordered **RELEASED** in favor of herein respondent.

SO RESOLVED.

Mamburao, Occidental Mindoro; July 19, 2021.

STEPHEN A. LAMANILAO⁹
Associate Provincial Prosecutor

Approved:


DANTE V. RAMIREZ¹⁰
Provincial Prosecutor

cc: All concerned.

⁸ Rule 6.01, Canon 6, Code of Professional Responsibility.

⁹ Roll of Attorneys No. 57985; MCLE Compliance No. VII-0012014; IBP 196269 – January 5, 2022.

¹⁰ Roll of Attorneys No. 35426; MCLE Compliance No. VII-0013781.

Movant's reliance on *Republic vs. Hachero*² is misplaced, as it is not on all square with the case at bar. *Hachero* involves the DENR's complaint for the Cancellation of Free Patent, and of the Original Certificate of Title issued pursuant thereto, and the reversion of the land it covers as part of inalienable timberland. Therein petitioner's mistake does not mean imprisonment to therein respondent.

Movant argue that they can impugn the permits, negligently and inefficiently issued by his employees, to herein respondent Mendoza, because *Hachero* held that *xxx the mistake or error of the officials or agents of the BOL in this regard cannot be invoked against the government with regard to property of the public domain. It has been said that the State cannot be estopped by the omission, mistake or error of its officials or agents.*³

A reading of the of *Hachero* would show that the granting of the Republic's petition therein is not solely based on the above principle. The Supreme Court ruled therein, citing *Republic vs. Roxas*, that *xxx a certificate of title issued pursuant to a homestead patent xxx is subject to the proviso that "the land covered by said certificate is a disposable public land within the contemplation of the Public Land Law"*⁴ *xxx* (Emphasis and underscoring supplied.)

Thus, despite the DENR's mistake therein, they can validly attack the title issued pursuant to the said colatilla.

The same is not true with the case at bar.

The mistake, inefficiency, and negligence of movant's employees mean imprisonment of the herein respondent.

To reiterate, respondent has complied with all the requirements set forth by the then CENRO, Cesar E. Quebec. Respondent's plantation was visited, inspected and tagged by movant's employees prior to the cutting. At the time of cutting respondent is fully compliant; in fact, she was granted clearance⁵ by the then CENRO, Cesar E. Quebec.

Moreover, movant has admitted that **permits and licenses issued by the DENR are considered as public documents**⁶, and as such, *xxx need not be authenticated and are presumed to be valid and genuine*⁷ *xxx* (Emphasis supplied.) What else should respondent do to ascertain the validity of her permits?

Movant is changing horses at the middle of the race.

² G.R. No. 200973, May 30, 2016.

³ Par. 3, Motion for Reconsideration.

⁴ *Republic vs. Hachero*, *supra*.

⁵ Annex Q, *Sinumpaanan Kontra-akusasyon*.



Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

August 8, 2022

PROSECUTOR STEPHEN A. LAMANILAO

Associate Provincial Prosecutor
Office of the Provincial Prosecutor
Mamburao, Occidental Mindoro

Dear Prosecutor Lamanilao,

This is in relation to your Resolution dated July 19, 2022, denying our Motion for Reconsideration for the PD 705 case file against Ms. Evelinda Mendoza, docketed as NPS-IV-22B-00028.

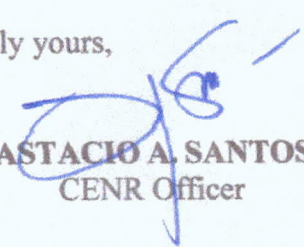
The said Resolution denied our motion with the instruction of releasing the 9, 874.58 bd. Ft of Gmelina logs, subject of the instant case, presently in our custody, in favor of the respondent, Ms. Mendoza.

The Department Administrative Order 92-32, entitled "1997 Rules for the Administrative Adjudication of Illegal Forest Products and Machinery, Equipment, Tools and Conveyances used in connection therewith", gave the Department of Environment and Natural Resources confiscation powers, upon determination of guilt in administrative proceedings, to declare illegal forest products and other items seized, property of the Government of the Republic of the Philippines.

Clearly, based on the administrative hearing conducted by our office, we have substantial evidence to charge the respondent guilty of the act complained.

The Case of Ms. Evelinda Mendoza is now forwarded to the Regional Office, hence the release the subject logs were no longer under our authority.

Respectfully yours,


FOR. ANASTACIO A. SANTOS, MPA
CENR Officer

Cc: *PENR Office*
Mamburao, Occidental Mindoro

The Regional Executive Director
MIMAROPA Region

14. That on February 2, 2020, GIS Operator/ Tamaraw Ranger Mario Benedicto S. Salvio submitted a GIS Map showing the actual locations where the stumps were found and the locations of the actual plantations of "Binday" and "Tebong" as described under their respective CLOAS (See Annex K)

15. That on February 3, 2022, the DENR-CENRO Sablayan held an administrative hearing on the subject case to give Ms. Evelina Mendoza the opportunity to explain herself. She was asked to bring documents that will prove her ownership over the subject plantations and logs;

16. That during the said administrative hearing, Ms. Mendoza claimed ownership of some of the logs found at the riverbanks of Banabaan River. When asked if the said logs were cut from her plantation and asked to show proof thereof, she stated that out of frustration, she threw on the river all the legal documents that will prove her claims; (See Annex L)

17. Therefore, I am executing this complaint-affidavit to file a case of PD 705 or otherwise known as the Revised Forestry Code of the Philippines against the respondent from cutting and removing timber without the legal documents as required under existing forests laws and regulation. (Sec.77 of PD 705)

18. To attest to the truthfulness of the foregoing, I, complainant, attaches my signature below.

Filed this 10th day of February 2022 before the Regional Trial Court of Mamburao, Occidental Mindoro.


ANASTACIO A. SANTOS
CENR Officer

SINUMPATAN AT NILAGDAN SA HARAP KO ngatong
ika-10 ng Pebrero, 2022 dito sa Mamburao, Occidental Mindoro,
at lubos kong sinisiyarat ang naglalayray at pinagtutungan
ko na ito ay walaya at kuwang lobo niyang salaysay at
lubos niyang nanunawagan.


STEPHEN A. LAMANILAO
Associate Provincial Prosecutor

Republic of the Philippines
 Department of Justice
 National Prosecution Service
OFFICE OF THE PROVINCIAL PROSECUTOR
 Mamburao, Occidental Mindoro
oppmamburaoooksimin@gmail.com

CENRO ANASTACIO A. SANTOS,
 Complainant,

-versus-

NPS-IV-06a-INV-22B-00028
 For: Sec. 77, PD 705, as amended

EVELINDA MENDOZA,
 Respondent.

X-----X

RESOLUTION

OFFICE OF THE CENRO
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For resolution is the complaint of **CENRO ANASTACIO A. SANTOS** of CENRO Sablayan, Occidental Mindoro against **EVELINDA MENDOZA** of Barangay Cabacao, Abra de Ilog, this province for violation of Sec. 77, PD 705, as amended.

In support thereof is the complainant's complaint affidavit with attachments (Annexes "A" – "L").

Complainant avers that on January 7, 2022, he received information from Forester II/EMS Chief Ariston SJ Ramos of illegal logging activity at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro.¹ On the same day, he sent a team (Regulation and Permitting Section (RPS) – Utilization) thereto to inspect and verify said report.

After coordination with the Barangay, the team was accompanied by Barangay Kagawad Rudolfo Causapin.² As the team was conducting inspection activities, they noticed stockpiles of gmelina square logs on the banks of Banabaan River.³ Upon query, Kagawad Causapin informed the team that the logs are owned by one Tebong (Primitivo Pamanilay). The team contacted Tebong and was asked to show his documentations therefor at the DENR-CENRO Sablayan Coordinating Office in Mamburao. Tebong reported thereat on the same day and was requested to postpone hauling the logs pending verification.

¹ See Annex "A", Criminal Complaint Affidavit.

² See Annex "C" and series, Id.

³ Id.

On January 13, 2022, the team (Regulation and Permitting Section (RPS) – Utilization) and Tebong returned to the logs by the river. The team and Tebong crossed the other side of the river where Tebong's plantation was allegedly located. Upon reaching the banks on the other side of the river, they noticed another stockpile of gmelina square logs.⁴ After inquiry, Tebong informed that the same belongs to respondent Evelinda Mendoza @ "Binday". The team contacted respondent through her brother Jerry. Respondent was also asked to show her documentations therefor and to postpone hauling thereof pending verification.

On January 18, 2022, the team (Regulation and Permitting Section (RPS) – Utilization) were able to cross the Banabaan River to reach respondent's and Tebong's plantation where actual cutting took place. The team conducted geotagging of actual tree stumps found thereon.⁵

The verification showed that respondent and Tebong are cutting trees outside of their respective CLOAS.⁶ Hence, on January 22, 2022, the Enforcement and Monitoring Section of CENRO Sablayan apprehended and seized a total of 14,047.75 bd. ft of logs, 9,874 bd. ft. of which belongs to respondent, valued at ₱444,356.10.⁷

During the apprehension and hauling of the same by the CENRO Officers, respondent came to the site and insisted on her permits and other legal documentations.⁸ She was asked again to point to her plantation. Unfortunately, respondent pointed to areas which are considered as open forestland (DENR's Reforestation Area).

On February 1, 2022, another team (GIS Operator/Tamaraw Rangers and Forest Protection Officers) went to inspect respondent's plantation as described under TCT-CLOA-T-6427. The inspection showed that there are no gmelina tree plantation on the said CLOA-covered land.⁹

Ariston SJ Ramos, Forester II/EMS Chief, corroborates the material assertions of the complainant.

A subpoena was issued against respondent.

In defense, respondent filed her Sinumpaang Kontra-Salaysay with attachments, to wit: a.) Copy of TCT No. CLOA-T-6427¹⁰; b.) Copy of Bilihan ng Lupa covering TCT No. CLOA-T-6427¹¹; c.) Pagpapatunay from Punong Barangay of Cabacao, Abra de Ilog¹²; d.) Copy of Hand-written Letter

⁴ See Annex "D" and series, Id.

⁵ See Annex "E", Id.

⁶ See Annex "K", Id.

⁷ See Annex "H", Id.

⁸ See Annex "T" and series, Id.

⁹ See Annex "J-1", Id.

¹⁰ Annex "1", Sinumpaang Kontra-Salaysay of Evelinda Mendoza.

¹¹ Annex "2", Id.

¹² Annex "3", Id.

of respondent addressed to Engr. Caesar Quebec of CENRO Mamburao¹³; e.) Pictures¹⁴; f.) Copy of Joint Affidavit, and Certifications of Pedro A. Marmol, Jr. and Joseph A. Panganiban, both of CENRO Sablayan¹⁵; g.) Copy of Certification of Registration of Tree Plantation in Private Lands¹⁶; h.) Copy of Tree Plantation Record Form¹⁷; i.) Copy of Clearance (Cutting Permit)¹⁸.

She also filed the Sinumpaang salaysay of Edgardo Codico.

Respondent avers that she acquired the rights over the parcel of land covered by TCT No. CLOA-T-6427, registered in the name of Jose D. Cortuna, by virtue of a Bilihan ng Lupa¹⁹ executed in her favor by Lucing Claudio, the registered owner's heir.

When she bought the said parcel of land, its whereabouts were pointed to her by Lucing Claudio and one Ernani Pintulan, a mangyan leader (mayor). They also informed her that they planted gmelina trees thereon.

As the gmelinas were numerous, respondent asked the DENR on how she could capitalize on the same. She observed the rules mandated by the DENR. She secured a Certification from the Barangay having jurisdiction over her property.²⁰

She also asked permission from Engr. Caesar Quebec of CENRO Mamburao through a letter.²¹ Pursuant thereto, an inspection and verification of her property was directed. Pedro A. Marmol, Jr, ECOMS I/Chief, Permitting Unit, and Joseph A. Panganiban, Forest Ranger, conducted the inspection and verification.²² They also conducted an inventory and marking of Two Hundred Six (206) planted gmelina trees.²³ The two CENRO Officers (Marmol, Jr. and Panganiban) executed a Joint Affidavit²⁴, Certifications²⁵ and Tally Sheets²⁶ to that effect. They also issued a recommendation for the issuance of cutting permit for the gmelina trees inspected and inventoried by them.²⁷

Engr. Quebec issued a Certification of Registration of Tree Plantation in Private Lands²⁸ and a Tree Plantation Records Form²⁹. On December 23, 2021, respondent was granted Clearance³⁰ on her request for cutting permit.

¹³ Annex "4", Id.

¹⁴ Annex "5" and series, Id.

¹⁵ Annex "6" and series, Id.

¹⁶ Annex "7", Id.

¹⁷ Annex "8", Id.

¹⁸ Annex "9", Id.

¹⁹ Annex "2", Supra.

²⁰ Annex "3", Supra.

²¹ Annex "4", Supra.

²² See sidenote, Id.

²³ See Annex "5", Id.

²⁴ Annex "6", Supra.

²⁵ Annexes "6-A" to "6-C", Supra.

²⁶ Annexes "6-D" to "6-I", Supra.

²⁷ See Annex "6-J", Id.

²⁸ Annex "7" Supra.

On December 27, 2021, respondent started cutting the marked trees. By January 13, 2022, they were able to cut fifty-four (54) trees. Respondent again wrote to the DENR to request inspection of the fallen trees and to apply for a travel permit.

On January 26, 2022, the new CENRO, herein complainant, visited respondent's area. There complainant saw many log or timbers, including that of other persons. Respondent showed her documentation but complainant would have none of it.

Respondent stressed on the sufficiency of her documents and on her observance of the DENR's rules pertaining to the cutting of trees. She likewise raised that the DENR is now estopped from questioning her actions since all of which were based on and supported by documentations issued by the DENR itself.

Edgardo Codico stated in his Sinumpaang Salaysay that on September 7, 2021, he saw the two DENR Officers and Ernani Pintulan marking the gmelina trees of respondent.

By way reply, CENRO Anastacio questions the authenticity of respondent's documentary evidence, in the light of respondent's pronouncements in the administrative proceedings against her before the CENR Officer.

Complainant added that *xxx permits and licenses issued by the DENR are considered public documents*³¹ xxx, pursuant to the Rules of Evidence and jurisprudence; as such xxx *need not be authenticated and are presumed to be valid and genuine until the contrary is shown by clear and convincing proof*.³²

However, complainant directed our attention on the fact that respondent's supposed pieces of evidence are xxx **unnotarized, undated and bears incomplete signatures**.³³

Furthermore, complainant avers that effective August 19, 2021, a new set of requirements are needed before tree cutting permits are issued, which respondent's alleged permits does not conform with. xxx *Pursuant to DAO 2020-18, cutting permits for private plantations will no longer be issued and signed by the PERN Officer. For a tree cutting permit to be valid, the followinh documents shall be issued:*

1. *Privet Tree Plantation Registration certified by the CERN Officer.*
2. *Certification of a Forester Certifier*
3. *Notice to proceed Cutting (for monitoring purposes)*³⁴

³⁰ Annex "9", Supra.

³¹ Par. 4, Reply.

³² Par. 5, Id.

³³ Par. 6, Id.

³⁴ Id.

Sinumpaang Kontra-Salaysay
December

Complainant relied heavily on the administrative proceedings before their (complainant) office

Respondent was subpoenaed to file rejoinder.

In her rejoinder, she stressed that the DENR should be considered as being in estoppel, considering that her documentations were all issued by their (DENR) office, which authenticity they never questioned.

Respondent also pointed that complainant never denied that the signatories therein are officers and employees of the DENR. As such, their actions and issuances carry the presumption of regularity; the same being in the performance of official duties.

Respondent added that at the time of the issuance of her permits, the CENRO is Engr. Ceasar Quebec. Quebec himself gave her the requirements needed for the tree cutting permit, which she lawfully and completely complied with.

Moreover, respondent agreed with the complainant that the permits and licenses issued by the DENR are *x x x Public Documents on its own*³⁵ *x x x*. Hence the same are valid even in the absence of notarization; as in fact it does not require one.

In resolving the instant case, we will not touch on the supposed administrative proceedings before the office of the CENRO as it does not appear from the records that respondent was represented therein by any competent lawyer.

Complainant did not deny the existence and issuance of the permits and certifications³⁶ necessary to the conduct respondent's enterprise.

While complainant has raised in issue the completeness of the signatures of the DENR employees therein, the authenticity of the signatures appearing therein, albeit allegedly incomplete, were never questioned. Moreover, complainant has not even presented the purported complete signatures of his employees.

Complainant also insisted that being public documents, the permits they issued *x x x need not be authenticated and are presumed to be valid and genuine until the contrary is shown by clear and convincing proof*³⁷. Yet, complainant is attacking the very authenticity of the same permits for being *x x x unnotarized [and] undated*³⁸ *x x x*.

- admin
- irregularities
- dishonesty
- disciplinary
action
- RED

³⁵ Par. 7, Rejoinder.

³⁶ Annexes "6-A" to "6-J"; "7", "8", and "9", Sinumpaang Kontra-Salaysay.

³⁷ Par. 5, Reply.

³⁸ Par. 6, Reply.

Public documents as evidence. – Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.³⁹ (Emphasis supplied.)

The permits and certifications issued to herein respondent, being admitted by complainant as public documents, need no longer be notarized.

Assuming *arguendo* that it still requires notarization; it begs the question **why the permits and certifications are being released unnotarized, undated and incomplete?** Surely, complainant do not expect to have the permits and certification, issued by his office, be notarized without his (complainant) employees appearing before the Notary Public or any officer authorized to administer oaths. That would be in violation of the Rules on Notarial Practice.

As pointed by respondent, those who issued the subject permits and certifications are complainant's regular employees, whose actions and decisions, done in the performance of their official duties, are afforded by law with the presumption of regularity; yet even without showing proof to the contrary, complainant now faults respondent for relying on his (complainant) employees' actions and decisions.

It must be stressed that respondent has complied with the requirements set forth by Engr. Ceasar Quebec, then CENR Officer, necessary for her to cut the gmelina trees on her property at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro, covered by TCT No. CLOA-T-6427. The said application was given due course by Engr. Quebec only after the inspection and verification made by Pedro A. Marmol, Jr., ECOMS I/Chief, Permitting Unit; and Joseph A. Panganiban, Forest Ranger. Pursuant to the Certifications issued by Marmol and Panganiban, Engr. Quebec granted a clearance to herein respondent for her application for tree cutting permit at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro.

A closer reading of Annexes "6-A" to "6-J", "7", "8", and "9" of respondent's Reply, all shows that respondent's trees are located at Sitio Pakil, Barangay Cabacao, Abra de Ilog, Occidental Mindoro, and in the parcel of land covered by TCT No. CLOA-T-6427.

Complainant never denied that the trees were inventoried and numbered during the inspection and verification made by Marmol and Panganiban, and that respondent possesses the corresponding permits at the time of cutting. Hence respondent could not be said to have illegally cut the subject trees.

Respondent should not be faulted for the misrepresentation, inefficiency and negligence of complainant's employees.

WHEREFORE, premises considered, we find the evidence **insufficient to establish probable cause** to indict respondent for violation of Sec. 77, PD 705, as amended.


The instant case is hereby **DISMISSED**.

SO RESOLVED.

Mamburao, Occidental Mindoro; May 16, 2022.

STEPHEN A. LAMANILAO⁴⁰
Associate Provincial Prosecutor

Approved:


DANTE V. RAMIREZ⁴¹
Provincial Prosecutor

cc: All concerned.

⁴⁰ Roll of Attorneys No. 57095, MCLP C.

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
OFFICE OF THE PROVINCIAL PROSECUTOR
SAN JOSE OFFICE
San Jose, Occidental Mindoro

CENRO ANASTACIO A. SANTOS NPS Doc. No. IV-06-INV-22B-00028
Complainant,

-vs-

-for-

Evelinda Mendoza
Respondent.

“Violation of PD 705”

X ----- X

MOTION FOR RECONSIDERATION

Come now, complainant and unto his Honorable Office, respectfully move for the reconsideration of the Resolution dated May 16, 2022 and in support thereof, respectfully states:

1. In the Resolution dated 16 May 2022 (a copy of the same is attached as Annex “A”), the Honorable Associate Provincial Prosecutor ruled:

“Respondent should not be faulted for the misrepresentation, inefficiency and negligence of complainant’s employees.”

“WHEREFORE, premises considered, we find the evidence **insufficient to establish probable cause** to indict respondent for violation of Sec. 77, PD 705, as amended. The instant case is hereby dismissed.

2. Respectfully, it is complainant’s position that the Honorable Prosecutor erred in rendering the above-cited resolution because of the following reasons:

a. We agree with the Honorable Prosecutor that we never denied the existence of the papers and permits acquired by herein respondent from our office. What the complainant questions was the veracity of the acquired documents for it was observed to be acquired with irregularities.

It was evident on the absence of Ms. Evelinda Mendoza’s documents in our office Official Records, the incompleteness of signatures and lack of notarization of the said papers.

On February 3, 2022, Ms. Mendoza was also asked during the administrative hearing as to the whereabouts of her legal documents. Instead of submitting her papers, she chose to lie to its whereabouts. It showed her resistance and avoidance on the said matter. This observed action makes her motive more questionable.

b. We also never deny the inefficiency and negligence on the part of the named DENR employees. This complaint aims to know the truth behind the questionable dealings that transpired between the herein respondent and the said employees that caused grave prejudiced to the government.

3. That we do not agree that the DENR should be considered as being in estoppel, considering that respondent's documentations were all issued out of negligence of our office.

As stated by Republic of the Philippines represented by DENR-Region IV, Manila vs. Amor Hachero and the Register of Deeds of Palawan, GR. No. 200973, May 30, 2016;

"Be that as it may, *the mistake or error of the officials or agents* of the BOL *cannot be invoked against the government* with regard to property of the public domain. It has been said that *the State cannot be estopped by the omission, mistake or error of its officials or agents.*"

4. That herein respondent also cannot invoke absolute good faith in the present case.

In the case Office of the Ombudsman vs. Samson de leon, GR. No. 154083, February 27, 2013, it states that;

"In addition, this court has recognized the rule of caveat emptor, which translates to *"buyer beware"*. In order to exercise the diligence required by the rule, every potential buyer must inspect the real property's certificate of title. *"The rule of caveat emptor requires the purchaser to be aware of the supposed title of the vendor and the one who buys without checking the vendor's title takes all the risks and losses consequent to such failure"*

Here, respondent did not exercise the diligence required in verifying the actual location of the property she bought from

Mr. Jose Corti
Lucing Claudio a.

5. In Reyes vs. Pearl,

“Probable cause is a criminal infraction based on such facts as would lead a well-founded belief that a crime has been committed, is being committed, or is about to be committed. It does not mean ‘actual and positive’ and does not import absolute certainty. It is based on opinion and reasonable belief. It does not require an inquiry into whether there is sufficient evidence to procure a conviction, but only enough that it is believed that the accused has committed or complained of constitutes the offense.”

To fairly evaluate the pieces of evidence presented in this case and to properly question the parties involved on stand the undersigned praying that the case be tried in the proper forum. As stated by Masayuki Hasegawa vs. Leila Giron GR No. 184536, Aug 14, 2013:

“Evidentiary matters could only be passed upon in full blown trial where testimonies and documents could be fairly evaluated per the rules of evidence. The issues upon which the charges are built pertain to factual matters that cannot be threshed out conclusively during the preliminary stage of the case. Precisely, there is trial for the presentation of the prosecution’s evidence in support of the charge, the validity, and merits of a party’s defense or accusation, as well as admissibility of testimonies and evidence, are better ventilated during trial proper than at the preliminary investigation level.”

6. Finally, we found it distressing that the Honorable Prosecutor is silent as to the apprehended illegally cut 9,874.58 bd ft. gmelina. Dismissal of this complaint will put into waste the efforts and resources of the government in its reforestation program initiatives. Reiterating what Oposo vs. Factoran stated:

Mr. Jose Cortuna. She merely relied on the statements of Lucing Claudio as to the whereabouts of the property.

5. In *Reyes vs. Pearlbank Securities, Inc.*, this Court held:

“Probable cause, for the purpose of filing a criminal information, has been defined as such facts as are sufficient to engender a well-founded belief that a crime has been committed and that respondent is probably guilty thereof. The term does not mean “actual and positive cause”, nor does it import absolute certainty. It is merely based on opinion and reasonable belief. Probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged”

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“The right to a balance and healthful ecology carries with it the correlative duty to refrain from impairing the environment.”

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed that the Resolution dated May 16, 2022, be reconsidered and set aside and a finding of probable cause for violation of PD 705, Section 77 be made against EVELIDA MENDOZA.

Other reliefs just and equitable are likewise prayed for.

Sablayan, Occidental Mindoro, 7th of June, 2022

ANASTACIO A. SANTOS
CENR Officer

SINUMPAAN AT NILAGDAAN SA HARAP KO ko ngayong ika ____ ng Hunyo, 2022 dito sa Mamburao, Occidental Mindoro, at lubos kong sinisiyasat ang nagsalaysay at pinatutunayan ko na ito ay Malaya at Kusang loob niyang salaysay at lubos niyang nauunawaan.

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
OFFICE OF THE PROVINCIAL PROSECUTOR
SAN JOSE OFFICE

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San Jose, Occidental Mindoro

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By: [Signature] Date: 07 JUN 2022 Time: 11:47 AM

CENRO ANASTACIO A. SANTOS NPS Doc No. IV-06-INV-223-10020
Complainant

-vs-

-for-

Evelinda Mendoza
Respondent.

"Violation of PD 705"

X-----X

MOTION FOR RECONSIDERATION

Come now, complainant and unto his Honorable Office, respectfully move for the reconsideration of the Resolution dated May 16, 2022 and in support thereof, respectfully states:

1. In the Resolution dated 16 May 2022 (a copy of the same is attached as Annex "A") the Honorable Associate Provincial Prosecutor ruled:

"Respondent should not be held liable for misrepresentation, inefficiency and negligence of complainant's employees."

"WHEREFORE, premises considered, we find the evidence insufficient to establish probable cause to indict respondent for violation of Sec. 77, RA 705, as amended. The instant case is hereby dismissed."

2. Respectfully, it is complainant's position that the Honorable Prosecutor erred in rendering the above-cited resolution because of the following reasons:

a. We agree with the Honorable Prosecutor that we never denied the existence of the papers and permits acquired by herein respondent from our office. What the complainant questions was the veracity of the acquired documents for it was observed to be acquired from third parties.

It was evident on the absence of Mr. Evelinda Mendoza's documents in our office. Besides, the incompleteness of signatures and lack of notarization of the said papers.

On February 3, 2022, Ms. Mendoza was also asked during the administrative hearing as to the whereabouts of her legal documents. Instead of submitting her papers, she chose to lie to its whereabouts. It showed her resistance and avoidance on the said matter. This observed action makes her motive more questionable.

b. We also never deny the inefficiency and negligence on the part of the named DENR employees. This complaint aims to know the truth behind the questionable dealings that transpired between the herein respondent and the said employees that caused grave prejudiced to the government.

3. That we do not agree that the DENR should be considered as being in estoppel, considering that respondent's documentations were all issued out of negligence of our office.

As stated by Republic of the Philippines represented by DENR-Region IV, Manila vs. Amor Hachero and the Register of Deeds of Palawan, GR. No. 200973, May 30, 2016;

"Be that as it may, the mistake or error of the officials or agents of the BOL cannot be invoked against the government with regard to property of the public domain. It has been said that the State cannot be estopped by the omission, mistake or error of its officials or agents."

4. That herein respondent also cannot invoke absolute good faith in the present case.

In the case Office of the Ombudsman vs. Samson de leon, GR. No. 154083, February 27, 2013, it states that;

"In addition, this court has recognized the rule of caveat emptor, which translates to "buyer beware". In order to exercise the diligence required by the rule, every potential buyer must inspect the real property's certificate of title. "The rule of caveat emptor requires the purchaser to be aware of the supposed title of the vendor and the one who buys without checking the vendor's title takes all the risks and losses consequent to such failure"

Here, respondent did not exercise the diligence required in verifying the actual location of the property she bought from

Mr. Jose Cortuna. She merely relied on the statements of Lucio Claudio as to the whereabouts of the property.

5. In *Reyes vs. Faribault Securities, Inc.*, this Court held:

"Probable cause, for the purpose of filing a criminal information, has been defined as such facts as are sufficient to engender a well-founded belief that a crime has been committed and that respondent is probably guilty thereof. The term does not mean "actual and positive cause", nor does it import absolute certainty. It is merely based on opinion and reasonable belief. Probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged"

To fairly evaluate the pieces of evidence presented in this case and to properly question the parties involved on stand the undersigned proving that the case be tried in the proper forum. As stated by Masayuki Hasegawa vs. Leila Giron GR No. 184536 Aug 14, 2010

"Evidentiary matters could only be passed upon in full blown trial where testimonies and documents could be fairly evaluated per the rules of evidence. The issues upon which the charges are built pertain to factual matters that cannot be threshed out conclusively during the preliminary stage of the case. Precisely, there is trial for the presentation of the prosecution's evidence in support of the charge, the validity, and merits of a party's defense or accusation, as well as admissibility of testimonies and evidence, are better ventilated during trial proper than at the preliminary investigation level."

6. Finally, we found it distressing that the Honorable Prosecutor is silent as to the apprehended illegally cut 9,874.58 bd ft. gmelina. Dismissal of the complaint will put into waste the efforts and resources of the government in its reforestation program initiatives. Reiterating what *Oposo vs. Factoran* stated:


"The right to a balance and healthful ecology carries with it the correlative duty to refrain from impairing the environment."

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed that the Resolution dated May 16, 2022, be reconsidered and set aside and a finding of probable cause for violation of PD 705, Section 77 be made against EVELIDA MENDOZA.

Other reliefs just and equitable are likewise prayed for.

Sablayan, Occidental Mindoro, 1st of June, 2022


ANASTACIO A. SANTOS
CENE Officer

SINUMPAAN AT NILAGDAAN SA HARAP KO ko ngayong ika 7 JUN 2022
Hunyo, 2022 dito sa Mamburao, Occidental Mindoro, at lubos kong sinisiyasat
ang nagsalaysay at pinatutunayan ko na ito ay Malaya at kusang loob niyang
salaysay at lubos niyang nangangalan.


ATTY. CIPULO Q. TEJOSO, JR.
NOTARY PUBLIC

Rizal St., Brgy. Delanduyan, Occ. Mindoro
My Commission Expires on Dec. 31, 2023
Roll of Attorney's No. 41944, May 8, 1997
MCLE No. VI-0004742/December 8, 2017
IBP No. 172028 /01-01-2022/Occ. Mdo.
PTR No. 4766464/12.22.2021/Occ. Mdo.
Email Address: jumtejoson@yahoo.com.ph

Annex D

Republic of the Philippines
Department of Justice
National Prosecution Service
OFFICE OF THE PROVINCIAL PROSECUTOR
Mamburao, Occidental Mindoro
oppmamburaoooksimin@gmail.com

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BY 9
8-5-22
10:12 am

CENRO ANASTACIO A. SANTOS,
Complainant,

-versus-

NPS-IV-06a-INV-22B-00028
For: Sec. 77, PD 705, as amended

EVELINDA MENDOZA,
Respondent.

X-----X

RESOLUTION

This treats the Motion for Reconsideration filed by complainant, on June 7, 2021, seeking reconsideration and reversal of the undersigned's resolution, dated June 1, 2021, dismissing the instant case.

Movant faults the undersigned for finding the documentations of the respondent as validly issued despite of their noted irregularities therein, while admitting the inefficiency and negligence of his employees in issuing the same. and that x x x [T]his complaint aims to know the truth behind the questionable dealings that transpired between herein respondent and the said employees that caused great prejudiced to the government.¹

Additionally, he anchored his arguments on what transpired during the administrative proceedings before their Office against herein respondent involving the same subject matter.

Movant added that the DENR should not be considered as being in estoppel on account of their employees' negligence, citing jurisprudence in support thereof.

Moreover, pleads that their effort and resources in promoting the right a balance and healthful ecology will be put to naught if the instant case would be dismissed.

We are not persuaded.

¹ Par. 2b, Motion for Reconsideration.



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy. Sto. Niño, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

Annex E

August 8, 2022

PROSECUTOR STEPHEN A. LAMANILAO

Associate Provincial Prosecutor
Office of the Provincial Prosecutor
Mamburao, Occidental Mindoro

Dear Prosecutor Lamanilao,

This is in relation to your Resolution dated July 19, 2022, denying our Motion for Reconsideration for the PD 705 case file against Ms. Evelinda Mendoza, docketed as NPS-IV-22B-00028.

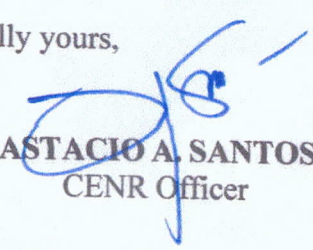
The said Resolution denied our motion with the instruction of releasing the 9, 874.58 bd. Ft of Gmelina logs, subject of the instant case, presently in our custody, in favor of the respondent, Ms. Mendoza.

The Department Administrative Order 92-32, entitled "1997 Rules for the Administrative Adjudication of Illegal Forest Products and Machinery, Equipment, Tools and Conveyances used in connection therewith", gave the Department of Environment and Natural Resources confiscation powers, upon determination of guilt in administrative proceedings, to declare illegal forest products and other items seized, property of the Government of the Republic of the Philippines.

Clearly, based on the administrative hearing conducted by our office, we have substantial evidence to charge the respondent guilty of the act complained.

The Case of Ms. Evelinda Mendoza is now forwarded to the Regional Office, hence the release the subject logs were no longer under our authority.

Respectfully yours,


FOR. ANASTACIO A. SANTOS, MPA
CENR Officer

Cc: *PENR Office*
Mamburao, Occidental Mindoro

The Regional Executive Director
MIMAROPA Region