

# Republic of the Philippines

Department of Environment and Natural Resources

08 SEP 2022

HEE WELL BUS

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929-70-41 to 43-52

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LENR MILLAN.

#### **MEMORANDUM**

TO

THE REGIONAL EXECUTIVE DIRECTOR

DENR, MIMAROPA Region DENR by the Bay Bldg. 1515 Roxas Blvd.

Ermita, Manila

FROM

THE ASSISTANT SECRETARY

Field Operations - Luzon & Visayas and Concurrent Supervising

Assistant Secretary of the Metropolitan Environmental Offices (MEOs)

SUBJECT

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MEMO DTD 08/10/2022 RE: PERFORMANCE AT THE PENRO-

PALAWAN SUBJECT OF MEMORANDUM FOR

**ATTENDANCE** 

DATE

**05** SEP 2022

This pertains to the attached copy of the Memorandum dated August 10, 2022, from Atty. Lilibeth Mary Elvisa S. Abiog of PENRO Palawan, acknowledging receipt and submitting her answer to the memorandum of PENRO Palawan apparently calling her attention to the provision of Executive Order No. 292 (Administrative Code of 1987) as amended by CSC Memorandum Circular No. 34, Series of 1998 as regards the observance of prescribed office hours.

Please apprise this office of action taken on the matter, citing document tracking no. DENRCO-ASRMD-2022-020241-A for record and monitoring purposes.

FOR COMPLIANCE.

GILBERT C. GONZALES, CESO III

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES RECORDS MANAGEMENT DIVISION

AUG 12 2022



## Republic of the Philippines

### **MIMAROPA** Region

## **Department of Environment and Natural Resources**

Provincial Environment and Natural Resources Office Sta. Monica, Puerto Princesa City

### **MEMORANDUM:**

FOR

: THE SECRETARY

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (DENR)

MA. ANTONIA YULO-LOYZAGA

VISAYAS AVENUE, DILIMAN, QUEZON CITY

COPY TO: THE UNDERSECRETARY FOR LEGAL, ADMINISTRATION, HUMAN RESOURCES AND

LEGISLATIVE AFFAIRS, DENR ATTY. ERNESTO D. ADOBO, JR.

CENTRAL OFFICE, VISAYAS AVENUE, DILIMAN, QUEZON CITY

COPY TO: THE REGIONAL EXECUTIVE DIRECTOR (RED), DENR-MIMAROPA

LORMELYN E. CLAUDIO. CESO IV

1515 L&S BUILDING, ROXAS BOULEVARD, METRO MANILA

COPY TO: THE CHIEF, LEGAL DIVISION, DENR-MIMAROPA REGION

ATTY. GANDHI GAGNI-FLORES

1515 L&S BUILDING, ROXAS BOULEVARD, METRO MANILA

THE CHIEF ADMINISTRATIVE OFFICER

**ROSARIO GULMATICO** 

1515 L&S BUILDING, ROXAS BOULEVARD, METRO MANILA

FOR

: THE PENRO-PALAWAN

FELIZARDO B. CAYATOC

PENRO COMPOUND, STA. MONICA, PUERTO PRINCESA CITY

COPY TO: THE MANAGEMENT SERVICES DIVISION (MSD), PENRO-PALAWAN

THE CHIEF, ADMINISTRATIVE OFFICER

FRANKLIN G. HERNANDEZ

CHIEF, ADMINISTRATIVE SECTION, MSD, PENRO-PALAWAN

MAILAH L. REGALADO

FROM

: ATTY. LILLIBETH MARY ELVISA S. ABIOG, DENR-MIMAROPA @PENRO-PALAWAN

DATE

: August 10, 2022

SUBJECT: PERFORMANCE AT THE PENRO-PALAWAN SUBJECT OF MEMORANDUM FOR ATTENDANCE

REFERENCE DOCUMENT: MEMORANDUM OF THE PENRO-PALAWAN DATED AUGUST 3, 2022 ON THE SUBJECT: OBSERVANCE OF PRESCRIBED OFFICE HOURS, CITING RULE XVII, SECTION 9 OF THE OMNIBUS RULES IMPLEMENTING BOOK V OF EXECUTIVE ORDER NO. 292 (ADMINISTRATIVE CODE OF 1987) AS AMENDED BY CSC MC NO. 34, S. 1998, WHICH WAS RECEIVED ON AUGUST 9, 2022, AND WHICH RELEVANT PORTION OF THE MEMORANDUM READS AS:

> "Section 8. Officers and employees who have incurred tardiness and undertime, regardless of the number of minutes per day, ten (10) times a month for at least two

(2) consecutive months during the year or for at least two (2) months in a semester shall be subject to disciplinary action."

The undersigned employee of the Department of Environment and Natural Resources (DENR)-MIMAROPA, stationed at the PENRO-PALAWAN acknowledges receipt of the PENRO-PALAWAN'S above-referenced MEMORANDUM on August 9, 2022 in the afternoon, and notes the unmistakable threat of a disciplinary action in the tenor stated thus: "In this regard, you are sternly warned to refrain from incurring tardiness and undertime to avoid disciplinary action be taken against you."

In this regard, the undersigned employee, from the time that she joined the DENR Legal Division, with work station at the PENRO-PALAWAN, has endeavored to substantially comply with the requirements and challenges of government work, as she has consistently done in the past when she previously worked with government, including the Bureau of Internal Revenue and the Senate of the Philippines. Thus, FIRSTLY in the year 2018, out of her own initiative and in defense of the allegations of corruption hurled against the DENR by one Alex Bergante, a copy of the Presidential Action Complaint Center's receipt of the Complaint dated April 1, 2018 is attached as Annex "A," the undersigned government employee diligently and meticulously researched, studied, analyzed, drafted, and finalized, -- without charges to government and request of reimbursement of expenses incurred claimed, -- the Administrative Complaint that was filed with the CSC Main Office on July 17, 2018 against the Municipal Building Official Engr Ronnie M. Alcantara, and the Acting Municipal Planning and Development Coordinator Ferdinand B. Garcellano, for only SIMPLE NEGLECT OF DUTY, instead of outright Dismissal as the case warranted, for the illegal conversion to private land of more or less 33 hectares of reserve public forest land located in El Nido, Palawan, a screenshot of the date of filing is attached as Annex "B," with complete sets of copies of the Administrative Complaint filed, with their attachments, were furnished to the Undersecretary for Legal, Administration, Human Resources, and Legislative Affairs, and the MIMAROPA Revenue Executive Director Adornado at that time, as reflected in the same Annex "B". A conduit used for the conversion scheme was one Isidro D. Gomez, who incidentally, as of October 17, 2016 at 10:41:90, submitted a Bank Certification of a stand-by deposit of Php11,693,501.61, a copy of which is attached as Annex "C."

As a result of that committed public service and selfless work, the undersigned, within the week after her return to work at the PENRO-PALAWAN, on July 25, 2018, while attending a USAID-sponsored seminar at the Legend Hotel in Puerto Princesa City, suffered a hemorrhagic stroke and a craniotomy to remove the blood clot in her head was performed by Dr. Jesus Nigos of the Adventist Medical Hospital in Puerto Princesa City. Clearly being work-related, particular attention is called to the third paragraph of Section 6 of Republic Act No. 6713, which is quoted in its full provision as follows:

"SEC. 6. System of Incentives and Rewards. - A system of annual incentives and rewards is hereby established in order to motivate and inspire public servants to uphold the highest standards of ethics. For this purpose, a Committee on Awards to Outstanding Public Officials and Employees is hereby created composed of the following: the Ombudsman and Chairman of the Civil Service Commission as Co-Chairmen, and the Chairman of the Commission on Audit. and two government employees to be appointed by the President, as members.

It shall be the task or this Committee to conduct a periodic, continuing review of the performance of public officials and employees, in all the branches and agencies of Government and establish a system of annual incentives and rewards to the end that due recognition is given to public officials and employees of outstanding merit on the basis of the standards set forth in this Act.

The conferment of awards shall take into account, among other things, the following: the years of service and the quality and consistency of performance, the obscurity of the position, the level of salary, the unique and exemplary quality of a certain achievement, and the risks or temptations inherent in the work. Incentives and rewards to government officials and employees of the year to be announced in public ceremonies honoring them may take the form of bonuses, citations, directorships in government-owned or controlled corporations, local and foreign scholarship grants, paid vacations, and the like. They shall likewise be <u>automatically</u> promoted to the next higher position with the commensurate salary suitable to their qualifications. In case there is no next higher position or it is not vacant, said position shall be included in the budget of the office in the next General Appropriations Act. The Committee on Awards shall adopt its own rules to govern the conduct of its activities." (emphasis supplied)

The undersigned, by the quality and unique output borne by her diligent research and paper trailing of the transactions regarding the illegal conversion of public forest reserve land to private land through the use of an indigenous person conduit, one Israel D. Gomez, should have been <u>automatically promoted following</u> <u>her hemorrhagic stroke and craniotomy</u>, according to the third (3<sup>rd</sup>) paragraph of the above-quoted <u>Section 6 of RA 6713</u>. This automatic promotion was denied the undersigned though, compared to the more dramatic incident involving a Puerto Princesa DENR -CENRO employee who was shot and became the center of attention, as a consequence of which, that employee was even given premium treatment by the Central Office of the Department.

**SECONDLY.** The undersigned employee has timely acted on her case assignments but with no immediate feedback given her by her immediate superiors. In this wise, the undersigned was assigned, among others, too, the case of Eriberto B. Saños, as Complainant, being then CENRO at Coron, Palawan vs. Jesus Vicente V.D. Fernandez, as Respondent, for Unlawful Occupation or Destruction of Forest Lands under Section 78 of Republic Act No. 7161, docketed as Docket No. IV-08-INV-16E-0312 that was filed with the Office of the Provincial Prosecutor of the Province of Palawan. The undersigned employee again studied the case, including reading about and understanding the circumstances of the allegations narrated in the Prosecutor's Office's dockets. Furthermore, the undersigned employee, on her own initiative, also sourced from the Securities and Exchange Commission documents regarding the Fernvale Living and Leisure Village, at no cost to government but out of her own initiative and in pursuit of the truth of then CENRO Saños's findings of violation by Fernvale, as identified with its President, Jesus Vicente V.D. Fernandez. The two (2) folders of the case involving Mr. Fernandez were turned-over on August 8, 2022 by the undersigned employee to Atty. Jazmin Altea in view of the overheard conversation the latter was having with a contractual legal researcher, with the note verbally conveyed to Atty. Jazmin Altea that the thick folder containing the undersigned's findings, recommendations, and awaiting further instructions from then PENRO-PALAWAN Saños was submitted to PENRO Saños. As an aside, the information that the thick folders of investigation by the Prosecutor's Office are available for reading at the Provincial Prosecutor's Office, and that the case was initially already resolved for filing a case against Mr. Fernandez, but the other party requested for reconsideration, and the case seemed to have been set aside. Further, the case should have been filed, in the first place, against the Ferndale Corporation, represented by Mr. Fernandez, being the President of the Corporation. The Acknowledgment by Atty. Altea of receipt of the two folders and the screenshots of the Acknowledgment Receipt of Folders and of the top cover of the Folders are attached as Annex "D."

**THIRDLY.** The twin cases of Republic of the Philippines, represented by Raphael P.M. Lotilla, Secretary, Department of Energy (DOE), et.al. v. Provincial Government of Palawan, Represented by Governor Abraham Kahlil B. Mitra, Respondent, (GR No. 170867, December 4, 2018, EN BANC, Tijam J.) and of Bishop Pedro Dulay Arigo, Cesar N. Sariño, et.al. v. Hon. Executive Secretary Eduardo R. Ermita, Hon.

Energy Secretary Angelo T. Reyes, et.al. (GR No. 185941, December 4, 2018, EN BANC, Tijam, J.) negatively decided against the claim of the Province of Palawan of its 40% share of the government's earnings derived from the Camago-Malampaya natural gas project since October 16, 2001, on the reasoning that: (1) the United Nations Convention of the Law of the Sea (UNCLOS) affects only the right of the Philippines vis-à-vis another sovereign State; (2) Even if the UNCLOS were to be considered to have been transformed to be part of the municipal law, after its ratification by the Batasang Pambansa through Resolution No. 121 on February 27, 1984, the UNCLOS did not automatically amend the Local Government Code and the charters of the local government units. The UNCLOS, transformed into our municipal laws, should be applied as it is worded; (3) an LGU's territorial jurisdiction refers to its territorial boundaries or to its territory. The territory of LGUs, in turn, refers to their land area, unless expanded by law to include the maritime area; and, (4) Section 6 of the Local Government Code empowers Congress to substantially alter their boundaries, subject to the plebiscite requirement (Section 10) where a majority of the votes cast in the directly affected area/s approves the boundary alteration, within 120 days from the date of effectivity of the law or on another date fixed. Stated otherwise, unless Congress, with the approval of the political units directly affected, clearly extends an LGU's territorial boundaries beyond its land area, to include marine waters, the seabed and the subsoil, it cannot rightfully share in the proceeds of the utilization of national wealth found therein. Again, the undersigned, on her own initiative, studied the decided cases and drafted the legislative bill to clarify and consolidate the definition of the boundaries of the Province of Palawan as submitted already to the Department Head, through the Undersecretary for Legislative Affairs, with copies furnished to the line officers of the Department, including the PENRO-PALAWAN, and the Technical Heads and point persons at the PENRO-PALAWAN. All these have been taken in stride by the undersigned employee, even without the obvious support of the supervisors, and despite the long-running need for a hands-on connectivity online for research work. Attached is Annex "E" which shows the copy of the First Exposure of the Draft Bill on Palawan Boundaries which at the same time also addresses the fiscal problem of meeting the province's mounting financial loan obligations brought upon the new provincial administration.

FOURTHLY. The undersigned employee, from 2017 to the present, has been consistent in her stand that

employees of the Department must be provided with the necessary equipment and support, including

particularly, a government-issued computer, official e-mail address, online connection for research work,

office supplies, including bond papers and similar fungible office supplies. None of these to this date have

been provided to the undersigned, thus, forcing her to do her research work at home, going way beyond

the required normal 40 work-hours by a government employee. Finally, the undersigned employee bought

a router on July 23, 2022 just so research work can be done directly online in the office using her personal

computer in the process! The attached Annex "F" shows the Official Receipt and the Router that the

undersigned employee purchased in order to be able to work professionally at her work-station at the

DENR PENRO-PALAWAN in Barangay Santa Monica, Puerto Princesa City.

Public office is a public trust. Public officers and employees, indeed, must at all times be accountable to

the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and

justice, and lead modest lives. (Section 1, Article XI, Philippine Constitution)

On the foregoing submissions, the undersigned government employee hopes that the concerned

Department Officials will give sufficient consideration to the explanation why no disciplinary action should

be taken against her. Thank you.

Respectfully submitted.

LILLIBETH MARY ELVISA S. ABIOG

Freshing

Attorney II
@PENRO-PALAWAN

LSA-2022 - August 10, 2022 MEMORANDUM FOR THE DEPARTMENT SECRETARY WITH COPIES FURNISHED TO LEVEL DEPARTMENT/REGION/PENRO OFFICIALS

ANNEX "A": Complaint dated April 1, 2018 filed with the Presidential Complaint Action Center by one Alex Bergante.

area - Problems in Fl Nido are caused by Corrupt DENR Officers in Palayan

Production after remainted yellow com

to per@malacanang.gov.ph; denr8888mimaropa@yahoo.com; aksyonkalikasan@denr.gov.ph; web@dent.gov.ph; imbestigador@gmanetwork.com/ ed\_v4b@yahoo.com.ph; dem.rdmlmaropa@gmail.com; denrpalawan@yahoo.com; palawanpenro@yahoo.com

Date: Sunday, April 1, 2018, 1.05:19 PM GMT+8

PRESIDENTIAL COMPLAINT CENTER Matacanang, Manila

aw / Medame

This is to file complaint against DENR-PENRO Palawan for Gross Neglect of Duty and Comunition:

- 1. DENR-PENRO Palawan deliberately allowed the construction of a HOTEL ON A MANGROVE AREA CONSIDERED AS CORE ZONE IN CORONG-CORONG, EL NIDO. PALAWAN, they allowed ISRAEL GOMEZ to build a resort hotel in a mangrove area. I have provided the attached pictures for your reference. What a hell in Palawan that DENR allow hotels in a Mangrove area. This is against the law, officials of DENR must be liable for graft. and gross violation of environmental laws on mangrove protection.
- 2. The hotel of Israel Gomez in Corong-corong held criminally liable at all cost.

be torn down and he must be

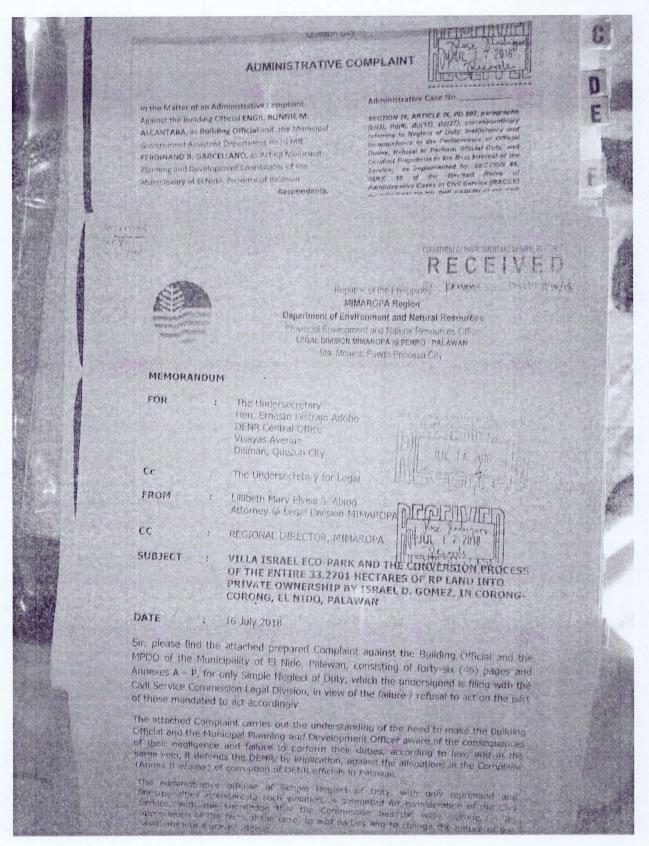
- 3. DENR-PENRO and DENR-MIMAROPA Re, ional Director must also be held criminally liable for allowing this blunder of a mangrove are a in Corong-corong, El Nido, Palawan.
- 4 DENR-PENRO also approved the Stewardship agreement of Israel Gomez of Hundred of Hectares of Mangrove Area in El Nido, Palawan which is highly questionable and irregular.

PLEASE INVESTIGATE THESE ANOMALIES COMMITTED BY DENR-PENRO.

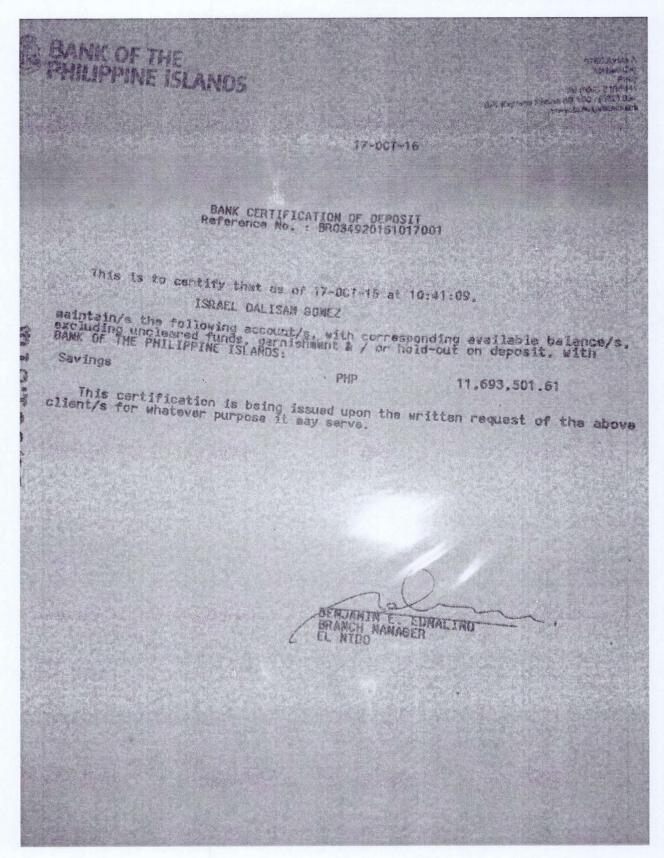
Respectfully yours

Alex Bergante

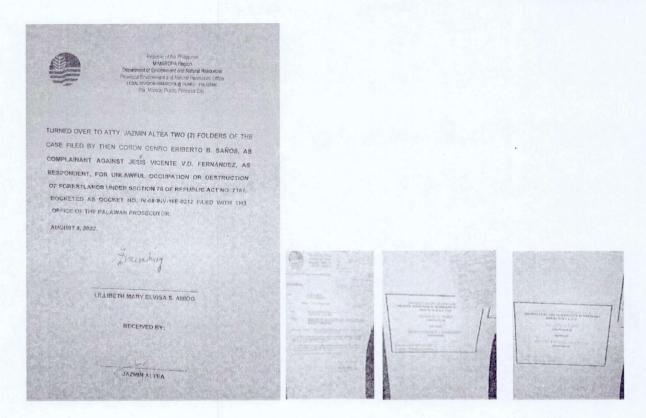
ANNEX "B": July 17, 2018 Stamp-Received by the Civil Service Commission Main Office of the Administrative Complaint only for Simple Neglect of Duty filed against the El Nido Municipal Building Official and Acting Municipal Planning and Development Coordinator, with copies furnished to the Undersecretary for Legal then on the same date, and to the MIMAROPA Regional Executive Director on July 17, 2018, 3 and a half months reckoned from the date of complaint with the PACC on April 1, 2018, after the matter caught the attention of the undersigned government employee.



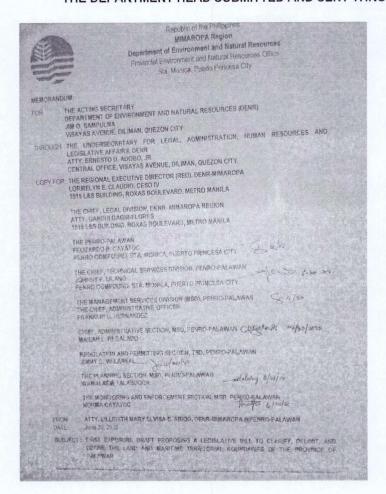
ANNEX "C": Bank Certification, as of October 17, 2016 at 10:41:90, of a deposit by Isidro D. Gomez of the amount of Php11,693,501.61.



ANNEX "D": ACKNOWLEDGMENT OF TURN-OVER ON AUGUST 8, 2022 TO ATTY. JAZMIN ALTEA OF TWO (2) CASE FOLDERS INVOLVING CENRO-CORON, AS COMPLAINANT, vs. JESUS VICENTE V.D. FERNANDEZ, AS RESPONDENT, DOCKETED BY THE PROVINCILA PROSECUTOR'S OFFICE AS IV-08-INV-16E-0312 FOR UNLAWFUL OCCUPATION OR DESTRUCTION OF FOREST LANDS UNDER SECTION 78 OF REPUBLIC ACT NO. 7161. THE CNERO-CORON SUBMITTED ITS MEMORANDUM FOR THE REGIONAL DIRECTOR'S OPINION.



ANNEX "E": FIRST EXPOSURE DRAFT OF PROPOSED LEGISLATIVE BILL TO CLARIFY AND DEFINE THE PALAWAN BOUNDARIES SUBMITTED ON JUNE 30, 2022, WITH COPY FOR THE DEPARTMENT HEAD SUBMITTED AND SENT THROUGH THE USEC FOR LEGISLATIVE AFFAIRS





ANNEX "F": PURCHASE OF A ROUTER ON JULY 23, 2022 FOR USE AT THE WORK-STATION AT DENR PENRO-PALAWAN.

