

Republic of the Philippines
FAMILY COURT
Fourth Judicial Region
BRANCH 13 - FC
Puerto Princesa City
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PEOPLE OF THE PHILIPPINES,
Plaintiff, CRIM. CASE NO. 26735

-versus- for:
LIBEL

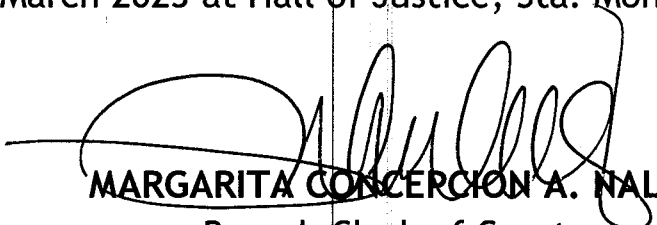
RAFAEL CERVANTES

Accused.

CERTIFICATION

This is to certify that the Decision dated March 10, 2023 in above-captioned case has been promulgated this 13th day of March 2023, at Branch 13-Family Court Hall of Justice, Sta. Monica, Puerto Princesa City, Palawan, Philippines.

Issued this 13th day of March 2023 at Hall of Justice, Sta. Monica, Puerto Princesa City.


MARGARITA CONCEPCION A. NALUS
Branch Clerk of Court

Republic of the Philippines
FAMILY COURT
Fourth Judicial Region
BRANCH 13-FC
Puerto Princesa City, Palawan
Email: fc1prp0013@judiciary.gov.ph
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PEOPLE OF THE PHILIPPINES,

CRIM. CASE NO. 12(1)-26735- PPC

Plaintiff,

-versus-

For: **LIBEL**

RAFAEL CERVANTES,

Defendant.

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DECISION

Before this Court for Decision is a transferred case from Branches 49, 52, 51, 49, 48, 50, 47, and RTC 14-FC, pursuant to OCA Circular No. 200-2016, Regional Trial Courts of Puerto Princesa City and Palawan involving an Information for **LIBEL**.

Accused **RAFAEL CERVANTES** [for brevity "**accused CERVANTES**"] was charged with **LIBEL** under the Revised Penal Code. The Information dated 14 December 2011 reads:

*"That on or about the 26th day of May 2011, in Puerto Princesa City, Philippines, and within the jurisdiction of this Honorable Court, the said accused while being interviewed on-air on the radio program **ASINTADO** hosted by **Louie Larrosa**, which has a considerable broadcast in said city and in the Province of Palawan, did then and there willfully, unlawfully, feloniously and with malicious intent of impeaching the honesty, virtue and reputation of **DIOSDADO L. OCAMPO**, Chief of **DENR-CENRO**, and with malicious intent of injuring and exposing said Diosdado L. Ocampo to public hatred, contempt and ridicule, broadcast the following defamatory words in the regular time of aforesaid radio program to wit:*

xxx

... Ah totoo po iyon Ka Louie dahil iyong lupa po na iyon ah doon sa Sta. Lourdes ako po iyong naglakad ng mga papeles noon, ay hindi po, ayaw pirmahan ni CENRO Ocampo yung survey authority sa ngayon po dahil po humihingi siya ng isang daang libo (100,000.00) bago nya pirmahan iyon

xxx

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... Ah hindi niya po pinaliwanag kung para saan iyon, basta sinabi niya pipirma siya doon sa Survey Authority kung magbibigay kami ng isang daang libo (100,000.00)

xxx

... Ah matatandaan ko po ito ng mga Singkwenta Mil (50,000.00) kung hindi ako nagkakamali Fifty Thousand (50,000.00) (Sino ang binayaran niya sandali lang Mr. sino ang binayaran doon sa CENRO, Larrosa says) at yong pera na po ito ay dinaan kay Mr. Sumido (Sumido Larrosa says) at siya na po ang bahala doon kay Mr. Corpuz.

xxx

... Ah Mr. Ocampo ah may mga katibayan po ako na hawak sa ngayon na magpapatunay na ginawa nyo anomaly diyan sa opisina ninyo.

xxx

... Ah kaya ko pong patunayan dahil iyong ibang claimant po ay handang magpatunay at ah may mga witnesses po akong kasama na nagbigay po ako sa kanila (nong Singkwenta mil, hindi yong one hundred thousand na hinihingi sa iyo ni CENRO, kayo lang ba ang nag uusap na dala noon, Larrosa says) kami lang po ang nag uusap noon dahil ah ako po ang naglalakad ng papeles (so ibig sabihin ikaw nakikisama at alam mo ang mga anomaly diyan sa DENR at ikaw din, ikaw ay isa sa naglalagay dyan so alam mo stand kalakaran diyan, ano ba, dito ka sa mike, alam mo bang sinasabi mo na puwede kang idemanda niyan, Larrosa says.

xxx

... Ah Ka Louie tulad ng sinabi ko paulit ulit ko na sinasabi na kaya kung patunayan dahil may mga witnesses po ako iyong nagbigay po kami ng pera kay Mr. Sumido at ang naging paliwanag po nito ay para doon sa pagproseso ng dokumento para mapabilis po ang pagpapatitulo.

xxx

... Ah Ka Louie, gusto ko lang sabihin dito kay CENRO Ocampo (Pwede ba idereкта muna na sa kanya huwag mo na padaanin sa akin (Larrosa says) ah gusto ko lang sabihin sa iyo ah CENRO Ocampo lahat ng alegasyon ko ah kaya ko pong patunayan iyan dahil may mga witnesses po ako na magpapatunay na doon po sa sinasabi ko at sa sinasabi mo na fixer ako ano ang basehan mo, katulad ng sinabi ko iyong mga tinulungan ko ay malapit na kamag-anak ko pa at ako ay pinakiusapan lamang at isa pa dyan sa Sta. Lourdes ay isang matalik kong kaibigan at hindi niya alam ang pag apply kung ano ang proseso na kanyang gagawin dahil napaka busy din nilang tao at ito ay pinakiusap lang sa atin (CENRO Dado iyan na lamang muna at dalawa lang po yan either ah si Cervantes o kayo ang nagsasabi ng totoo ay may follow-up pa naman tayo dito CENRO ano po. Larrosa says)....

Thereby bringing unto said Diosdado L. Ocampo dishonor, discredit and public hatred, contempt and ridicule and for which he should be entitled to be compensated for actual damages, moral damages, exemplary damages, attorney's fees and litigation expenses.

CONTRARY TO LAW."

ANTECEDENT PROCEEDINGS

Sometime on 06 October 2011, **private complainant CENRO DIOSDADO OCAMPO** filed an Affidavit-Complaint against accused. Subpoena was issued to accused requiring him to submit his counter-affidavit within ten (10) days from receipt thereof. Despite receipt of the said subpoena and extension of time granted to him, he failed to submit his Counter-Affidavit. On 14 December 2011, a **Resolution** was issued by the **City Prosecution Office of Puerto Princesa City** recommending that an Information for **Libel** be filed against accused.

The case was originally raffled to **Branch 49, Regional Trial Court of Puerto Princesa City and Palawan**. On 02 February 2012, **Honorable Presiding Judge Leopoldo Mario P. Legazpi** issued an **Order** finding no ground to reverse the finding of probable cause and a **Warrant of Arrest** against accused, whose bail was fixed in the amount of P10,000.00.

On 23 February 2012, accused **Cervantes** posted his **Cash Bond** with **O.R. No. 8720019A**. On 23 February 2012, **Presiding Judge Legazpi** issued a **Release Order** approving accused **Cervantes' Cash Bond**.

The arraignment was initially set on 08 June 2012 but since accused **Cervantes** requested that he be given time to secure the services of a private counsel, the arraignment was reset to 02 August 2012. On 02 August 2012, the arraignment was reset to 06 September 2012. In view of the absence of the private counsel on 06 September 2012, the Court appointed the **Public Attorney's Office** to assist accused and reset the arraignment on 08 October 2012.

On 08 October 2012, with the assistance of the **Public Attorney's Office**, accused **Cervantes** was arraigned and he pleaded **NOT GUILTY** of the crime as charge in the said Information. Pre-trial was scheduled on 11 March 2013.

On 23 October 2012, the prosecution filed their **Pre-Trial Brief** dated 12 October 2012. On 29 October 2012, **Subpoena** was issued to private complainant **CENRO Diosdado Ocampo** to appear on 11 March 2013.

On 11 March 2013, **Atty. Walter Avillanosa, Public Attorney's Office**, withdrew his appearance while **Atty. Roland Pay** entered his appearance as counsel for the accused. The pre-trial was reset to 12 March 2013.

On 11 March 2013, the prosecution filed its **Supplemental Pre-Trial Brief**. On 12 March 2013, accused **Cervantes** filed his **Pre-Trial Brief** dated 11 March 2013. **Pre-trial proceeded and was terminated.**

The Court [**Branch 49, Regional Trial Court of Puerto Princesa City and Palawan**] issued a **Pre-Trial Order** dated 12 March 2013, which states:

"xxx

'I. FOR THE PROSECUTION: xxx

'B. FACTUAL PROPOSALS

'1. On May 26, 2011 at Puerto Princesa City, Philippines, accused Rafael Cervantes was interviewed on-air on the radio program, "**Asintado**" hosted by Louie Larrosa - **ADMITTED**;

'2. Asintado has a considerable broadcast in Puerto Princesa City and the Province of Palawan in May 2011 - **DENIED**;

'3. There were statements given by the accused during said interview to the effect that Diosdado Ocampo and other employees of the DENR were asking money before Diosdado Ocampo will sign the survey authority. - **ADMITTED**;

'4. Diosdado Ocampo was the Chief of the CENRO-DENR, Puerto Princesa City in the year 2011 - **ADMITTED**;

'5. The statements mentioned in the information for the case were the one uttered by **Rafael Cervantes** during the radio program, "**Asintado**" on May 26, 2011 - **ADMITTED**;

'6. The comments and utterances subject of the information for the case pertain to Diosdado Ocampo - **ADMITTED**;

'7. Complainant can identify the accused - **ADMITTED**;

'8. Prior to the publications of libelous statements, complainant filed criminal charges against **Rafael Cervantes** for Violation of PD 705 for cutting mangroves in Bgy. San Manuel - **ADMITTED. xxx**

II. FOR THE DEFENSE: xxx

'1. It was announcer Louie Larrosa who invited me to be interviewed over his station on May 26, 2011 - **DENIED**;

'2. It was the assurance of Louie Larrosa that there is no problem to be interviewed over the radio so long as I will tell the truth - **DENIED**;

'3. It was CENRO Diosdado Ocampo who attack me over the radio station of Louie Larrosa by telling him professional squatter, fixer and trying to grease money to the people I am was helping - **DENIED**;

'4. Without invitation and assurance of Louie Larrosa that there is no problem, I will not speak on May 26, 2011 - **DENIED**;

'5. On May 26, 2011, I went personally to Louie Larrosa asking him why is it that he is attacking me over the radio without knowing my side - **DENIED**;

'6. It was Louie Larrosa who invited me to go back on his radio station the following day on May 26, 2011 for interview - **DENIED. xxx**"

Thereafter, the trial on the merits ensued.

The prosecution presented four (4) witnesses before **Branch 52, Regional Trial Court of Puerto Princesa City and Palawan: Louie Carlos Larrosa [Station Manager of DYEC Radio Station]**, private complainant **MR. DIOSDAO OCAMPO, Mr. Rene Gavilaga, and Mr. Noel Sumido.**

The said witnesses, before **Branches 49 and 52 Regional Trial Court of Puerto Princesa City and Palawan and Branch 13-FC [Family Court] Regional Trial Court of Puerto Princesa City, Palawan**, stated and testified as follows:

1. MR. LOUIE CARLOS LARROSA, Station Manager of DYER Radio Station:

He testified on direct examination [on 08 August 2013] that: the basis for how far will the broadcast of the radio can reach depends on their transmitter; it sends the signal through the tower all over Puerto and Palawan; at that time it was 5,000 kilowatt; when they surveyed their signal at Southern Palawan, it was weak because it was mostly mountainous area; the northern part had a strong signal; it reaches Poblacion, Cuyo, Palawan and Roxas; the southern part reaches Aborlan and Narra only; based on survey, those are the only places which can reach the signal; they cannot reach the Calamianes group of islands; the sound wave passes through the water but at the southern portion, it is blocked by the mountains, no water; the broadcast of their radio can reach as far as Narra or Brooke's Point and up to Calamianes group of island in Palawan; on May 26, 2011, he interviewed **Rafael Cervantes**; during the course of the interview, he required **Cervantes** to produce proof of his accusation against Diosdado Ocampo; before the interview, he showed documents as basis of his allegations against **CENRO** at that time, so that the same will be the basis of his questions and commentaries; but that was 2 years ago and he has seen many documents, which he reads everyday; he can no longer remember the documents which he showed to him; but their conversation during the radio interview, portions thereof he can remember; he is looking for the

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tape interview; but since it was already a long time ago, usually after 1 week or 1 month, they would erase it in order to accommodate other interviews; **he can recall that accused Rafael Cervantes mentioned that Diosdado Ocampo, thru his personnel, required grease money from people with transaction in CENRO; he asked proof thereof; he was not able to show proof on that particular matter; he also required proof on the other instance when Diosdado Ocampos required amount of money from people who were transaction with the CENRO; "So ng oras na yong tinanong ko lang siya on air kung kaya mo bang patunayan yong allegation na iyan na nanghihingi yong tao na yon ng pera sa iyo, sabi niya po kaya daw opo, kaya niyang patunayan. Pero nong oras na yong wala po nai-present na tao na nagsalita na nanghihingi yong CENRO ng pera."**; he required him to produce that person to support his allegation; no evidence or no person was presented; they did not see each other after the interview.

On cross-examination, he testified that: he has not read the Complaint-Affidavit; **"Ang napag-usapan po naming pinakita niya sa akin yong document kasi ang sabi ko sa kanya mabigat yang allegation na yan na nanghihingi ng pera sayo si Cenro. So public official yan, government official, sabi ko, pwede natin pag-usapan yan. May pinakita siyang papel, mga document na nabanggit ko po kanina hindi ko na po marecall kung anong mga document yon at pagkatapos po non nag proceed na kami don sa interview. On interview doon ko po nabanggit na kaya mo bang patunayan yan mga binanggit at yong mga sinabi mo, yon po sabi niya po opo."**; he was able to read documents, shown to me by him, but I cannot recall anymore what kind of documents and we proceeded to the interview; he cannot remember whether it is a land title or affidavit; it had a lot of contents; he was not able to memorize the same as he is reading many documents everyday; he was shown a **Letter Request for Issuance of Survey Authority of Mr. Fernando Manuel, May 6 [EXHIBIT "1"]**; **Lot Verification [EXHIBIT "2"]**; he can recall reading the same; **Public Land Application [EXHIBIT "4"]**; **Certification of actual occupant Fernando Manuel [EXHIBIT "3"]**; he can only remember the 4 documents; after the first interview, he cannot recall if they saw each other; what he remembers is that it is the first and last time they talked to each other; he was not able to produce a document under oath; the Complaint-Affidavit was not shown to him after the interview; he was not informed of the same; during the interview, he cannot remember if they talked about the formal complaint against Mr. Ocampo as they were focused on the giving of money, **"yon po yong mabigat na allegation bribery sa isang government official, so doon po ako nagconcentrate sa sinasabi niya na allegedly may nanghihingi sa kanya ng pera, and at the same time may reporter po ako sa Cenro to be fair para sagutin yong allegation. Yong pong ibang mga ano**

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hindi ko na po.”; he did not tell him that he will file a complaint; he did not ask him; he said he has witness(es); he cannot recall whether he mentioned the name of his witness who can say there was indeed a transaction; he did not ask him how he will prove; he did not relate to him; he cannot recall how long was the interview took place; it was a long interview as Cenro also answered, he asked somebody to go to him; it was **accused** who went to his station bringing papers; some of the documents shown to him then were shown to him earlier; he showed a lot of documents and he became interested regarding the bribery; on air, he gave him an advice asking him if he can prove the same, he said yes; in those instances, since **Mr. Cervantes** is intelligent, automatically, he can file a case, but he failed to mentioned the same to him on air; he already mentioned the transaction before warning him; he cannot recall his exact statement as it was 4 years ago; on their part, it was always fair, he asked somebody to go to CENRO before the interview so he can answer the accusations; he was there and he answered the same saying it is not true; **“Ang sinabi lang po ni Cenro hindi daw po totoo at sinungaling daw po si Mr. Cervantes.”**; he cannot recall whether he asked **Cenro Ocampo** about the documents that were presented to him during the interview as he focused on the accusation that he was asking for money; he cannot recall what they talked about as he focused on the asking for money for the transaction; he cannot remember whether they talked about the survey authority; he can recall that he mentioned the documents, as the first part of the interview is to laydown the basis thereof; the documents he identified earlier; he even asked where is the land located; he said that he needed the document so they can sell the land; that is the reason why they talked about the documents; he cannot remember whether he mentioned the documents to Mr. Ocampo; it was only the basis of the place; they focused on the bribery; he did not ask Mr. Ocampo whether he can substantiate his statement that accused was lying; he cannot remember whether he interviewed Mr. Ocampo of similar problems; he interviewed him regarding illegal logging activities; he did not advice him to execute an affidavit.

On re-direct examination, he testified that: the documents were not tackled on air; he read the documents so that they will have basis during the interview; they did not tackle the same as it did not support the allegation of asking money.

On re-cross examination, he testified that: he did not feel anything at that time; at that time, he was accusing a public official, who should answer; for him, he only read the document.

2. MR. DIOSDADO OCAMPO [private complainant and CENRO Officer]

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He testified on direct examination [on 03 October 2013] that: he is the complainant in the case; he filed the complaint because of the malicious accusation he made over **DYEC radio station** on May 26, 2011; it was **Mr. Rafael Cervantes**; he identified the accused; he was interviewed by **Ka Louie Larosa** as the host of the radio program **Asintado** on May 26, 2012 accusing him of extorting him money in the amount of P100,000.00; he was listening over the radio during that day and he was called by the host **Ka Louie Laroza** over his phone, when he was about to go in their office between 7:40 to 8:00 in the morning; he has not met **accused** personally; as he said over the radio, when he answered the call of the host **Ka Louie Laroza**, that is baseless and unfounded without any evidence presented during the interview; because until now, they have not seen any evidence or they were not even provided in the complaint and he did not attach any evidence; he can only surmise that he made such accusation over the air perhaps to discourse them or make it as a leverage to a criminal complaint which they filed earlier against him for unlawful occupation and destruction of forest land; it was filed by **Raffy** and him, who signed the complaint in his capacity as the **CENRO** of **DENR** Puerto Princesa City local at that time; against **Myrna Ibañez, Rafael Cervantes** and nine others; if his memory served him right, he filed the case on January 14, 2011; Violation of Section 77 of PD 705 as amended for illegal destruction of forest land and unlawful occupation; they filed it at City Prosecutor's Office; on May 5, 2011, a resolution was issued or approved by the City Prosecutor recommending the filing of information in violation of Section 77 PD 705; it is because of unlawful occupation illegal cutting of mangroves in San Manuel Puerto Princesa City; he does not remember any incident or encounter between them before January 14, 2011; they were humiliated, demoralized, publicly ridiculed and thereafter, he was transferred or re-assigned at the Office of the Penro; *"Alam nyo naman po pagka tinira tayo sa radio ng walang mga katotohanan na ganyan ang taong bayan o ang public tend to believe o maniwala po sila kahit po walang katotohanan, kahihyan po ng pagkatao ko at maging pamilya na kilala din sa, hindi lang siguro diyan sa Sta. Monica kundi sa mga ibang bayan na aking pinaglingkuran."*; *"Yong pong aking maybahay lalo na ay hindi po sya mapakali, masyadong balisa pagkakaobserba sa kanya, pagkatapos po yong mga kapitbahay ay hindi makapaniwala bakit magpupunta sa radio yong inakusahan ko at gagawa ng mga ganon akusasyon laban sa akin."*; *"kase parang aloof na silang lumapit o humingi ng advise o yong dating pagkakakilala ay biglang nagbago, mararamdaman po, xxx kung tayo po o sila man ang nandirito o nangduduon sa katayuan ko."*; prior to May 26, 2011, his neighbors, personnel and staff at the office are *"Magalang po sila, mataas ang pagtingin nila sa akin, yon nga po hindi nila mapaniwalaan na sa estado ko at saka sa posisyon na yon ay di umano mangingikil ako manghihingi kay Mr.*

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Cervantes ng ganon halaga”; “Yes naramdaman po naming yon, mafe-feel natin yon siguro yong ibang nakakarinig sa akin dito ay mistulang hindi nila paniwalaan dahil wala po sila don sa katayuan ko”; “dahil po yong broadcast na yon ay hindi lang nangyari nong araw na yon, may mga pini-play pong portion na mga sumunod na araw pagka po naririnig ng aking pamilya ng aking maybahay parang nanginginig sila, nanginginig lalo na yong misis ko pagkatapos yon pong mga gawain niya sa pamamahay parang hindi na kagaya ng dati na organize siya, balisa nga po, tuliro”; with respect to his in-laws, “parang naramdaman po naming bumaba yong pagtingin nila sa akin bilang nakakatandang bayaw o bilas ng aking mga in-laws at bilang manugang ng aking father at mother-in-laws”; no monetary value for *dangal siguro dignidad sa integridad* of one person; priceless, *may pinangangalagaan tayong posisyon at sa tagal po ng aking paninilbihan bilang isang kawani ng pamahalaan sa DENR*, he cannot really valuated or put a price on the dignity and integrity of a person; the broadcast was malicious imputation against him and also implicated illegal acts against several personnel of **CENRO namely Mr. Sumido and Conrado Cortez; he talked to these persons after the broadcast as to the reason of the accusations and they themselves were surprised and they do not know the reason and vehemently denied the same; he has witnesses; he has not come across any person supporting the allegations of **accused**; he did not see any document; no person was presented; he executed a Complaint-Affidavit [**EXHIBIT “A” and series**] in connection with the case, which he identified including his signature; attached to the affidavit is the **Transcript of the Interview of CENRO DIOSDADO L. OCAMPO and MR. RAFAEL CERVANTES by LOUIE LAROSA**, he was the one who prepared the same based on the tape given to him by his friend, which he identified including his signature [**EXHIBIT “A-4-a-1 to A-4-a-12”**].**

The **AFFIDAVIT-COMPLAINT** dated 06 October 2011 [**EXHIBIT “A”**] states:

*“1. On May 26, 2011 I was invited by Louie Larrosa thru a call over the phone to be interviewed in their TV/Radio program Asintado. The invitation was made because of the allegation made by the Respondent – **RAFAEL CERVANTES** against me. The purpose of the invitation was to disprove the charges of corruption, which according to the Respondent, was rampant in our office and particularly pointing out to me as one of the employees in our office **CENRO-DENR** who solicited money from him. A tape obtained on the pertinent portions of the TV/Radio program is hereto attached as **Annex “A”**; and portion of transcript of the tape interview as **Annex “B”**.*

“2. The TV/Radio program was aired live and was heard by many persons among them are: Rene E. Gavilaga who heard it while he was in his residence in Barangay Mandaragat, Puerto Princesa City; Journey C. Bague who heard it while in his office (Urban Poor Affairs Office) at the City

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Coliseum, Brgy. San Pedro, Puerto Princesa City and Jicser O. Araez who heard it while he was in his farm in Brgy. Bacungan, Puerto Princesa City. Copy of their Sworn Affidavits are hereto attached as **Annex "C", "D" and "E"** respectively, other witnesses shall be presented during trial.

'3. The unbridled and unfounded charges against me, particularly as to the allegations of corrupt practices as can be seen in the transcript of the TV/Radio interview which was heard by many persons, among them being my witnesses, have humiliated and embarrassed me being the **CENRO-DENR** of Puerto Princesa City;

'4. The accusations moreover were ill-motivated because prior to this TV/Radio interview, I had filed criminal charges against **Mr. Rafael Cervantes** for violation of PD 705 due to the rampant cutting of mangrove trees over around four (4) hectares in So. Barimbing, Brgy. San Manuel which can only be attributed to him being the person claiming to be the person entitled to have title over the said property. The criminal information against him has since been filed at the RTC Puerto Princesa City;

'5. It is also clear that the libelous statements made by **Mr. Rafael Cervantes** were intended to dissuade me from pursuing the criminal complaint against him or to dissuade me from preventing him from the cutting of mangrove trees in Brgy. San Manuel, Puerto Princesa City;

'6. Portions of the TV/Radio Interview had been quoted in the sworn affidavits of my witnesses and I am repleading them in this Affidavit-Complaint for the purpose of showing the malicious, unfounded, and baseless accusations against me made by Mr. Rafael Cervantes which were clearly intended to besmirch my good reputation; to cause the dishonor, discredit or contempt over my person and to humiliate and embarrass me within the community;

'7. The pertinent portions of the statements made by **Mr. Rafael Cervantes** against my person during the TV/Radio interview which are libelous are the following:

xxx

(a) ... Ah totoo po iyon Ka Louie dahil iyong lupa po na iyon ah doon sa Sta. Lourdes ako po iyong naglakad ng mga papeles noon, ay hindi po, ayaw pirmahan ni CENRO Ocampo yung survey authority sa ngayon po dahil po humihingi siya ng isang daang libo (100,000.00) bago nya pirmahan iyon

xxx

(b)... Ah hindi niya po pinaliwanag kung para saan iyon, basta sinabi niya pipirma siya doon sa Survey Authority kung magbibigay kami ng isang daang libo (100,000.00)

xxx

(c)... Ah matatandaan ko po ito ng mga Singkwenta Mil (50,000.00) kung hindi ako nagkakamali Fifty Thousand (50,000.00) (Sino ang binayaran niya sandali lang Mr., sino ang binayaran doon sa CENRO, Larrosa says) at yong pera na po ito ay dinnaan kay Mr. Sumido (Sumido Larrosa says) at siya na po ang bahal kay doon kay Mr. Corpuz.

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xxx

(d) ... Ah Mr. Ocampo ah may mga katibayan po ako na hawak sa ngayon na magpapatunay na ginawa nyo anomaly diyan sa opisina ninyo.

xxx

(e) ... Ah kaya ko pong patunayan dahil iyong ibang claimant po ay handang magpatunay at ah may mga witnesses po akong kasama na nagbigay po ako sa kanila (nong Singkwenta mil, hindi yong one hundred thousand na hinihingi sa iyo ni CENRO, kayo lang ba ang nag uusap na dala noon, Larrosa says) kami lang po ang nag uusap noon dahil ah ako po ang naglalakad ng papeles (so ibig sabihin ikaw nakikisama at alam mo ang mga anomaly diyan sa DENR at ikaw din, ikaw ay isa sa naglalagay dyan so alam mo stand kalakaran diyan, ano ba, dito ka sa mike, alam mo bang sinasabi mo na puwede kang idemanda niyan, Larrosa says).

xxx

(f)... Ah Ka Louie tulad ng sinabi ko paulit ulit ko na sinasabi na kaya kung patunayan dahil may mga witnesses po ako iyong nagbigay po kami ng pera kay Mr. Sumido at ang naging paliwanag po nito ay para doon sa pagproseso ng dokumento para mapabilis po ang pagpapatitulo.

xxx

(g)... Ah Ka Louie, gusto ko lang sabihin dito kay CENRO Ocampo (Pwede ba idirekta muna na sa kanya huwag mo na padaanin sa akin (Larrosa says) ah gusto ko lang sabihin sa iyo ah CENRO Ocampo lahat ng alegasyon ko ah kaya ko pong patunayan iyan dahil may mga witnesses po ako na magpapatunay na doon po sa sinasabi ko at sa sinasabi mo na fixer ako ano ang basehan mo, katulad ng sinabi ko iyong mga tinulungan ko ay malapit na kamag-anak ko pa at ako ay pinakiusapan lamang at isa pa dyan sa Sta. Lourdes ay isang matalik kong kaibigan at hindi niya alam ang pag apply kung ano ang proseso na kanyang gagawin dahil napaka busy din nilang tao at ito ay pinakiusap lang sa atin (CENRO Dado iyan na lamang muna at dalawa lang po yan either ah si Cervantes o kayo ang nagsasabi ng totoo ay may follow-up pa naman tayo dito CENRO ano po. Larrosa says)....

'8. The elements of libel are the following:

- (a) There must be an imputation of a crime, or a vice or defect, real or imaginary, or any act, omission, condition, status or circumstance;
- (b) The imputation must be made publicly;
- (c) It must be malicious;
- (d) The imputation must be directed at a natural or juridical person, or one who is dead;
- (e) The imputation must tend to cause the dishonor, discredit or contempt of the person defamed.

'9. Considering the circumstances of the TV/Radio interview with regard to the charges made by Mr. **Rafael Cervantes** against my person, I am formally filing a complaint for **LIBEL** against him.

'10. In addition to the criminal liability of the Respondent - **Rafael Cervantes**, I am aslo prosecuting him in this criminal complaint for civil damages (moral and exemplary) and attorney's fees which I will prove

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during trial in the total amount of **P2 MILLION**. My claim for civil damages is based on the fact that the public pronouncements of the Respondent over a popular TV/radio program were intended to injure, destroy and/or defame my reputation as the **CENRO** of the DENR in Puerto Princesa City without justifiable cause so that I will be discredited and ridiculed before the bar of public opinion.

As a result of the libelous public announcements by the Respondents against me, I was temporarily relieved from my position as the **CENRO** of the DENR in Puerto Princesa City for 30 days despite the fact that the said public pronouncements were without bases either in fact or in law. xxxx"

The Transcript of the Interview of Louie Larosa with the private complainant and accused [**EXHIBIT "A-4-a-1 to A-4-a-12"**] states:

**TRANSCRIPT OF THE INTERVIEW OF CENRO DIOSDADO L. OCAMPO AND
MR. RAFAEL CERVANTES BY LOUIE LAROSA BROADCAST
OVER DYEC TV AND RADIO STATION PROGRAM
ASINTADO ON MAY 26, 2011**

LOUIE LAROSA - Unahin ko muna kayong dalawa ni Cenro Dado, Cenro Dado, magandang umaga po

CENRO DADO - Ay good morning ka louie at sa lahat ng mga nakikinig

LOUIE LAROSA - Si Cervantes andito, si Padohinog at kayo naman at mukhang itong lot verification ay sinabing alienable at disposable ang area kaya nagpatuloy ng proseso ang mga ito dito ay kinikuestion narin ngayon sir kayo naman po ang magpaliwanag ngayon

CENRO DADO - Ah ka louie maiiksi lang ang aking paliwanag

LOUIE LAROSA - Sige po

CENRO DADO - As far as ang lot verification is concern this is not a term, I think it is not a ticket for them (Ohm! Larosa says) to cut yong bakawan dyan ah kagaya nong naunang sinabi ko and based from our reference and based on our verification eh the area appears to be falling doon sa A & D (Ohm! Larosa says) that's not all yon kasi isa doon lang yan sa mga pre-requisite activity to the title if ever, now yong lot verification na yon again is not a ticket for them to cut ung bakawan ang sinampang kaso ka louie ah to the Honorable Prosecutor office found there is a probable cause.

LOUIE LAROSA - pumuputol ng bakawan

CENRO DADO - Ah oo and lastly in deference and with respect, due respect sa prosecutor ah eventually case nila

LOUIE LAROSA - Cenro masingit namin kasi medyo, ang inaano nyo dito kay Cervantes ay yong pagpuputol ng bakawan na kung saan ang City Prosecutor Office ay may nakitang probable cause may

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matatag na ebidensya laban sa kanya kaya ipapafile ang kaso, ganun.

CENRO DADO

- Yes ka louie tama yon, ipapafile.

LOUIE LAROSA

- Alright opo, ah kanina off the air nag uusap kami ni Mr. Cervantes sinasabi nya, kaya daw kayo mainit sa kanya, ito sabihin ko na para malaman natin kung sino ang nagsasabi ng totoo, baka niluluko ako nitong si Cervantes eh meron siyang kilala noon sa Sta. Lourdes parang nag aapply ng titling ng lupa, hinihingian raw di umano one hundred thousand tong itong sila ay tuwing bibisita sila dyan sa inyo tinatanong nyo sa kanya oh saan na ang one hundred thousand, para doon daw sa magtititulo ng lupa, ano ho ba yong sinasabi ito ni Mr. Cervantes cenro na nanghihingi daw kayo pati sa kasama nya ng isang daang libo, para sa pagpapatitulo daw ng lupa doon naman sa may Sta. Lourdes

CENRO DADO

- Ay ka louie yong sinabi ni Mr. Cervantes pawang kasinungalingan yan (Ohm, Larosa Says) kasi ni ang sinabi nyang tao sa Sta. Lourdes di ko nga kilala, kasi tayo ka louie ah above board tayo kung sinoman na lalapit sa ating tanggapan na mga kaylangan ng serbisyo pinagkakaloob natin sa abot ng makakaya wala tayong hinihiling sukli doon, yong sinasabi ni Mr. Cervantes ay wala tayong alam at pawang kasinungalingan

LOUIE LAROSA

- Sandali-sandali lang po Cenro ha, ngayon Cervantes kaharap si Cenro, ayaw ko pati ako niluluko na kung sino ha kasi ako pagka alam mo galit ako dyan, may sinabi ka kasi na naghihingi si Cenro ng one hundred thousand sa inyo oh sabihin mo kaharap si Cenro

MR. CERVANTES

- Ah

LOUIE LAROSA

- Sige para sa kanya

MR. CERVANTES

- Ah totoo po yon ka louie dahil yong lupa po na yon ah don sa Sta. Lourdes ako po yong naglakad ng mga papeles noon ay hindi po ayaw permahan ni cenro ocampo yung survey authority (oh! Larosa says) Sa ngayon po dahil po ah humihingi sya ng isang daang libo bago nya permahan yon

LOUIE LAROSA

- Para saan daw yun hundred thousand

MR. CERVANTES

- Ah hindi nya po pinaliwanag kung para saan yon, basta ang sinabi nya peperma sya don sa survey authority kung magbibigay kame ng isang daang libo

LOUIE LAROSA

- oh ngayon

MR. CERVANTES

- ah nagkataoon na wala itong applicant ay wala naman po syang ganoon kalaking halaga ah sinabi ko po sa kanya na actually may buyer kami dito sa lupang ito at ah kung papayag ka na permahan mo muna yong survey authroity ay pagkatapos

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na mabayaran itong si itong tinutulungan ko (yong bueyr, larosa says), oo saka po namin ibibigay yong hinihingi na isang daang libo (oh ano sabi ni cenro, Larosa says) at pumayag naman po sya at ah tuwing magpapalow up po ako doon ah tinatanong nyo po ako kung saan na, at sabi ko naman sa kanya ang usapan natin kung halimbawa na mabayaran po yong may ari ng lupa saka ka mabibigyan (ohm! Larosa says) So yon ang condition so hanggang sa ngayon hindi pa po nababayaran ang nasabing lupa (oh!Larosa says), kaya ang tingin ko po dito ay sinisingle out ako ni cenro ocampo (dahil sa one hundred thousand, Larosa says), bakit kame kame lang po ang nakikita nya, na sa katunayan kung mapapansin nyo po dyan sa Abanico lahat ng bahay dyan ay sa tabing bakawan sa dagat na, bakit kami lang ang nakikita nya

LOUIE LAROSA - Ohm! Cenro yon po ah one hudred thousand muna, ito si Cervantes hinihingan mo raw ng one hundred thousand eh! Dito oh

CENRO DADO - Ah natatawa ako ka louie eh hindi ko alam kung nasa tamang pag-iisip yang si ah si Mr. Cervantes na yan pero palagay kasi yan ang tinatawag non ka louie yong sa mga ah professional squatter yata yung naglider-lider kaya (ohm!, Larosa says) kaya ganyan yong ano nya, pero walang katutuhanan, pawang kasinungalangan yong sinasabi nyang nagdedemand tayo ka louie, wala tayong sinasabing ganyan, wala tayong napipending na mga survey authority sa opisina ko

LOUIE LAROSA - Dali lang nalilito na ako ah! Sino ba ang nagsasabi sa inyong dalawa ng totoo. Cervantes ano ang kwan mo dito

MR. CERVANTES - Ah ka louie maliban po dyan sa sinasabi ko na yan ah may hawak pa po ako na dalawang ah dukomento na inaplayan po ito na ito talaga ay nasa bakawan na at naisyuhan din po ito ng lot verification (ohm! Larosa says) katulad po ng yon ay yong tao na yon ah nagaapply ay nakapagdown na po sa opisina nila at ah down ng ano, larosa says ah nakapagbayad po

LOUIE LAROSA - Para saan ang bayad

MR. CERVANTES - Ayon po sa kanila yon ay ah (SOP, Larosa says) ah bilang kapalit don sa pag issue nila (ano nga yon SOP Larosa says) ah malinaw na ganun po yon

LOUIE LAROSA - Oh sino ang binayaran nila don, magkano binayad, magkalinawan tayo

MR. CERVANTES - ah matatandaan ko po ito ng mga singkwenta mil kung hindi ako nagkakamali (fifty (50) thousand sino ang binayaran nya sandali lang Mr. sino ang binayaran don sa cenro, Larosa says) ah yong pera na po ito ay dinaan kay Mr. Sumido (Sumido Larosa says) at sya na po ang bahala kay doon kay Mr. Corpuz

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LOUIE LAROSA - Bakawan bakawan yon ha (opo Cervantes says) ano naman ang kinalaman ni cenro dyan

MR. CERVANTES - Ah ka louie, ah sa ngayon ay dinideny sinabi sabi nya sa akin na baka wala ako katinuang ang pag-iisip ah mula po ngayon ka louie bigyan mo ako ng panahon para madiscuss ko po sa iyo na sinabi ko na ito at mapakita ko iyo inyo ang mga dukomento na mga sinasabi ko

LOUIE LAROSA - Kasi lalabas nito parang sira ulo mo, kaya ka nagsasabi ng ganyan, ngayon

MR. CERVANTES - Ah yon po ang sinasabi nya

LOUIE LAROSA - Oh dito si cenro, kausapin mo si cenro, na sinasabi mo ganun, na sinasabihan sya, kilan mo sinabi sa kanya yon

MR. CERVANTES - Ah Mr. Ocampo ah may mga katibayan po ako na hawak sa ngayon na magpapatunay na ginagawa nyo anumalya dyan sa opisina ninyo

LOUIE LAROSA - Ohm! Cenro kayo naman po, oh si Sumido binigyan din daw ng lima fifty thousand para sa mangroves tit title, naku, oh pambihira oh

CENRO DADO - Ka louie masasabi ko lang dyan, eh kung meron syang ebidensya e di ipresenta nya, eh magsampa sya ng karampatang reklamo ah kung yon ang sinabi nya ka louie, mahirap yong ah ginigeneralize nya in fairness sa ibang mga kawane ng gobyero (si si mr Sumido, opo, Larosa says) naman na mga ganito ganyan eh sana patunayan nila iba yung sinasabi, iba yon patutunayan mo ka louie

LOUIE LAROSA - Si Noel Sumido ba nandyan ba sa opisina nyo Sir cenro

CENRO DADO - Yes staff natin

KA LOUIE LAROSA - (Pwede ba naming makausapin mamaya yan, kasi inabutan daw nila nito yan ng fifty thousand, para daw sa pagtititulo ng isang lugar na kung saan ay mangroves din mamaya sir,

CENRO DADO OCAMPO- Nasasakanya yon ka louie kung magsasalita sya o kung kakausapin (hindi hindi dapat ipaliwanag nya to kasi, kanino nyo ba inabot ang pera na fifty thousand, Larosa says)

MR. CERVANTES - Ah don po kay Mr. Sumido (Kasama ka, Laroza says) at ah ako pa mismo ang nag-abot at ah may witness po ak, ah katulad po ng sinasabi nya (iikaw ang nag abot ng singkwenta mil, Larosa says) ah katulan po ng sinasabi nya na ano ang katibayan namin, sa palagay mo kaya kung tatanggap sila ng ganong lagay sila ba ay mag iissue ng resibo hindi naman ah

LOUIE LAROSA - Singkwenta Mil ikaw ang nag abot (ako ang nag abot non may mga witness ako, Cervantes Says) cenro siguro nakikinig,

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nanunuod ng TV, nakikinig satin ang mga tao, siguro pagpapaliwanagan natin si Sumido, ibinigay raw nya, sya daw ang nag-abot ng sinwenta mil

CENRO DADO - Yes ka louie, by all means why not, yon ang palaging action na ginagawa natin pagka may nagririklamo

LOUIE LAROSA - Kasi kung hindi ako kami na ang magrerequest sa DENR para paimvestigahan itong anumalya daw ano bang mga anumalya

MR. CERVANTES - Ah katunayan ka louie ay may pinaplano na po ako na sumulat don sa secretary DENR at sa office of the president ah (sandali sandali imamaya na mamaya na cenro anong ano mo dito idedemolish ho ba si si Cervantes yong area nya don, Larosa says)

CENRO DADO - Well ka louie because they cut ah mangroves at promise na mag self demolish sya kaya tayo sumulat sa Anti-Squatting at CASSAPS para to pursue yong demolition ng area

LOUIE LAROSA - Oh ano ang ano mo kay cenro eh talagang idedemolish ka don

MR. CERVANTES - Ah don po sa sinasabi ni Mr. Ocampo sa kanyang mga pahayag ay patunay na lang po na hindi sya sumusunod sa batas dahil ano po yong ah, sa tingin ko po wala pa pong jurisdiction ang anti-squatting na mag demolish unless po na ang korte ay mag issue ng court order for demolition, katulad ng sinasabi ko ah, nagfile na sila ng kaso laban sa amin bakit hindi nya hintayin kung ano ang maging decision ng korte at ah sasabihin ko sa kanya na ididipensa ko po kung anong sa tingin ko ang tama at ah ipalalaban ko po itong dukumento na hawak ko

LOUIE LAROSA - Cenro kailangan pa ba ng court order dito, ah sinasabi ni ano ni ni Cervantes

CENRO DADO - I think yong anti-squatting unit natin ka louie ay alam na nila kung ano ang requirement dyan, because they have some rules don sa request natin and I think by this time baka magkwan sila ng order ka louie

LOUIE LAROSA - ok tama yon, sige balik tayo sandali, e ano ko lang ha, sandali lang Mr. Padolino, Ah medyo concern lang ako dito cenro sinasabing nitong anumalya dyan sa loob ng departamento, lalo itong, mabigat ito kasi kung sinasabi nya singkwenta mil inabot nya kay Sumido na staff po ninyo mabigat na alegasyon yan, tapos kayo mismo sinasabihan nya na nanghihingi sa kanya ng one hundred thousand over the radio at over the local TV, so mabigay na alegasyon to cenro, ah ito ba ay kaya mong patunayan Mr. Cervantes

MR. CERVANTES - Ah kaya pong patunayan dahil yong ibang claimant po ay handang magpatunay at ah may mga witnesses po akong kasama na nagbigay po ako sa kanila (nong singkwenta mil, hindi yong one hundred thousand na hinihingi sayo ni ni Cenro, Kayo lang ba ang nag-uusap na dalawa non, Larosa says) kami

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lang po ang nag-uusap non dahil ah ako po ang naglalakad ng papeles (so ibig sabihin ikaw nakikisama at alam mo ang mga anumalya dyan sa DENR at ikaw din, ikaw ay isa sa naglalagay dyan so alam mo stand kalakaran dyan, ano ba, dito ka sa mike, alam mo bang sinasabi mo na pwede kang idemanda nyan, larosa says)

MR. CERVANTES

- Ah yong tungkol po don sa sa (yong sa one hundred thousand, one hundred thousand muna, Larosa says) yong don po sa one hundred thousand ah na sinasabi nya ay hindi pa naman naibibigay (hindi pa naibibigay, Larosa Says) kasi ang sinasabi naman nila pinapaliwanag ay ito po ay para sa processing ng lupa (Pero wala na dinideny, cenro wala hong ganun ha, sa inyo wala po kayong sinasabing ganun, Larosa says)

CENRO DADO

- Ah ka louie tingnan mo ang mga statement ni Mr. Cervantes mukhang nagsisilbe syang fixer eh, baka siya mismo ang nanghihingi pagkatapos ni-nename drop tayo ka louie (ohm! Oh ayan oh, Larosa Says)

MR. CERVANTES

- Ah ka louie tulad ng sinabi ko paulit ulit ko na sinasabi na kaya kung patunayan dahil may mga witnesses po akoyong nagbigay po kami ng pera doon kay Mr. Sumido at ang naging paliwanag po nito ay para po doon sa pagprocess don po sa sinasabi ni Mr. Ocampo sa kanyang mga pahayag ay patunay na lang po na hindi sya sumusunod sa batas dahil ano po yong ah, sa tingin ko po wala pa pong jurisdiction ang anti-squatting na mag demolish unless po na ang korte ay mag issue ng court order for demolition, katulad ng sinasabi ko ah, nagfile na sila ng kaso laban sa amin bakit hindi nya hintayin kung ano ang maging decision ng korte at ah sasabihin ko sa kanya na ididipensa ko po kung anong sa tingin ko ang tama at ah ipalalaban ko po itong dukomento na hawak ko ng dukomento para mapabilis po ang pagpapatitulo

LOUIE LAROSA

- Okey, so Cenro Dado ah ito po no pag eexecutin namin ng affidavit ito sasamahan ko sa abogado to para permahan nya ang sinasabi nya kung totoo o hindi, para sa side ninyo maipaliwanag nyo rin kung totoo o hindi kasi mabigat na alegasyon ito tong sinasabi nyang anumalya at sya mismo nag-aabot singkwenta mil at sa inyo naman kayo ang nanghihingi ng isang daang libo ano po

CENRO DADO

- Sige ka louie reding -redi tayo dyan eh am also ready to face him eh tingnan mo siya mismo admitted nya ah naglalakad sya ano ang ibig sabhin noon, doon sa mga taong pinangangakuan ng tulong sya pa marahil yong nangungolika nangungutong at ni-namedrop tayo ka louie (ohm! Ok, Larosa says)

MR. CERVANTES

- Ah ka louie gusto kung sagutin yon, yung mga taong tinulongan ko katulad nito si Mrs. Ibanez ito ay malapit pa na kamag-anak ko at ang sinasabi doon sa Sta. Lourdes ito po talagang kaibigan ko na pinakiusapan ako dahil hindi sya hindi nya alam kung papaano mag-apply (sa madaling salita fixer ka dyan sa loob,

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Larosa says) ah hindi po ganun ka louie ang tumutulong ka lang, Larosa says) tumutulong lang ako at walang masama don sa (pagtulong, Larosa says) pagtulong (ohm, Larosa says) kung nangangailangan po ang iyong kapwa

LOUIE LAROSA

- Willing ka ba mag execute ng affidavit laban sa sinasabi mo, kasi mahirap yan radio to, kung may pinermahan ka sa harapan ng fiscalya, sa harapan ng abogado na si Cenro Dado nanghihingi sayo ng isang daang libo at bibigay ka dyan ng singkwenta mil para sa mga pagpapaprocess ng titulo without resibo no, kung бага SOP ah willing kabang magperma ng ganyan (ah, Cervantes says) dahil mabigat yang sinasabi mo pare ah.

MR. CERVANTES

- Ah oo ka louie ah willing tayo dyan, (pag nakarating sa Manila Office yan, Larosa Says) willing tayong pumerma dyan (oh!, Larosa says), ah katunayan ang sinasabi ko dito sa may Jacana ang sinasabi ko yong lupa na ito ay ah ah (yong inaayos mo na singkwenta mil, Larosa says) opo (yan sa Jacana san banda yan, Larosa Saysa) ay kung tutuosin talagang complicated yong area na ito dahil may stewardship po ito at kinonfirm po nila ito don sa area (pero nagging alienable and disposable, Larosa says) opo (sa may Jacana, saan banday yan, Larosa says) may lot verification po ako na hawak (saan yan saan yan) doon po sa may Jacana banda so (ah ste ngayon meron ng lot verification, Larosa says) opo may hawak po ako (yan na yong buyer lot verification na resulta ng singkwenta mil na binigay mo kay Sumido, Larosa says) opo totoo yon, dahil ang gusto kung eapply don ng kaibigan ko ay makapag apply sya ng foreshore lease katunayan ito po ay may stewardship (mabigat ang sinasabi nito, Larosa says) tapos ang ginawa po doon ah sinabi nila na magbayad sila ng sabihin ko sa nag aaply na yon ay para mapabilis ang proceso ng papeles at ah yon naman ay gagastosin don sa sa pag-aasikaso ng papeles sa Manila at ah inadvice nila pwede sya na magdagdag na makapag apply na patituloan at ah (magkano ang usapan don fifty thousand lang, Larosa says) ah (kelan nyo ginagawa ang pag-bibigay mo nay an, kelan mo ginawa, Larosa says) ah hindi ko na po matandaan yong petsa at ah (sino ang cenro na yon, sino ang cenro nong nagbigay ka, Larosa Says) ah kung hindi po ako nagkakamali si Mr Ocampo si Cenro Ocampo na po (si Cenro Dado narin, Larosa says) opo

LOUIE LAROSA

- So Cenro ah ito medyo, ano pong masasabi nyo dito ito ito po ba yong sinasabi nyo sa prosecutor na efile na, yong laban dito kay Cervantes

CENRO DADO

- Ah pakiulit yon ka louie (naefile na po itong kasong nasabi ninyo, ah yong kina Mr. Cervantes ng City Prosecutor naisampa na sa court, Larosa says) gaya ng nabanggit ko nong isang araw meron ng resolution (resolution ng, Larosa says) yong City Prosecutor Office for the filing information sa court na ka louie, after resolution sa City Prosecutor isasampa na sa korte

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LOUIE LAROSA

- ah ito na hawak ko na ang resolution Rafael Cervantes, Fedirico Negrocatesco, Romeo Dadibas, Gilbert Padua, Junjun Arganados at si Felissa Arganado, Alfred Kalabuso ito ang mga sasampahan ng ng kaso dahil sa unlawfully ah ano tong hindi masyadong mabasa pare, yong pamumutol ng bakawan ah with the total volume 14,922.00 cubic meters statement total value 2,315,000.00 ito yong mga pinutol nilang mga bakawan cenro (Yes ka louie, Cenro Dado says) resolution ng fiscal nabasa nyo naba to

MR. CERVANTES

- Ah wala pa akong natatanggap ka louie at ah gusto ko lang ah linawin (Sige go bago magpaalam si Cenro, mahaba tayo eh, ano ang gusto mong sabihin sa kanya, ay si Cenro muna, Cenro may gusto ka pang sabihin, tatawag po kami ulit mamaya maya at si Mr. Sumido paki ano lang ho ang availability nya, si Christian papuntan dyan, para magpaliwanag sa singkwenta mil na binigay sa kanya ni kwan ah SOP daw sabi ni Cervantes Cenro, may gusto pa kayong sabihin dahil mabigay ang alegasyon sa inyo at doon sa mga tao ninyo sa DENR ah don sa mga nanunuod at tsaka sa mga nakikinig cenro dado sige ho, Larosa Says)

CENRO DADO

- Well, ka louie we deny lahat ng sinasabi ni Cervantes at makikita mo ang lawak ng network as fixer ng taong iyan, may Sta. Lourdes, meron as Jacana, meron pa yong mga ibang squatters at diumano ang information natin sa kanya siya din ang mga namumuno muno sa mga nag eesquat sa mga private titled property dito sa bayan at mukhang sinampahan natin ng kaso yan sa nalalaman natin ah leader ng mga namumuno sa mga nag eesquat ka louie sa ganyan yong trabaho nyan fixer yan, kaya ang mga kababayan natin na lummapit dyan ay konting ingat at walang katutuhanan yong sinasabi nyang nagbibigay o nagbigay sya sa atin o may pangako sa atin, siguro ni-nename dropt tayo sa kanyang pagka desperado (ah dalawa lang yan, sa mga nakikinig, ah sige, Larosa Says).

MR. CERVANTES

- Ah ka louie, gusto ko lang sabihin dio kay cenro ocampo (pwede ba idirikta muna sa kanya wag muna padaanan sa akin, Larosa says) ah gusto ko lang sabihin sayo ah Cenro Ocampo lahat ng alegasyon ko ah kaya ko pong patunayan yan dahil may mga witnesses po ako na magpapatunay na doon po sa sinasabi ko at sa sinasabi mo na na fixer ako ano ang basihan mo, katulad ng sinabi ko yong mga tinulongan ko ay malapit na kamag-anak ko pa at ako ay pinakiusapan lamang at ah ang isa pa dyan sa Sta Lourdes ay isang matalik kong kaibigan at hindi nya alam ang pag-apply kung ano ang proceso na kanyang gagawin dahil napakabusy din nilang tao at iyo ay pinakiusap lang sa atin (Cenro Dado yan nalang muna at dala lang po yan either ah si Cervantes o kayo ang nagsasabi ng totoo at may follow-up pa naman tayo dito cenro ano po, Larosa says)

CENRO DADO

- Yes ka louie thank you, ah yong pag bintay ay isa, ang pagpapatunay ay iba ka louie (ohm! Larosa Says) so hinihintay natin eh right yan freedom of expression ika nga ka louie. ...xxx"

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On cross-examination, he testified that: he is holding a public office and he is always accountable as his office is a public task accountable to the people; by all time; **Cervantes** is part of the people that he render always accountable; it was part of retaliation when he filed a case against him for illegal occupation or structure on a certain parcel of land; there is no complaint or evidence that is why it is malicious; **Complaint-Affidavit** filed by **Rafael Cervantes** and received by **DENR-PENRO** for Palawan records on June 10, 2011; subscribed on June 10, 2011; he is aware of the said document; he identified a **Lot Verification/Certification**, which bear his initial, was issued on September 3, 2009; the basis for filing a complaint for violation of PD 705; his **Certification** validated the said parcel of land as alienable and disposable; meaning it can be applied for titling; despite his **Certification**, he requested the Office of the Mayor under their power on local code to order the demolition of the structure which was signed by Mayor Hagedorn; the **Lot Verification** was based solely in their reference in their Land Classification Maps that are available in their office; wherein it shows later that this portion of land adjacent to Lot 2483 is still timbered or vegetative with mangrove trees; the **Lot Verification** is purposely for the issuance of a survey authority; for the determination of the metes and bounds of that particular area; the public land; eventually they will use for titling purposes if it will conform to the criteria or eligible for titling; the same must be in connection with an application; **Myrna Ibañez in that verification**; they filed an application for titling when the land has been surveyed by a geodetic engineer and approved by their regional office only when the survey authority shall have been issued by their office; the application for survey authority came first; to determine if it conforms the criteria to be titled; there was no survey authority because when they validated the area, they found out that it is still covered with mangrove trees; the **Lot Verification** was for the issuance of a survey authority; that is the first step, upon filing of the application of survey authority they were also asked a lot verification; precede the filing of an application for patent; issued on September 2, 2009; it is stated "**verified to be alienable and disposable area**" based on their references; the **Land Classification Map 1509 project number 1-H, block 1, certified on November 23, 1948**; based on this document, he found the land sought to be applied for as alienable and disposable; there have been an actual investigation to the area; the investigation showed and they found out it is still vegetated with mangrove; there is a Presidential Proclamation declaring entire mangrove swamp forest of Palawan as mangrove swamp forest reserved, and with that we are prohibited, prohibited from issuing a survey authority because the area has been reserved as forest reserved; he requested the mayor's office to remove structures because there was cutting that was found out by their office, City PENRO and the Bantay Gubat of the city government; accused does not have authority to do so;

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he knows a person named **Edgardo Libiran, land inspector**; Letter Request for Survey Authority; the letter was prepared by **Land Inspector Edgardo Libiran**; he certified here that the said subject area is found outside any government reservation be it for military, civil, public or quasi-public purposes; while Mr. Libiran, their land inspector at that time, at the Cenro office, prepared the report, when they validated it, when he has it validated by the **Chief Forest Management Service**, because they suspect that it is adjacent or within mangrove area, he had this report validated by the **Chief forest Management Service** of their office and they found out that there was mangrove in the area, that is why while they recommended; they did not act on the request as they did not issue a Survey authority; it was not included in his report that there are mangroves; he does not know why it was not included; he only met **Myrna Ibañez** once when she came to the office to file an application for survey; he does not know if she was the former owner of the land; they came to know later in the document that they either furnished or submitted in their office that the present occupant at the time that they filed the case was **Rafael Cervantes**; it was **Myrna Ibañez** who applied for that lot verification; he has been in service for 40 years; he had not received money from a private individual concerning his job; he is in floating status; that is the effect of the complaint; the amount stated in the information is likewise stated in the Affidavit.

On re-direct examination, he testified that: the Investigation Report of the Land Inspector who conducted the inspection at the time; **Letter Request dated June 15, 2009** seeking for issuance of survey authority to cover a certain parcel of land located in Bgy. San Manuel, etc. and then this is the content of his report addressed to the Cenro Officer; the action of the office is to have the land that is requested for survey authority investigated by the land inspector; different person done; in the letter request which contains the recommendation of **Edgardo Libiran** that the survey authority be granted in favor of **Ibañez**, is just a recommendation; aside from the recommendation, they still have to verify whether the area conforms to the criteria set by the Cenro whereas a survey authority may be granted; *"Meron pong structures noon nong inspeksyonin na naming yong lugar na yon, kaya nga po yon ang naging basihan dahil pinamutol na yong mga mangrove. Siguro po ang plano nila ma-establish nila yong criteria or requirements para matuloy-tuloy yong survey authority kung mapapatituluhan."*; he is on a floating status; he is no longer discharging the function of a Cenro, even if he is appointed as a CENRO officer; he is now detailed at the Office of the PENRO; he was the CENRO at that time; there is a designated OIC CENRO; he is at PENRO doing staff work; demotion on his part; he is the head of office; he can surmised that from the time that broadcast was heard by several people and

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reached their regional office, **yung pagtingin po nila sa akin naapektuhan**; he was transferred in August 2011; on August 1, 2011; it can be ascribed from the broadcast as well as the complaint; as a CENRO you have your own jurisdiction by community office; he has proof – photocopy **[EXHIBIT “G” - ADMITTED by accused]**.

DENR MIMAROPA REGION’s **REGIONAL SPECIAL ORDER NO. 165 dated 01 August 2011 [EXHIBIT “G”]** provides:

“SUBJECT: DETAIL OF SOME CENRO–PUERTO PRINCESA CITY PERSONNEL TO THE OFFICE OF THE PENRO OF PALAWAN

In the interest of the service, and to ensure the conduct of unbiased proceedings relative to the charges leveled against some CENRO – Puerto Princesa City personnel, the following are hereby detailed at the Office of the PENRO of Palawan, to wit:

1. CENRO Diosdado L. Ocampo
2. Forester II Conrado M. Corpuz
3. Forest Ranger Noel V. Sumido

Relative hereto, Forester Rodolfo A. Pacris is hereby designated as the OIC-CENRO of CENRO-Puerto Princesa City, and shall be authorized to sign in the following manner:

RODOLFO A. PACRIS
OIC-CENRO

As such, he shall be authorized to claim Representation and Travelling Allowances subject to existing auditing rules and regulations.

The above personnel shall inform this Office of their compliance herewith.

FOR STRICT COMPLIANCE

[signed]

CONCORDIO D. ZUÑIGA, CESO III

Copy furnished:

- The Secretary (Thru: The USEC and Chief of Staff)
- The USEC for Field Operations
- The PENRO-Palawan
- File xxx”

On re-cross examination, he testified that: the one who orders his floating status is the **Regional Executive Director**; only on the basis of unfounded accusation and because of the formal complaint that was lodged against him and which was heard by the Regional Executive Director; August 1 Detail Order, is only temporary in order for them to be able to conduct unbiased proceedings; it has the effect of preventive suspension; he does not know whether there is an official action as they

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were not furnished; they have follow-up but they are not furnished of the outcome of the investigation; no official result yet.

The hearing was then reset to 06 February 2014. On 03 February 2014, **Atty. Glenn C. Gacott** entered his appearance for accused **Cervantes**. On 06 February 2014, the hearing was reset to 30 April 2014 for lack of material time. The hearing on 30 April 2014 was reset to 01 August 2014, which was then reset to 25 and 26 February 2015. Thereafter, the February 2015 hearings were reset to 17 September 2015, then 10 March 2016.

On 10 March 2016, **Acting Presiding Judge Jose Bayani J. Usman** voluntarily inhibited from trying the case, thus:

"ORDER

When this case was called this morning for continuation of trial, both counsels are in court. However, the undersigned judge noticed that the accused, Mr. Rafael Cervantes, has a case with him before in Branch 50 and who had moved for the inhibition of the undersigned due to an alleged bias.

In order to avoid again any suspicion of bias on his part, the undersigned judge involuntarily inhibiting himself from trying this case.

Accordingly, the OIC/Branch Clerk of Court is directed to transmit the records of this case of the Office of the Clerk of Court for re-raffle to the other regular branches of this court. xxx"

On 15 March 2016, the records were forwarded to the Office of the Clerk of Court. The case was then raffled to **Branch 52, Regional Trial Court of Puerto Princesa City and Palawan**.

The case was initially set for hearing on 06 October 2016, reset to 12 May 2017, reset to 17 November 2017, and further reset to 12 April 2018.

During the 12 April 2018 hearing, **Atty. Roland Pay** manifested that accused **Rafael Cervantes** has asked him to terminate his legal representation, a matter, which was confirmed by the latter. The hearing was cancelled and reset to 15 and 16 October 2018, 12, 13 and 15 November 2018. In view of the motion for postponement filed by the prosecution, the hearing on 15 and 16 October 2018 were cancelled.

On 12 and 13 November 2018, accused **Cervantes** manifested that his new counsel is **Atty. Albert Pedrosa**, who failed to appear during the hearings. Hence, the scheduled trial was cancelled and reset to 21 February 2019. On 03 December 2018, **Atty. Pedrosa** submitted

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his Explanation stating that there is no formal engagement yet with him and accused **Cervantes**.

On 21 February 2019, the hearing was reset to 23 March 2019.

3. MR. RENE GAVILAGA

He testified on direct examination [on 23 May 2019] that: he executed and identified his **Panghukumang Salaysay dated 02 March 2013** subscribed before Atty. Jean Lou Aguilar including his signatures; the contents thereof, he affirmed and confirmed; in question No. 8, he mentioned of a **Sinumpaang Salaysay** dated August 26, 2011 [**EXHIBIT "B"**], which he likewise identified including his signature and affirmed and confirmed the content thereof; he identified accused **Cervantes**; he has known accused for so many long years; he met him at the office while he was the program manager of the **City Anti-squatters**; he met him for several times; there was a complaint against him in San Manuel, so he went to his office and introduced himself.

The **SINUMPAANG SALAYSAY of RENE E. GAVILAGA** dated 26 August 2011 [**EXHIBIT "B"**] stated:

"1. Na noong Mayo 26, 2011 humigit kumulang 7:00 ng umaga, ako ay nasa aming tahanan at nakikinig sa programang asintado ni KA LOUIE LARROSA sa radyo na DYEC na kung saan ay kinakausap sa programa ni KA LOUIE LARROSA si G. RAFAEL CERVANTES.

"2. Nagkaroon ako ng interest kung bakit nagsasalita sa radyo si G. CERVANTES. Ang taong ito ay nakilala ko noong 2005 ng ako ang Program Manager ng City Anti-Squatting. Dahil isa si G. CERVANTES sa liber ng mga squatter na pumasok sa likod ng New Market, Bgy. San Jose at Bgy. Sta. Monica, na nademolish noon ng Anti-Squatting.

"3. Sa panayam ni KA LOUIE LARROSA kay G. RAFAEL CERVANTES, narinig ko ang mga sumusunod na sinabi niya tungkol sa umano ay anomalya sa CENRO at tungkol sa mga empleyado doon lalo na kay CENRO DIOSDADO OCAMPO;

xxx

MR. RAFAEL CERVANTES ... Ah totoo po iyon Ka Louie dahil iyong lupa po na iyon ah doon sa Sta. Lourdes ako po iyong naglakad ng mga papeles noon, ay hindi po, ayaw pirmahan ni CENRO Ocampo yung survey authority sa ngayon po dahil po humihingi siya ng isang daang libo (100,000.00) bago nya pirmahan iyon.

xxx

MR. RAFAEL CERVANTES ... Ah hindi niya po pinaliwanag kung para saan iyon, basta sinabi niya pipirma siya doon sa Survey Authority kung magbibigay kami ng isang daang libo (100,000.00)

xxx

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MR. RAFAEL CERVANTES ... Ah matatandaan ko po ito ng mga Singkwenta Mil (50,000.00) kung hindi ako nagkakamali Fifty Thousand (50,000.00) (Sino ang binayaran niya sandali lang Mr. sino ang binayaran doon sa CENRO, Larrosa says) at yong pera na po ito ay dinaan kay Mr. Sumido (Sumido Larrosa says) at siya na po ang bahal kay doon kay Mr. Corpuz.

xxx

MR. RAFAEL CERVANTES ... Ah Mr. Ocampo ah may mga katibayan po ako na hawak sa ngayon na magpapatunay na ginawa nyo anomaly diyan sa opisina ninyo.

xxx

MR. RAFAEL CERVANTES ... Ah kaya ko pong patunayan dahil iyong ibang claimant po ay handang magpatunay at ah may mga witnesses po akong kasama na nagbigay po ako sa kanila (nong Singkwenta mil, hindi yong one hundred thousand na hinihingi sa iyo ni CENRO, kayo lang ba ang nag uusap na dala noon, Larrosa says) kami lang po ang nag uusap noon dahil ah ako po ang naglalakad ng papeles (so ibig sabihin ikaw nakikisama at alam mo ang mga anomaly diyan sa DENR at ikaw din, ikaw ay isa sa naglalagay dyan so alam mo stand kalakaran diyan, ano ba, dito ka sa mike, alam mo bang sinasabi mo na puwede kang idemanda niyan, Larrosa says.

xxx

MR. RAFAEL CERVANTES ... Ah Ka Louie tulad ng sinabi ko paulit ulit ko na sinasabi na kaya kung patunayan dahil may mga witnesses po ako iyong nagbigay po kami ng pera kay Mr. Sumido at ang naging paliwanag po nito ay para doon sa pagproseso ng dokumento para mapabilis po ang pagpapatitulo.

xxx

MR. RAFAEL CERVANTES ... Ah Ka Louie, gusto ko lang sabihin dito kay CENRO Ocampo (Pwede ba idirekta muna na sa kanya huwag mo na padaanin sa akin (Larrosa says) ah gusto ko lang sabihin sa iyo ah CENRO Ocampo lahat ng alegasyon ko ah kaya ko pong patunayan iyan dahil may mga witnesses po ako na magpapatunay na doon po sa sinasabi ko at sa sinasabi mo na fixer ako ano ang basehan mo, katulad ng sinabi ko iyong mga tinulungan ko ay malapit na kamag-anak ko pa at ako ay pinakiusapan lamang at isa pa dyan sa Sta. Lourdes ay isang matalik kong kaibigan at hindi niya alam ang pag apply kung ano ang proseso na kanyang gagawin dahil napaka busy din nilang tao at ito ay pinakiusap lang sa atin (CENRO Dado iyan na lamang muna at dalawa lang po yan either ah si Cervantes o kayo ang nagsasabi ng totoo ay may follow-up pa naman tayong dito CENRO ano po, Larrosa says)...

'4. Nagulat ako at nagtaka sa mga narinig ko na sinabi ni G. CERVANTES na umano ay naghihingi ng pera na P100,000.00.00 si CENRO OCAMPO sa kanya sa dahilang kakilala ko si OCAMPO at wala akong nabalitaan may nagrereklamo laban sa kanya maliban sa mga bintang ni G. CERVANTES;

'5. Hindi po nagtagal nagkita kami ni CENRO OCAMPO at napag-usapan namin ang mga narinig ko sa deyec laban sa kanya at napansin ko na lubhan napahiya ito at nasaktan sa mga tinuran ni G. CERVANTES laban

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sa kanya sapagka't ayon kay CENRO OCAMPO ay walang katotohanan ang mga binibintang sa kanya at paninira lang sa kanya.

'6. Bilang katibayan na narinig ko ang mga nabanggit sa salaysay na ito, nakakabit dito ang kopya ng panayam ni KA LOUIE LARROSA kay G. CERVANTES noon May 26, 2011 bandang alas 7:00 ng umaga sa DYEC

'7. Ginawa ko ng kusang loob ang salaysay na ito upang patunayan ang mga nakalahad sa salaysay na ito. Ako ay hindi pinilit tinakot, binigyan o pinangakuan ng pabuya upang gawin ang salaysay na ito. xxx"

On cross-examination, he testified that: he knows accused; he first met him when they had a problem at New Market; his name was involved but he has not met him; he heard his name only; he met him before May 26, 2011; they did not have any transaction; he was not able to personally meet him but he saw his face on TV sometimes; even before that date; in the interview of Mr. Louie Larrosa that he heard, the person introduced himself as **Rafael Cervantes**; he is sure; he has a record; he identified the transcript of the interview; he is not sure if that is the entire interview because it happened a long time ago and he cannot recall its entirety; that is the transcript he attached to his **Salaysay**; it did not state his name; it was **Mr. Larosa** who said he is interviewing **G. Rafael Cervantes**; he mentioned in his **Panghukumang Salaysay** that he is the friend of **CENRO Ocampo**; he met him because he is the CENRO at that time and he is the head of City Anti-squatting; there were time when they are together in a meeting; that is why he is closed to him; they met and talked about the problem mentioned by **Mr. Cervantes**, he offered himself if he needs a witness since he heard the conversation; he volunteered himself because they are friends; **Mr. Rafael Cervantes** is not his friend; he also mentioned in his **Salaysay** that **Mr. Rafael Cervantes** is accused CENRO Ocampo of receiving bribes; in the transcript, **Mr. Cervantes** said **Mr. Ocampo** is asking P50,000.00 or P100,000.00 for the documentation or in exchange of the paper he is asking; there was no mention of "**suhol**"; for the processing of documents; he does not know whether **Mr. Cervantes** has a transaction with CENRO Ocampo; he has a transaction with CENRO Ocampo but not with processing of documents for land; it came from the radio station; he read everything; the one who signed it is **G. Diosdado L. Ocampo**; without any signature of official or employee of the station where Louie Larosa is working; the one who signed in the complainant; he does not know whether Rafael Cervantes has a transaction with CENRO in 2011; since he does not have any transaction, he does not know whether the accusations are true; entirety; when he heard their names, he made a record on his cellphone; his cellphone collapsed and it was not saved; he was not able to preserve the same; he said that **Mr. Cervantes** statements maligned CENRO Ocampo; he does not know whether the latter has a case; as of now he is no longer the CENRO Officer; he is now at Brooke's Point; he retired.

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On re-direct examination, he testified that: he saw accused **Cervantes** on the television before May 26, 2011, it was regarding their clearing at the New Market where they are involved; he was with other person; he cannot recall if he spoke at that time; he heard him speak in the program of Ka Louie Larosa at DYEC in the morning of May 26, 2011; before the interview of Ka Louie Larosa, he asked his name but he was not able to record the same; but when he heard his name, he started recording; he knows **G. Diosdado Ocampo** since 2007; he was still an employee of CENRO-DENR, Puerto Princesa City; his reputation is that he is careful with his name; he does not know whether a case has been filed against him; he let **Ocampo** hear his recordings; after, he volunteered himself if he needed a witness; it is not worth the documents he was processing; *"lumalabas po na naghihingi po ng lagay si CENRO Ocampo kay Rafael Cervantes para lang maproses ang mga document"*.

On re-cross examination, he testified that: he knows that **Mr. Cervantes** went to the station and introduced himself complaining about **CENRO Ocampo's** act of holding the documents he is processing; not included in the transcript; the television appearance was in 2005, he can no longer remember, ABS-CBN; palagay ay suhol, that is his opinion; if there is no receipt, then that is a bribe; the expenses is not that much as the official will issue a Request for Payment if there is a need to pay with the government.

The 22 August 2019 hearing was cancelled and reset to 05 September 2019 [absence of accused's counsel], further reset to 14 and 21 November, 03 and 10 December 2019 and 06 February 2020.

On 16 January 2020, **Atty. Albert M. Pedrosa** filed his ***Omnibus Motion for Reconsideration and Withdrawal as Accused Counsel*** dated 15 June 2020.

On 05 February 2020, accused **Cervantes**, by himself, filed a ***Motion to Inhibit*** dated 04 February 2020. On 06 February 2020, **Honorable Presiding Judge Angelo R. Arizala, Branch 52, Regional Trial Court of Puerto Princesa City and Palawan**, issued an **Order** and voluntarily inhibited himself from hearing the case. The records were transmitted to the Office of the Clerk of Court for re-raffle on 24 August 2020.

On 28 August 2020, the case was re-raffled to **Branch 51, Regional Trial Court of Puerto Princesa City and Palawan** and the case was set for fearing on 20 October 2020. On 20 October 2020, **Honorable Presiding Judge Ambrosio B. De Luna, Branch 51, Regional Trial Court of Puerto Princesa City and Palawan**, issued an

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Order and voluntarily inhibited from further trying this case and ordered that the entire records be forwarded to the Office of the Clerk of Court. The records were transmitted to the Office of the Clerk of Court for re-raffle on 30 October 2020.

Sometime in November 2020, the case was raffled to **Branch 49, Regional Trial Court of Puerto Princesa City and Palawan**. On 09 November 2020, **Presiding Judge Paz Soledad B. Rodriguez-Cayetano** issued an **Order** and voluntarily inhibited from trying the case, thus:

"ORDER

Upon perusal of the records of this case this Court notes that accused Rafael Cervantes is the same person who imputed bad faith to the undersigned Presiding Judge relative to Land Case No. 2082, In re: Correction of the Transfer Certificate of Title No. 172904, Ildefonso A. Cervantes, petitioner vs. The Office of the Register of Deeds of Puerto Princesa City before the Regional Trial Court – Branch 52 of this Court. In order to prevent an instance that this Court's impartiality be reasonably questioned, this Presiding Judge deems it best to voluntarily inhibit herself from trying these cases.

Secition 1, paragraph 2, of the Rule 137 of the Rules of Court provides for the rule on voluntary inhibition and states: "[a] judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above." That discretion is a matter of conscience and is addressed primarily to the judge's sense of fairness and justice (Gochan, et al., v. Gochan, et al., G.R. No. 143089, February 27, 2003, 398 SCRA 323, 332.)

Let the entire records of this case be transmitted to the Office of the Clerk of Court of Palawan and Puerto Princesa City for re-raffle. Xxx"

On 11 November 20120, the records were forwarded to the Office of the Clerk of Court. The case was then raffled to **Branch 48, Regional Trial Court of Puerto Princesa City and Palawan**.

On 17 November 2020, **Honorable Presiding Judge Leah E. De Los Reyes-Baguyo**, issued an **Order** granting the withdrawal of **Atty. Albert Pedrosa** was **GRANTED**. However, the reconsideration of the sanction of **Atty. Pedrosa** for his absence on the 10 December 2019 hearing was denied.

On 29 December 2020, **Honorable Presiding Judge Leah E. De Los Reyes-Baguyo** referred accused **Cervantes** to the **IBP LEGAL AID OFFICE of IBP PALAWAN CHAPTER** as Court appointed counsel.

On 12 January 2021, accused **Cervantes**, by himself, filed a **Motion for Inhibition**. On 06 February 2020, **Honorable Presiding**

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Judge Leah E. De Los Reyes-Baguyo, Branch 48, Regional Trial Court of Puerto Princesa City and Palawan, issued an Order and voluntarily inhibited from all the cases [Criminal Case Nos. 26735, 34758, 34759, and 34760], thus:

"ORDER

When these cases were called, Atty. Jasmine Althea entered her appearance as Private Prosecutor while Atty. Richalex Jagmis from the IBP-Palawan also entered his appearance, as per earlier order by the Court, as counsel de-officio for the accused, with the manifestation that the accused who appeared to be uncooperative, should be directed to engage the services of his own counsel. However, considering the motion for inhibition in all the cases filed by the accused on the ground that an earlier motion for inhibition was granted by this Court in a related case of Civil Case No. 4724, this court has no option but to grant the motion for inhibition.

In view of the motion of the accused, this Court hereby inhibits from all these cases. Let the records be forwarded to the Office of the Clerk of Court for re-raffle or any appropriate action.

The appearance of CENRO Emer Garraez who is in the Office of the City Prosecutor is noted.

Thereafter, Atty. Jagmis manifested to withdraw his appearance as court-appointed counsel for the accused. Finding the same to be in order, the motion is granted. As prayed for, Atty. Richalex Jagmis is hereby relieved from responsibility arising from his prior appointment as counsel de-officio for the accused. xxx"

The records were transmitted to the Office of the Clerk of Court for re-raffle on 15 March 2021 and the case was re-raffled to Branch 50, Regional Trial Court of Puerto Princesa City and Palawan.

On 12 April 2021, Honorable Presiding Judge Jose Bayani J. Usman, Branch 50, Regional Trial Court of Puerto Princesa City and Palawan, issued an Order and voluntarily inhibited from this case, thus:

"ORDER

Forwarded before the Court is a case inhibited by Hon. Leah E. Delos Reyes-Baguyo of Regional Trial Court, Branch 48 in view of the Motion for Inhibition filed by the accused, alleging that the accused is doubting that Judge Baguyo could discharge her impartiality in hearing the case.

In the same vein, in a case previously raffled to this branch of the Court, accused had previously manifested that he does not trust the integrity and objectivity of the undersigned judge. Thus, to avoid suspicion of partiality against him and in keeping with the tenet that judges should not only act with fairness, independence, impartiality and honesty but should also perceived to be the embodiment of such qualities, the undersigned is voluntarily inhibiting himself from hearing this case.

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In view thereof, the Branch Clerk of Court is hereby directed to transmit the complete record of this case to the Office of the Clerk of Court for proper disposition. xxx"

The records were forwarded to the Office of the Clerk of Court on 11 May 2021. The case was re-raffled to **Branch 47, Regional Trial Court of Puerto Princesa City and Palawan.**

On 18 May 2021, **Honorable Presiding Judge Jocelyn Sundiang-Dilig, Branch 47, Regional Trial Court of Puerto Princesa City and Palawan,** issued an **Order** and voluntarily inhibited from this case, thus:

"ORDER

This case was re-raffled to this Branch of Court on 14 May 2020. However, the undersigned is voluntarily inhibiting herself from hearing this case considering that the accused herein, in another case, previously filed a motion to inhibit her because she, allegedly, does not trust the brand of justice of the undersigned.

Premises considered, the undersigned hereby voluntarily inhibits herself from hearing this case to prevent any fear of impartiality or bias. Let the record of this case be returned to the Office of the Clerk of Court for re-raffle. xxx"

The records were forwarded to the Office of the Clerk of Court on 18 May 2021. The case was re-raffled to **Branch 13-FC [Family Court], Regional Trial Court of Puerto Princesa City, Palawan.**

On 01 July 2021, accused **Cervantes, by himself,** filed a **Motion to Inhibit** dated 30 June 2021. On 02 July 2021, **Honorable Presiding Judge Arlene B. Guillen, Branch 13-FC [Family Court], Regional Trial Court of Puerto Princesa City, Palawan,** issued an **Order** and voluntarily inhibited in this case, thus:

"ORDER

The accused filed a motion for inhibition seeking that this Court inhibit from hearing, trying and deciding this case alleging that his filing of a consolidated motion for inhibition in the environmental cases docketed as Criminal Cases Nos. 34758 to 34760 might have slighted the feelings of the presiding judge who may decide this instant case on personal vendetta rather than on the merits of the case.

As the accused's assumptions need not be dignified, the undersigned voluntarily inhibits from taking any further action in this case pursuant to the Canons of Judicial Conduct.

Therefore, let the records of this case be forwarded to the Office of the Clerk of Court for proper disposition."

The records were transmitted to the Office of the Clerk of Court for re-raffle on 29 July 2021. The Office of the Clerk of Court retruned

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the records to **Branch 13-FC [Family Court], Regional Trial Court of Puerto Princesa City, Palawan** for referral to the **Executive Judge** of the nearest multiple branch Regional Trial Court pursuant to **OCA CIRCULAR 200-2016**.

On 30 July 2021, the case was referred to the **Office of the Executive Judge of the Regional Trial Court of Roxas, Palawan** for appropriate action.

The instant case was raffled to the undersigned Judge on 06 August 2021 and the case was set for hearing on 21 September 2021. During the said hearing, **Atty. Ryan P. Acosta** entered his *special appearance* as counsel for accused **Cervantes**. The latter prayed for time to formally engage the services of **Atty. Ryan P. Acosta** and the case was reset to 19 October 2021.

4. MR. NOEL SUMIDO, Forest Ranger of DENR – CENRO, Puerto Princesa City

He testified on direct examination [as partially stipulated on 19 October 2021] that: he is a Forest Ranger of DENR, CENRO, Puerto Princesa City; accused **Cervantes** filed an administrative complaint against him on 10 June 2011 received by PENRO on even date; he executed a **Counter Affidavit dated 16 June 2011** in compliance with the **Order dated 11 June 2011** requiring him to file his Comment or Affidavit; he identified accused **Cervantes'** administrative complaint [**EXHIBIT "J"** - parties stipulated on the existence and due execution of the document on 07 December 2021, photocopy permanently marked]; he identified the **Order dated 11 June 2011 [EXHIBIT "H" and series]**; he identified his **Counter Affidavit dated 16 June 2011** and his signature [**EXHIBIT "I" and series]**; he heard the interview on 26 May 2011 at 7:00 a.m. but he did not file any case or libel case against the accused.

Accused Cervantes' COMPLAINT-AFFIDAVIT dated 10 June 2011 [**EXHIBIT "J"**] in Administrative Case entitled **Rafael Cervantes, Complainant, v. CENRO Diosdado L. Ocampo, Noel V. Sumido, and Conrado M. Corpus, Respondents for Gross Dishonesty, Extortion, Gross Misconduct, Grave Abuse of Authority and Graft and Corruption** provides:

"COMPLAINT-AFFIDAVIT

X-----X

I, RAFAEL CERVANTES, of legal age, married, Filipino and a resident of Barangay San Manuel, Puerto Princesa City, on oath depose and say THAT:

This is my formal administrative and/or criminal complaint for: **gross dishonesty, extortion, gross misconduct, grave abuse of authority and graft and corruption** against DIOSDADO OCAMPO, NOEL SUMIDO and CONRADO CORPUS, all organic employees of Community Environment and Natural Resources Office, DENR, Puerto Princesa City, Santa Monica, Puerto Princesa City where they may be notified or served with subpoena and other judicial or administrative processes;

Briefly, the relevant facts are the following:

1. Sometime in 2009-2011 and in behalf of my friends and relatively namely: **German Agravante, Fernando Manuel, Myrna Ibanez and Mary Luna Guadalupe**, I had countless occasions to transact and do business with the above-named respondents in connection with the claims/properties of my said friends and relatives:

Re: German Agravante:

In 2009 German Agravante purchased a parcel of lot covered by a mother title in the name of Aniano Gabinete. It is located in Jacana, Banca-banca, Puerto Princesa City and Agravante desires to have a beach front as his acquired lot is being blocked or covered by a Mangrove Stewardship No. 003125 dated September 23, 1993 in favor of Laura M. Gabinete. Attached herewith as Annex "A" is a copy of the Mangrove Stewardship Agreement and made an integral part hereof I reserved the presentation of Agravante's title during the trial on the merits;

Thereafter, agravante, a European based Filipino, requested my assistance to coordinate with CENRO, Puerto Princesa City regarding such desire so I went to CENRO, Puerto Princesa where I met and talked to Noel V. Sumido, OIC Forest Engineering/LC unit of CENRO, Puerto Princesa. I told him about the desire of Agravante to which he agreed to help my principal but he demanded an amount of Seventy Thousand Pesos (P70,000.00.) to cancel and disregard the Stewardship Agreement of Gabinete and then the issuance of Lot Verification to be signed by him and the rest of the respondents to the effect that the lot facing the sea which is adjacent to Agravante's titled land will be re-classified as Alienable and Disposable (AnD) land of the government.

Further, according to Sumido, the demanded amount will be divided into three (3) parts in favor of Conrado Corpus, CENRO Diosdado Ocampo and Noel Sumido in exchange for their signatures on CENRO documents to be signed by them that will lead to the issuance of the title in favor of Agravante. He said that the demanded amount shall cover all the processing and service fees that will lead to the cancellation of the stewarding award of Laura Gabinete and for the issuance of the title in favor of Agravante covering an area of more or less 2,000 square meters.

He demanded from me Fifty Thousand Pesos (P50,000.00) as downpayment for their services and the remaining Twenty Thousand Pesos

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(P20,000.00) will be payable to Sumido upon issuance of the title to Agravante for the beachfront lot covered by the said mangrove stewardship of Gabinete.

Sometime in July 2009, I personally delivered and paid the amount of P50,000.00 to Noel Sumido inside the CENRO compound, Santa Monica, Puerto Princesa City. I was then accompanied by Fe Amy Valoroso, who saw the fact that Sumido received the amount of P50,000.00 from me. Upon receipt of P50,000.00, Sumido assured me that: KAMI NA ANG BAHALA NI CENRO OCAMPO DITO. Meaning, they (Ocampo, Corpus and Sumido) will take care of my transaction with CENRO, Puerto Princesa City in favor of Agravante.

On July 21, 2009 and true to the words of Sumido, the above-named respondents prepared, signed and issued a Lot Verification in favor of German E. Agravante stating that:

"An area of 2,000 square meters has been verified to be within Alienable and Disposalbe Area per approved Land Classification Map No. 203, Project 1-Blk-B, certified on December 29, 1923." (Emphasis supplied)

According to Sumido, such issuance of Lot Verification has the effect of canceling or revoking the mangrove stewardship of Laura Gabinete as her lot ceased to be a mangrove area as shown by the Lot Verification declaring the subject lot as alienable and disposable. I do not understand under what authroity the respondents can make such administrative conversion or disregard/ignore ttotally the stewardship of Gabinete but as explained to me by Sumido, the respondents jointly agreed and decided to pull away the area of Gabinete by using a different tie line so as to accommodate the 2,000 square meters of Agravante which was classified by the herein respondents as Alienable and Disposable (A&D).

Unfortunately, after I have submitted all the pertinent documents of German E. Agravante to CENRO, DENR Puerto Princesa City through Noel Sumido almost two (2) years ago, such as: Letter Request for Inspection, Barangay Certification, Inspection Report by Edgardo Libiran and the Lot Verification, no positive action was taken by the above-named respondents to the great damage and prejudice of Agravante because I have already paid the three (3) respondents the amount of P50,000.00 for doing nothing for my principal, German Agravante. Attached herewith as Annexes "B" "C" "D" are the documents enumerated above, all made integral parts hereof.

At present, I am wondering how the respondents could have acquired the guts to administratively convert the classification of a mangrove area into an alienable and disposable land without a congressional approval. What the respodents did to us is a plain and simple estafa as they pretended to possess power to re-classify a land when in fact they do not have such power and authority. The respondents also usurped the power of the Congress of the Philippines by re-classifying public lands.

To prove that the subject area is A&D, I am praying to the Honorable Investigators for an ocular inspection of the lots referred to in this affidavit to prove my allegations against the respondents.

X- -----X

Re: Fernando Manuel –

Fernando Manuel is the possessor, occupant, cultivator and claimant of more or less two (2) hectares of land which is a portion of Lot No. 5367, Cad. 800-D in Brgy. Sta. Lourdes, Sitio Mainit, Honda Bay, Puerto Princesa City since 1982 or for almost 30 years now. This fact was certified to by two (2) Barangay Chairmen of Barangay Santa Lourdes, Puerto Princesa City. Attached herewith as Annexes "E" and "F" are copies of the Barangay Certification dated September 6, 2002 and November 30, 2007, respectively, both made integral parts hereof.

On November 10, 1997 and May 6, 2008 Edgardo Libiran, Land Inspector of CENRO, Puerto Princesa City issued a report a portion of which is quoted hereunder, to wit:

"xxx 2.000 hectares more or less is actually occupied and developed by herein Requestee Fernando Manuel, therefore, Segregation Survey Authority is needed to exclude from the mother lot the portion actually claimed and improved."

xxxxxx

"The subject land is free from claims and conflicts xxxx" (Emphasis supplied)

Attached herewith as Annex "G" and "H" are copies of the aforesated Inspection Report/s respectively, both made integral parts hereof.

Again, as part of the *modus operandi* of the respondents, in exchange for the official documents of CENRO such as: Lot Verification to be signed by them in favor of Fernando Manuel, in October 2007 Noel Sumido demanded from Fernando Manuel through me an area of 1,000 square meters to which my principal agreed to give him. On November 14, 2007, Sumido, Ocampo and Corpuz issued a Lot Verification stating that:

"This is to certify that the tract of land identified as Lot No. Portion of Lot 5376, Cad-800-D, Adjacent to Lot No. _____, located at Barangay Sta. Lourdes, Puerto Princesa City, containing an area of 20,000 square meters has been verified to be within ALIENABLE AND DISPOSABLE AREA per approved Land Classification Map No. 1246, Project 1-E, Blk-V, certified on January 15, 1936." (Emphasis supplied)

Attached herewith as Annex "I" is a copy of the Lot Verification and made an integral part hereof:

The Lot Verification is a pre-requisite to the issuance of Survey Authority (SA). At first, CENRO Diosdado Ocampo deliberately and maliciously refused to act and to sign the Survey Authority for Fernando Manuel sometime in April 2008 unless the amount of One Hundred Thousand Pesos (P100,000.00), which was demanded from me, is paid to him by my principal. However, I informed him that my principal cannot afford to pay him that amount but considering that he intends to sell his rights over the subject lot, I told Ocampo that Mr. Manuel will pay him the amount he is asking (P100,000.00) after selling the lot to his prospective

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buyer. I was able to convince Ocampo to sign the Survey Authority after I showed to him the Intent to Buy sent to my principal by his prosecutive buyer, the Global IP Teasung. In his eagerness to get his P100,000.00, Ocampo even pre-signed the Survey Authority then promptly went to the table of a certain Renato Gonzaga for his initial on the SA. Attached herewith Annex "J" is the Survey Authority and as Annex "K" is the Letter of Intent both made integral parts hereof.

Unfortunately, the sale did not materialize so I was not able to see and talk to CENRO Ocampo right away. Sometime in August and September 2008 and afterwards, Ocampo had been pestering me to produce the P100,000.00 that I promised to deliver to him. But when I said that the sale did not materialize, Ocampo became mad.

Thereafter, Ocampo deliberately and arbitrarily ordered Renato Gonzaga, a CENRO employee, to bring into Fernando Manuel's lot another person named Elpidio Palanca to fictitiously and falsely claim the area exclusively possessed by Manuel despite knowledge that such lot was undisputed and free from claims of any third person as shown by the records in Ocampo's office.

Clearly, Ocampo was hell-bent on prejudicing Fernando Manuel and I by using his official position after he failed to get the demanded amount of P100,000.00 from me. Mr. Fernando Manuel is willing and ready to testify on this matter during the trial of this case.

Re: Myrna Ibanez

That in 1984, Myrna Ibañez entered, possessed and occupied a parcel of land consisting of more or less three (3.000) hectares located in Sitio Barimbing, San Manuel, Puerto Princesa City;

Thereafter, she introduced improvements and structures thereon such as nipa huts, fenced its surroundings and planted coconuts, bananas, etc.;

She also declared for taxation purposes her possession, plants and improvements as evidenced by Tax Declaration No. 98-063-12366 issued by the City Assessor's Office, Puerto Princesa City. Attached herewith as Annex "L" is a copy of Tax Declaration and made an integral part hereof;

Ibañez had been religiously paying the realty taxes therefor as shown by tax receipt nos. 5852775 and 5852805. The city government of Puerto Princesa cannot feign ignorance of this fact as it received realty tax payments from her as they fall due. Attached herewith as Annexes "M", "N", are copies of the tax receipts both made integral parts hereof;

Since 1984 up to 2010, Myrna Ibañez had been in open, exclusive, public, continuous, notorious and undisturbed possession and occupation of the lot mentioned above;

In addition, her claim and occupation of the subject lot is verified to be within the alienable and disposable (A&D) land of the state/government. Quoted hereunder is the Lot Verification Report issued on September 3,

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2009 by NOEL V. SUMIDO, OIC, Forest Engineering/LC Unit, CONRADO M. CORPUZ, Chief, Forest Mgt. Services and Conrado M. OCAMPO, Community Environment and Natural Resources Office, as follows:

"This is to certify that the tract of land identified as Lot No. Portion of Lot, Public Land adjacent to Lot no. 2483, Cad. 800-D. located at Barangay San Manuel, Puerto Princesa City, containing an area of TWENTY THOUSAND (20,000) square meters has been verified to be within ALIENABLE AND DISPOSABLE AREA per approved Land Classification Map No. 1509, Project No. 1-H, Blk-1, certified on November 23, 1948. (Emphasis supplied)

Attached herewith as Annex "O" is a copy of the said Lot Verification Report and made an integral part hereof.

Her rights, interests, possession or occupation is likewise supported by Barangay Certification issued by Punong Barangay Geraldine Ibanez on October 2, 2008, attached herewith as Annex "P" is a copy of the Certification and made an integral part hereof;

Moreover, her possession/occupation is real and undisputed as shown by an Investigation Report by Edgardo Libiran, Land Investigator of the Department of Environment and Natural Resources (DENR), Puerto Princesa City Office, dated January 12, 2010 which is hereunder quoted as follows:

"The land treated in the report is better known as portion of Public Land adjoining Lot No. 2843, Cad. 800-D, situated in Sitio Barimbing, Barangay San Manuel, Puerto Princesa City, containing an area of more or less 3,000 hectares. It is actually occupied and improved by herein requestee Myrna P. Ibañez and her family." (underscoring ours).

Attached herewith as Annex "Q" is a copy of the Investigation Report and made an integral part hereof;

The said real property has neighboring residential lands titled to different individuals namely: Ester Tana covered by Original Certificate of Title No. 3023 with an area of more or less 9,986 square meters; Serman Tana covered by Original Certificate of Title No. 3024 with an area of 9,987 square meters; Aileen Trambitzki, Title No. 129253 with an area of 5,039 square meters; Abelardo N. Javier covered by Original Certificate of Title No. 38 with an area of 2,976 square meters; Ariel Quiruben covered by Title No 6599 with an area of 4,556 square meters; and the City Government of Puerto Princesa covered by Title No. 182685 with an area of 12,228 square meters. Attached herewith as Annex "R" is a copy of the tax map issued by the City Assessor's Office and made an integral part hereof. The plaintiff reserves the right to present the City Register of Deeds during trial to prove the existence of the said titles;

10. The city government of Puerto Princesa does not own or possess the subject lot so it has no official authority or power to interfere with, disturb the possession of and worse, to demolish the structures of the plaintiff. The current value of the subject lot is not less than P100,000.00;

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On April 27, 2010 Myrna Ibañez waived relinquished and transferred to the plaintiff her rights and interests over the said real property as evidenced by a Waiver of Rights she executed before a notary public, Atty. Luis Estiller, under Document No. 465; Book No. 94; Page No. 48; Series of 2010. Attached herewith as Annex "S" is a copy of the Waiver of Rights and made an integral part hereof;

Thereafter, the plaintiff entered and continued the possession and occupation of his predecessor-in-interest. For his part, he introduced the following plants and improvements to wit:

- a.) 7 Mahogany trees
- b.) 4 Paper trees
- c.) 75 Coconut trees
- d.) 24 Banana plants
- e.) 7 Malunggay trees
- f.) 5 Talisay trees
- g.) 14 Papaya trees
- h.) 7 Palmera trees
- i.) Nipa
- j.) Various flowering plants;
- k.) Various vegetables;
- l.) Perimeter fence consisting of concrete post and barbwire;

In connection with the above-enumerated improvements, the plaintiff prays for an ocular inspection of his lot, during the pendency of this case, for this Honorable Court to view and see his improvements and possession thereof;

The plaintiff's possession/occupation was initially peaceful, undisturbed and undisputed until August 2010 when Juan Batongbakal, Eduardo Padohinog and Jose Colera together with DENR employees namely: Amadeo Rogel, Noel Sumido and Conrado Corpus claimed tha the stewardship rights of Batongbakal and Colera were overlapped by the claims of the plaintiff but they cannot show any evidence of such overlapping;

Attached herewith as Annex "T" is a copy of the complaint in a Civil Case No. 4724 for Injunction with its annexes, all made integral parts hereof.

Since CENRO Ocampo concealed and ill-will against me, he will find ways and means to prejudice and harass me and my principal. After I acquired the lot of Myrna Ibañez on April 27, 2010 in Sitio Barimbing, Brgy. San Manuel, Puerto Princesa City, CENRO Ocampo learned of such acquisition and saw it as a perfect opportunity to officially harass and molest my possession and occupation.

During the last quarter of 2010, Ocampo made a public pronouncement over radio station of DYE that my claimed and possessed area is a mangrove notwithstanding the fact that my said area is Alienable and disposable (A&D) as evidenced by Lot Verification duly issued by respondents Ocampo, Corpus and Sumido dated September 3, 2009.

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Then, he went on to accused me over the said radio station of being professional squatter yet, he cannot specifically state the details as to when, why, where and how I became a professional squatter. I am not a professional squatter as I do not need to be one because I also own several lots in Puerto Princesa City.

Ocampo also accused me of being a "fixer" with a vast network," and "nangongotong" yet, he cannot show proof of my connections to anybody and n evidence was offered to the public to show that I am a fixer or extortionist. He has no good intentions in speaking on air but to degrade and embarrass me and to malign my name and reputation to project that he is an upright and righteous man when in fact, he is not.

Not contented with such libelous and defamatory accusations, Ocampo likewise threatened me, over the radio, of eviction from my possessed and occupied land. He also expressed his desire on air to demolish and remove my structures without due process of law or any court order. I reserved the right to present the voice clips of the media interview to Ocampo during the hearing of these cases.

In his intention to further harass me, he has to arbitrarily, deliberately and maliciously interpret differently the documents that his office would officially issue. After signing and issuing a Lot Verification showing that the lot of Myrna Ibañez is Alienable and Disposable (A&D) land, he would flip flop by saing that it is within a timberland as shown by his Letter dated April 29, 2010 addressed to different persons. Attached herewith as Annex "U" is a copy of the Letter dated April 29, 2010 and made an integral part hereof;

Ocampo's whim, abuse or fancy is best shown by his conflicting classification of a single lot one as A&D and then as a Timberland involving one (1) parcel of lot. He would also render useless or meaningless the doucments that he officially issued as in my case when he classified it first as AnD and then made a pronouncement that it is a Timberland or Mangrove area so that he could justify my eviction. With this kind of deliberate inconsistencies, the trust and confidence of the people to the DENR is lessened, if not eroded.

Worse, on January 20 2011, Ocampo requested the City Government of Puerto Princesa to summarily demolish my structures worth more or less P30,000.00 to my great damage and prejudice as there was no due process of alw in the demolition of my structures, Ocampo cannot feign ignorance of this fact as he officially motivated the LGU of Puerto Princesa City to harass and prejudice me. That incident and the continuing threats to demolish my structures to evict me from my acquired lot is not the subject of judicial action under Civil Case No. 4724 in Branch 52, Regional Trial Court of Palawan.

This kind of public servant who is lawless, dishonest and abusive does not deserve a single moment in government service. For this government or administration to succeed, it has to weed out public officials like Ocampo, Sumido and Corpus hence, this complaint.

Re: Mary Luna Guadalupe

The loose, uncontrolled, arbitrary and abusive issuance of Lot Verification by CENRO employees of Puerto Princesa City namely: Noel Sumido, Conrado Corpuz and Rogelio D. Paglinawan wasted the life of Nonito Guadalupe who was stabbed dead by Reynaldo Laquarin, et al in 2009 after learning that Mary Luna M. Guadalupe (victim's wife) was able to obtain a Lot Verification on February 12, 2007 from the CENRO-DENR, Puerto Princesa City. After her husband's death, the surviving wife and I discovered that the issued Lot Verification is false, fictitious and untrue because the lot covered by the said document had long been titled to another person and the lot is presently owned by Union Bank. Attached herewith as Annex "V" is the Lot Verification dated February 12, 2007 duly signed by Sumido, Corpuz and Paglinawan and made an integral part hereof;

The signatories of the Lot Verification were consciously aware that the subject land is already titled and the CENRO-DENR has no jurisdiction over it. Yet, it gave false hope to Mary Luna Guadalupe by making it appear that it could be patented or titled to her when in fact, it is already titled and owned by Union Bank.

The property is located in Honda Bay, Puerto Princesa City and the murder case is pending litigation in the Regional Trial Court of Palawan. Documents material to this issue will be presented during the trial, especially the testimony of the surviving spouse.

Had respondents Sumido and Corpuz been honest, efficient, circumspect and resourceful in performing their official duties, they could have discovered from the official records of CENRO Puerto Princesa City that the subject lot is already owned and titled to Union Bank and could not be acquired by any individual anymore through the CENRO-DENR office.

Re: Angelica Padule

On March 2, 2010, she was also issued a Lot Verification by Noel V. Sumido, Conrado M. Corpuz and Diosdao L. Ocampo by CENRO-DENR Puerto Princesa City covering an area of five (5) hectares located in San Jose, Puerto Princesa declaring her claimed area to be ALIENABLE AND DISPOSABLE. Attached herewith as Annex "W" is a copy of the Lot Verification and made an integral part hereof:

However, as early as 1992, a portion of the said lot was already covered by a mangrove stewardship in favor of Juan Batongbakal. Since it is a mangrove area, it could not be verified by the three (3) respondents to be Alienable and Disposable.

In other words, the A&D Lot Verification issue by the respondents is false, misleading and untrue as it is not supported by their official records. Notwithstanding the existence of a Lot Verification, it will not alter the fact that the subject lot is a mangrove area and not A&D.

There is another case of illegal administrative conversion perpetrated by the respondents. I am most surprised why Ocampo, Sumido and Corpuz were able to convert the said mangrove area into A&D (or vice versa) despite absence of any congressional act.

In connection with the accusations and allegation above-stated, I respectfully pray that a formal hearing be conducted and to allow the ocular inspection of the lots involved in this complaint. Finally, I also pray for the verification of the official records kept in the office of the CENRO-DENR Puerto Princesa City if the contents of the mentioned Lot Verifications are true.

After notice and hearing, I respectfully pray for the imposition of appropriate administrative and criminal penalties against the above-named respondents for public good.

AFFIANT SAYETH NONE.

IN WITNESS WHEREOF, I have hereunto affixed my signature on this JUN 10, 2011, in Puerto Princesa City.

RAFAEL CERVANTES
Postal ID No. 8103224
Valid until September 23, 2012

SUBSCRIBED AND SWORN to before me this JUNE 10 2011, in Puerto Princesa City, affiant/complainant exhibited to me his Postal Identification Card No. Postal ID No. 8103224 valid until September 23, 201 and I hereby CERTIFY that I have examined herein affiant/complainant and I am convinced that all the allegations herein contained are true and correct based on the available records.

ATTY. GLENN C. GACOTT
Notary Public xxxx"

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA's ORDER dated 10 June 2011 received on 22 June 2011 at 10:45 a.m. issued by the **CHIEF ALBERTO Q. ARBO, Administrative Division, Chairman, Multi-Sectoral Committee** in Administrative Case entitled **Rafael Cervantes, Complainant, v. CENRO Diosdado L. Ocampo, Noel V. Sumido, and Conrado M. Corpus, Respondents for Gross Dishonesty, Extortion, Gross Misconduct, Grave Abuse of Authority and Graft and Corruption [EXHIBIT "H"]** provides:

"ORDER

We are furnishing you a copy of the COMPLAINT-AFFIDAVIT of Rafael Cervantes for Gross Dishonesty, Extortion, Gross Misconduct, Grave Abuse of Authority and Graft and Corruption against CENRO Diosdado Ocampo, Noel Sumido and Conrado Corpuz.

In this regard, Noel Sumido and Conrado Corpuz are hereby directed to file their COUNTER AFFIDAVIT or COMMENT under oath within three (3) days from receipt of this letter with the attached Complaint-Affidavit as mandated under Memorandum Circular No. 2010-18 dated November 23,

X-----X

2010 signed by Secretary Ramon J.P. Paje more specifically under 2.2.4 said Memorandum Circular.

With regard to CENRO Diosdado Ocampo, you are hereby informed by this Committee that you may or may not file your Counter Affidavit or Comment to this Committee as stipulated under the above cited Memorandum Circular specifically under 1.2 thereof which states that "All complaints involving DENR Lawyers designated as OIC-Division Chiefs, Officials with salary grade 24 or higher who are not presidential appointees shall be handled and resolved at the Office of the Secretary.

Failure on the part of Noel Sumido and Conrado Corpuz to file the necessary Counter-Affidavit or Comment will consider by this Committee as a waiver of your rights.

SO ORDERED.

Manila, Philippines, June 10, 2011.

[signed]

ALBERTO Q. ARBO

Chief, Administrative Division

Chairman, Multi-Sectoral Committee xxx

MR. NOEL SUMIDO's COUNTER-AFFIDAVIT [EXHIBIT "I"] dated 14 June 2011 provides:

"SUBJECT:

ALLEGED EXTORTION COMPLAINT AGAINST
CERTAIN DENR OFFICIALS IN THE CENRO OF
PUERTO PRINCESA CITY

X-----X

REPUBLIC OF THE PHILIPPINES)

CITY OF PUERTO PRINCESA)S.S.

COUNTER-AFFIDAVIT

I, NOEL SUMIDO, of legal age, married, Filipino and an employee of DENR-CENRO in Puerto Princesa under oath states:

1. That I am one of the respondents charged by one Rafael Cervantes for alleged EXTORTION Case now being investigated by the Multi-Sectoral Committee created by DENR RIV-B Regional Executive Director;

2. That Rafael Cervantes, who is the Complainant herein allegedly for and on behalfs of his clientele had maliciously accused me and my co-respondents of having extorted money from him in the amount of FIFTY THOUSAND PESOS (P50,000.00) allegedly for the approval of his application to occupy and possess a piece of land with an area of TWO THOUSAND (2,000) square meters more or less located in Banca-bancao, Puerto Princesa City;

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3. That is our office procedure that verification should be made in our records as to the status of the lot being applied for, which in this case I have actually verified as per our records that the lot being mentioned is within Alienable and Disposable area, and so, I have issued a lot verification;

4. That my duty as a forest ranger and OIC Chief of Forest Engineering Unit of CENRO-Puerto Princesa City will end only up to the Certification as to the status of the lot, as appearing in our official records that is, as to the land classification map or based on the reference map (used);

5. That upon verification of the nature/status of the lot as appearing in our official records, we issue Lot Verification status which we have done in this case; the next step then to be taken, is that the same be endorsed to the Land Management Sector, for actual verification and investigation of the lot being applied for and other matters concerning that particular lot;

6. That it is very clear that my duty as such, ends only up to the issuance of the Lot Verification certification and no more. The rest will be done by the Land Management Sector of our office, over which I have no more control. Clearly therefore, I have no more control over the application of Cervantes and his clients and it will be impossible for me to encroach on the duties and functions of the Land Management Sector. It is therefore unbelievable, that I would demand money from Cervantes for the approval of his land application;

7. It is not remote possibility that Cervantes had collected money from his alleged clients giving as a reason that the money would be used in expediting the land application of his alleged clients, but using for himself the said fund for his own selfish interest so that he would have a good reason for keeping the money for himself; Cervantes had so many Estafa Cases pending in court, such as Estafa Case No. 17979, MCT Branch 35, also Case No. 23291, RTC Branch 49 and Libel Case No. 20932, RTC Branch 95.

8. That it is my policy in life to feed my family with my hard earned salary and not money coming from an anomalous transactions such as these, otherwise, I am already a rich man by now. That I can swear that I have not committed any irregularities in the performance of my work as such, and I have conducted myself in the highest level of my career as a DENR-CENRO employee;

9. Although, the accusations leveled against us by Rafael Cervantes is not supported by convincing evidence such as the Sworn statements of the people he named in his complaint and other relevant documentary evidence, yet, harm had already been done by him which greatly affect our honor and dignity as responsible officers of our government; we desire to repair the damage done by filing libel suits against Cervantes;

10. We therefore pray of this Honorable panel to dismiss these cases filed against us by Cervantes for utter lack of merit pursuant to Rule II of the UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE.

Puerto Princesa City for Manila.

NOEL V. SUMIDO
Affiant

SUBSCRIBED AND SWORN to before me this 14th day of June' 2011 at Puerto Princesa City, affiant exhibited to me his TIN no. 135-057-965. I hereby certify that I have personally examined the affiant and I am fully satisfied that he has read and understands all of the allegations contained in his affidavit.

CONRADO B. LAGMAN
Notary Public xxx"

Considering that he was not able to bring a copy of the resolution of the DENR-CENRO Puerto Princesa City, **Mr. NOEL SUMIDO's direct testimony was suspended** and reset to 16 November 2021. However, the prosecution filed an **Ex-Parte Motion for Cancellation and Resetting** as the handling prosecutor tested positive for COVID-19.

The case was heard on 07 December 2021 for continuation of the direct examination of **Mr. NOEL SUMIDO** and both parties stipulated on the existence and due execution of the administrative complaint, **EXHIBIT "J" - COMPLAINT AFFIDAVIT** received on 10 June 2011 and that the contents of the filed **Complaint-Affidavit** was permanently marked. Parties likewise stipulated on the existence of **EXHIBITS "I" and "J"**. The prosecution manifested that it has written PENRO and CENRO and requested for the documents material to the testimony of **MR. SUMINDO**. In view of the non-availability of the documents, the hearing was again reset to 25 January 2022.

On direct examination, **MR. NOEL SUMIDO** testified [partially stipulated on 22 February 2022] that: the prosecution presented a **CENRO MEMORANDUM dated 06 January 2022** stating that they do not have copies of the records of the administrative complaint filed by the accused; accused **Cervantes** filed an Administrative complaint against private complainant CENRO Diosdado L. Ocampo, Conrado Corpus and Noel Sumido for Gross Dishonesty, Extortion, Grave Misconduct, Grave Abuse of Authority and Graft and Corruption sometime on 10 June 2011; the existence, due execution and the signature of accused **Cervantes** in his Complaint-Affidavit dated 10 June 2011 [**Exhibit "J"**]; **DENR issued an Order dated 10 June 2011** requiring the Respondents, including private complaint to file their Counter-Affidavit within ten (10) from receipt of the said Order, which was received by CENRO, Puerto Princesa City [**Exhibit "H"** - as to its existence]; the existence of Mr. Noel Sumido's Counter-Affidavit dated 14 June 2011 [**Exhibit "I"**].

Considering that the other documents, which pertains to the designation of the Respondents to other offices and their reinstatement at CENRO Puerto Princesa City and that there is no reply yet as to the

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status of the administrative case, the hearing was reset to 14 March 2022.

On additional direct examination, **MR. NOEL SUMIDO** testified [on 21 March 2022] that: he identified his Counter-Affidavit and his signature; he read the same, affirmed and confirmed the contents thereof; he cannot recall/remember the resolution; he did not see the resolution; the document itself; from what he can remember, after he filed the Counter-Affidavit, they reported back to their previous assignments; him and **Forester Conrado Corpuz and his immediate Supervisor, CONRADO CORPUZ**; also **CENRO DIOSDADO OCAMPO**; his proof of resumption is the document of Reporting for Duty: (1) **Indorsement of Reporting dated 14 October 2011 – EXHIBIT “K”**; and (2) **Memorandum dated 05 September 2011 – EXHIBIT “L”**; he was able to return in October 2011; both documents were issued by Mr. Diosdado Ocampo – at that time he was the CENRO Officer; nothing else happened with the case.

DENR CENRO PUERTO PRINCESA CITY’s 1ST Indorsement dated 21 October 2011 [EXHIBIT “K”] provides:

“FOR : *The Regional Executive Director
DENR-Region IV-B, MIMAROPA
Roxas, Boulevard, Manila*

THRU : *The PENR Officer
Sta. Monica, Puerto Princesa City*

FROM : *The CENR Officer
Puerto Princesa City*

SUBJECT : **REPORTING FOR DUTY OF FOREST RANGER
NOEL V. SUMIDO PER RSO NO. 221 DATED
OCTOBER 14, 2011**

Forwarded is the reporting for duty of Forest Ranger Noel V. Sumido effective the first working hour of October 19, 2011 from PENRO Puerto Princesa City to CENRO Puerto Princesa City.

This is in compliance to RSO NO. 221 dated October 14, 2011.

For his information reference and record.

*[signed]
DIOSDADO L. OCAMPO”*

DENR CENRO PUERTO PRINCESA CITY’s MEMORANDUM dated 05 September 2011 [EXHIBIT “L”] provides:

“MEMORANDUM

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

THRU : *The OIC-PENRO
Puerto Princesa City*

FROM : *The CENR Officer
Puerto Princesa City*

SUBJECT : **REASSUMPTION OF DUTY OF FORESTER CONRADO M. CORPUZ AS CHIEF, FMS AND FR NOEL SUMIDO OF CENRO, PUERTO PRIN. CITY**

Respectfully forwarded herewith is the Memorandum of even date re: reassumption of duty effective today of Forester II Conrado M. Corpuz as Chief, Forest Management Services and Noel V. Sumido as Forest Ranger of CENRO, Puerto Princesa City, after a month of detail at the office of the PENRO per RSO 165 dated August 1, 2011.

For his information and record.

[signed]
DIOSDADO L. OCAMPO

cc

- *The Secretary, DENR, Quezon City*
- *The USEC for Field Operations, DENR, Quezon City*
- *The Chief, Legal Division, DENR R4B, MIMAROPA, Mla.*
- *FILE xxx"*

On cross-examination, he testified [on 21 March 2022] that: he is currently employed at **CENRO**; since 1986; he has know **private complainant Diosdado Ocampo** for a long time; more or less 10 years; he was formerly **CENRO**; he used to be under his direct supervision; he cannot recall for how many years; he filed the Counter Affidavit to dispute the allegations of the Complaint; he read the contents of the Complaint; among the accusations is the extortions at CENRO Office; he heard the interview, the basis of the libel case; he likewise intended to file a libel case under paragraph 9 of the **Counter-Affidavit**; he confirmed the statements in paragraph 9; personally, he was not able to file any libel case against the accused **Cervantes**; he cannot remember if Corpuz filed a case against accused **Cervantes**; accused **Cervantes** filed a case against him for Gross Dishonesty, Extortion, Grave Misconduct, Grave Abuse of Authority and Graft and Corruption; he filed the case in their capacity as public officers; for the alleged extortion for the approval of his application for possession and occupancy for a property at Bancao Bancao; Complaint not supported by convincing evidence; Complainant requested for a hearing; he cannot remember the said

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request; he can remember that the investigating body of CENRO/DENR conducted a hearing or something; they were able to meet each other; they more than 10; PENRO OFFICE AT PUERTO PRINCESA CITY – he was there, Sir Ocampo, Conrado Corpuz, accused and Atty. Gacott; Sectoral Committee – Arbo and two (2) others; he cannot recall whether accused was with other persons aside from Atty. Gacott; nothing happened after the hearing; no second hearing; he cannot remember the date; after he filed the Counter-Affidavit in 2011; accused and counsel were able to speak; after the hearing, nothing happened and he does not know the resolution of the case as he did not receive the resolution; he does not know or has knowledge of the result/outcome of the administrative complaint.

On re-direct examination, he testified that: paragraph 9 of his Counter-Affidavit, as to the harm already done by accused **Cervantes** – *“paninirang puri, kahihyan and marami pang bagay, hindi ako makatulog, sobrang pag-iisip, hindi na ako nakatulog sa ginawa nya. Sobrang paninirang puri. Walang katotohanan ‘yong kanyang sinasabi, walang basehan”*.

On clarificatory questioning, he testified that: the Complaint-Affidavit refers to acts committed from 2009-2011; they were in the same office; the Complaint was filed on June 10, 2011, the radio interview happened on May 26, 2011; the interview happened prior to the Complaint; first time to hear that an administrative complaint was not resolve; there were investigators – Sectoral committee; it was not referred to the Office of the Ombudsman; they did not follow up with the investigator; *hindi pwede pangunahan*; they were relieved for 1 month; he was relieved from duty from 01 August 2011 and returned on 14 October 2011; Corpuz was likewise relieved; he is not aware with respect to the private complainant; he had work and salary; he is still connected with CENRO up until now; he has not been given administrative sanctions; and that he is categorically denying the accusations against him in the complaint as those events did not take place.

The prosecution was then given ten (10) days to file its written offer of evidence.

On 28 March 2022, , the prosecution formally offered **Exhibits “A”, “D”, “G” to “L” with submarkings for admission**, thus:

1. **EXHIBIT “A” with submarkings** – AFFIDAVIT COMPLAINT of Diosdado L. Ocampo;
2. **EXHIBIT “A-4-a-1” to “A-4-a-13”** – Transcript of the radio interview of the respondent on May 26, 2011;

3. **EXHIBIT "D" with submarkings** – Sworn Statement of Rene Gavilaga;
4. **EXHIBIT "G"** – Regional Special Order No. 165 issued by the DENR-MIMAROPA dated 01 August 2011;
5. **EXHIBIT "H"** – Certified Copy of the ORDER issued by the DENR dated 10 June 2011;
6. **EXHIBIT "I" with submarkings** – Certified copy of COUNTER-AFFIDAVIT of Noel Sumido dated 14 June 2011;
7. **EXHIBIT "J" with submarkings** – Certified copy of the COMPLAINT-AFFIDAVIT of Rafael Cervantes dated 10 June 2011;
8. **EXHIBIT "K"** – Certified copy of the 1st Indorsement issued by Diosdado Ocampo on 21 October 2011; and
9. **EXHIBIT "L"** – Certified copy of the Memorandum issued by Diosdado Ocampo on 05 September 2011.

On 06 April 2022, accused **Cervantes**, thru **Atty. Ryan Acosta**, filed his ***Comment to the Formal Offer of Exhibits***.

During the 31 May 2022 hearing, accused **Cervantes**, thru **Atty. Ryan Acosta**, objected to the purposes for which the documentary exhibits were being offered as accused **Cervantes'** statements during the interview were made in truth and in good faith. The Court **ADMITTED EXHIBITS "A", "D", "G" to "L"**.

With the admission of the documentary and testimonial evidence, the prosecution rested her case. After resting, accused **Cervantes**, thru **Atty. Ryan Acosta**, prayed for leave of court to file **Demurrer to Evidence**, on the ground that the element of "*malicious imputation*" was not proven by the prosecution, which was objected to by the prosecution. Accused **Cervantes**, thru **Atty. Ryan Acosta**, further argued that the statements he made were protected by his Constitutional Right of Freedom of Expression particularly ***to criticize public official in relation to their functions***.

During the said hearing, the Court, thru the undersigned, ruled that [U]nder Article 354 of the Revised Penal Code, the following elements must be present: (a) it must be defamatory; (b) it must be malicious; (c) it must be given publicity; and (d) the victim must be identifiable. In the case of ***Ogie Diaz v. People of the Philippines***,¹ "*every defamatory imputation is presumed to be malicious, even if it be true, if no good intention and justifiable motion for making it is shown.*" Thus, the oral motion for leave of Court to file Demurrer to

¹ G.R. No. 159787, 25 May 2007.

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Evidence was DENIED. The presentation of accused **Cervantes'** evidence was set on 13 June 2022.

In support of his defense, accused **Cervantes** presented accused **Rafael Cervantes** and **Mr. Gilbert Padul**.

1. ACCUSED RAFAEL CERVANTES

MR. RAFAEL CERVANTES testified [on 11 July 2022] that: on 26 May 2011, he was at the station of Mr. Louie Larrosa at DYEZ; he was invited by Mr. Louie Larrosa; to reply to the accusations/allegations of Mr. Ocampo; about the "putulan ng bakawan"/cutting of the mangroves; at Sitio Baringbing in Barangay San Manuel; sometimes it was in a question and answer form; **Mr. Diosdado Ocampo** was also being interviewed and he was not at the radio station; thru cellphone; there were other topics/subject involved; about anomalies at the Office of CENRO, Puerto Princesa City at the Office of **Mr. Diosdado Ocampo**; the topic was opened by Mr. Louie Larrosa; cutting of mangroves came first before the anomaly; one of the transactions, CENRO Ocampo refused to sign the Survey Authority applied for by Mr. Fernando Manuel if he will not give P100,000.00; also one of the transactions was that before the issuance Lot Verification, Mr. Sumido was asking for down payment of P50,000 for a total amount of P70,000 to be divided by the named persons; **Mr. Sumido** is the one who prepares the Lot Verification before he signed and issued to the requesting persons; **Mr. Noel Sumido; Mr. Conrado Corpuz**; before the interview, with respect to Mr. Manuel's transaction, he told **Mr. Ocampo** that he cannot produce the amount; while for the transaction of **Mr. Agravante**, after he gave the P50,000.00, they issued a Lot Verification, a beachfront property with 2,000 square meters; for **Mr. Manuel**, it was around April 2008; for **Mr. Agravante**, it was around 2009; for **Mr. Manuel**, accused **Cervantes** was able to show that there was a person willing to buy or a document with intent to buy, hence, **Mr. Ocampo** signed the **Survey Authority**; **Mr. Agravante** paid P50,000 thru accused, they waited for 2 years but nothing happened with the application for re-classification from timberland to alienable and disposable; he first met **Mr. Ocampo** in April 2008; in 2008, he is the incumbent CENRO Officer at that time; he cannot recall how many times he met him before the interview in 2011; after the interview, he filed an administrative complaint against Diosdado Ocampo et al; aside from Ocampo, he also filed an administrative complaint against Noel Sumido and Conrado Corpuz; he filed the complaint as he wanted to prove the statements he made in the station of Mr. Louie Larrosa; statements pertaining to the anomaly in their office; the reasons for filing were the anomalies and "*ung mga hinihingi po nila kapalit po ng pirma nila*"; he identified his EXHIBIT "1" [Exhibit "J"] - Complaint-

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Affidavit of Rafael Cervantes]; in page 13, 2nd to the last paragraph, he requested for a formal hearing, which he confirmed; no formal hearing but an informal investigation; **he requested for a formal hearing to prove what he said during the interview and to support the administrative complaint**; the one who conducted the investigation was a **fact finding committee**, which was organized/formed by DENR 4-B; the one who attended were **Diosdado Ocampo, Noel Sumido and Conrado Corpuz**; the investigators inquired from him about the allegations; after he filed the Complaint; he can no longer recall the exact date when the investigation was conducted but after the interview in 2011; he learned after that they were suspended; **the present status is that he knows he has yet to receive a decision on the complaint**; thereafter, cases were filed against him; the first one pertains to Section 77, P.D. 705 regarding his accusations of cutting of mangroves; the second one pertains to the instant libel case after the investigation of the fact finding committee; he first learned about it in December 2011; regarding his interview before Mr. Louie Larrosa; **he was the only one charged of the libel case and did not include Mr. Louie Larrosa and the station**; it was a burden for him and "*napahiya din po ako*"; he is praying that the case be dismissed; what he said in the interview are true and he can prove them; regarding the interview, he was merely invited Mr. Louie Larrosa to respond to the accusations against him.

On cross-examination [on 15 August 2022], he testified that: on 26 May 2011, that was the radio interview; that was the first time he mentioned about the **grease money; 4 months before the interview**, January 2011, they initiated the demolition of his house; **CENRO** Order of demolition; he did not agree because there was no Court Order; he remained there because the property is alienable and disposable; there was a **Criminal Complaint** initiated by the CENRO officer; the same was filed in the City Prosecutor; he participated in the preliminary investigation in the said case; before the interview, a resolution was issued but he cannot remember the exact date; it was **Mr. Larrosa who invited him at the interview; he was informed of topic of the interview; he was not informed that the interview was about the accusations against him by staying at a mangrove area**; during the interview, he only answered the questions of Larrosa; he brought documents pertaining to property he was allegedly illegally occupying; it also involved the anomalies at CENRO; he did not meet Larrosa after the interview; after the interview, he filed the administrative complaint, he was asked to appear before the **PENRO on 08 June 2011 thru their Letter dated 06 June 2011; the case was filed on 10 June 2011**; during the conference, he was with his lawyer; in his mind, he needed a lawyer as it was an investigation; during the investigation, he cannot recall whether he showed his Complaint-Affidavit; the investigators were merely asking him about the anomalies; there was no advice for

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him to formalize the complaint; it ended after both parties were interviewed; after the said conference, he cannot recall any other conference at the said office; he did not receive any other document from the DENR; **after the conference, he would follow up the status of the case and he was told to await for the Decision**; he is not related to Fernando Manuel; he is a distant relative of Myrna Ibañez; Mr. Agravante is not his relative; they did not execute a SPA to transact with CENRO; they did not execute any affidavit in relation to this case; he stated that it was Mr. Sumido who received the P50,000.00 for the transaction of Mr. Agravante; Sumido was one of the respondents; Manuel and Agravante were not complainants in the administrative case; he has another witness, Feami Vallaroso; she does not have any affidavit but mentioned as one of the witnesses in the pre-trial; he did not file any criminal complaint; in the Complaint-Affidavit, he asked for an ocular inspection and re-investigation on the San Manuel property; there were 2 lot verifications – alienable and disposable and timberland; he did not ask for the filing of cases against respondents; he did not think about filing criminal cases as the administrative complaint was enough not because he does not have enough evidence.

On re-direct examination, he testified that: the case was dismissed in July 2016 in relation to the cutting of the mangroves pending in Branch 51, RTC Puerto Princesa City; **topics agreed during the interview were about the accusations made by CENRO Ocampo about him being a professional squatter and that he was asking money from private persons who have transactions with CENRO**; he was asked if CENRO Ocampo was asking money from Mr. Manuel and he merely answered; he cannot remember that he received a notice but the conference was only mentioned to him; he can recall that it happened after the filing of the Complaint; the person who informed him is from the DENR; he did not receive any other notice; he could not recall he was required to submit documents; he can recall that it was an informal hearing; he is no longer following up the status of his case as he learned that respondent Ocampo was able to retire and respondent Corpuz became the CENRO of Brooke's Point; he prayed for a formal hearing, he can prove his case about the lot verifications; he was not able to get Sworn Statements from them, particularly from Mr. Manuel; the survey authority was signed when there was an offer to buy the property; hence, he did not give the P100,000.00.

On re-cross examination, he testified that: he agreed to go to the radio interview because of the accusations against him; he went to the interview to explain his side but he was made to narrate about the accusations against CENRO Ocampo; he merely answered the questions of Mr. Larrosa; it was a long time ago; he acquired the San Manuel

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property in April 2010; in filing the administrative complaint, he did not attach any other Salaysay.

On clarificatory questioning, he testified that: he heard a commentary made by Mr. Larrosa on the radio while he was at home, his name was mentioned; he said *"bakit nya ako binabanatan na hindi nya kinukuha yung side ko?"*; they talked about the accusations against each other; although he told him he does not have receipts and evidence, he encouraged him to open up about his accusations, because if he is telling the truth, then he would not have problems; they spoke to each other; the agreement is he would come back the next day; at the time of the interview, he was having personal conflict between him and CENRO Ocampo; he decided to file the administrative complaint after the interview; during the interview, he did not think that a case will be filed against him as he was assured by Mr. Larrosa as long as he is telling the truth; there was heightened emotions; he thought that Larrosa would be included in the case; he is dismayed with what happened with his cases; he filed the Complaint, after the interview because Mr. Larrosa challenged him to prove his accusations; he is airing his side right now as he believes that there can be justice for him.

Considering that his witness was not available on 19 September 2022, the hearing was reset to 10 October 2022.

2. MR. GILBERT PADUL

Mr. GILBERT PADUL testified [as stipulated on 10 October 2022] that: he is an acquaintance of accused **Cervantes** since 2010 because accused bought a property from his aunt located at San Manuel, Puerto Princesa City; on 25 May 2011, he accompanied accused **Cervantes** at DYEZ Station so he can speak with Mr. Louie Larrosa to air his side about the show that day; he heard Mr. Louie Larrosa told accused **Cervantes** that *"bumalik na lang kinabukasan para ipaliwanag nya ang kanyang side"*; he was not present during the 26 May 2011 interview with Mr. Louie Larrosa; and he has no knowledge that private complainant filed a Violation of P.D. 705 against accused and accused filed an administrative case against private complainant.

On 14 November 2022, accused **Cervantes**, thru **Atty. Ryan Acosta**, manifested that he is no longer presented additional testimonial evidence and orally offered:

1. **Exhibits "1"** – Certified Copy of the Complaint-Affidavit of accused **Cervantes** against private complainant **Diosdado Ocamp, Noel Sumido and Conrado Corpuz** filed before the

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DENR [EXHIBIT "J" – prosecution] – ADMITTED

With the admission of the documentary exhibits together with the testimonial evidence, accused **Cervantes** rested his case.

On even date, the prosecution presented and offered **REBUTTAL EVIDENCE**, which was part of the cross-examination of accused **Cervantes** and likewise identified by him:

EXHIBIT "N" Rebuttal – Notice of Invitation dated 06 June 2011.

Considering that it was a mere photocopy, the prosecution was given a period of ten (10) days to secure a Certified True Copy of the document. Upon submission, accused **Cervantes**, thru **Atty. Ryan Acosta**, manifested that they will no longer present **sur-rebuttal evidence**.

Upon submission, parties are given fifteen (15) days to file their respective **Memorandum** from 01 December 2022. Thereafter, the case will be submitted for **Decision**.

On 28 November 2022, the prosecution filed an **Ex-Parte Manifestation and Compliance** submitting the Certified Copy of the **Notice/Invitation issued by the Department of Environment and Natural Resources dated 06 June 2022 and duly received by the parties in this case**. The prosecution then prayed that the document be marked as **EXHIBIT "N"**, which was offered as **rebuttal evidence for the prosecution**.

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES MIMAROPA'S NOTICE/INVITATION dated 06 June 2011 [EXHIBIT "N"] received on 07 June 2011 issued by the **CHIEF ALBERTO Q. ARBO, Administrative Division, Chairman, Multi-Sectoral Committee**, provides:

"SUBJECT:
ALLEGED EXTORTION COMPLAINT AGAINST
CERTAIN DENR OFFICIALS IN THE CENRO OF
PUERTO PRINCESA CITY

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NOTICE/INVITATION

TO:

1. Mr. Rafel Cervantes - Puerto Princesa City

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- 2. Mr. Louie Larrosa - c/o DYEC Radio Station, Puerto Princesa City**
3. Mr. Diosdado Ocampo - DENR-CENRO, Sta. Monica, Pto. Princesa City
4. Mr. Noel Sumido - -do-

GREETINGS:

Notice is hereby given that a preliminary conference and Investigation relation to the above-captioned subject will be held on **June 8, 2011 at 2:00 in the afternoon** in the Provincial Environment and Natural Resources Office in Sta. Monica, Puerto Princesa City. The statement is in compliance with **Regional Special Order No. 110 issued 03 June 2011** by the Regional Executive Director (RED), creating a Multi-Sectoral Committee tasked to conduct a thorough investigation on the matter. A copy of the said Order is enclosed as an integral part hereof.

Please consider this as an invitation for you to appear before Us – members of the aforesaid Multi-Sectoral Investigation Committee – on the said date and time in connection therewith.

FAIL NOT UNDER PENALTY OF THE LAW.

Issued this 6th day of June 2011.

[signed]

ALBERTO Q. ARBO

Chief, Administrative Division

Chairman, Multi-Sectoral Committee xxx”

DENR MIMAROPA REGION'S REGIONAL SPECIAL ORDER NO. 110 dated 03 June 2011 provides:

“SUBJECT: CREATION OF A MULTI-SECTORAL COMMITTEE TO CONDUCT THOROUGH INVESTIGATION ON THE ALLEGED EXTORTION ACTIVITIES COMMITTED BY SOME DENR OFFICIALS OF CENRO-PUERTO PRINCESA CITY.

In the interest of the service and to ferret out the truth on the allegations that certain CENRO-Puerto Princesa City personnel are demanding money in exchange of their services, a Multi-Sectoral Investigation Committee is hereby created composed of the following:

Chairman – Alberto Arbo (Chief, Administrative Division)

Members:

1. Bayani Mantubig (Chief, Land Management Division)
2. Allan Valle (Chief, Original Surveys Section)
3. Leonard Caluya (Chief, Forest Management Services-Palawan South Sector)
4. Gerson B. Taoingan (Legal Assistant II)

Observer:

1. Elizabeth Maclang (Representative-Palawan NGO Network)
2. Media Representative (Radio Station DYEC)

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Expenses incurred during the conduct of the investigation shall be charged against the funds of the member's respective Sector/Division.

The committee shall submit their investigation report on or before June 30, 2011.

[signed]

CONCORDIO D. ZUÑIGA, CESO III

Regional Executive Director"

On 05 December 2022, the undersigned issued an **Order** marking and admitting **EXHIBIT "N", DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES MIMAROPA's NOTICE/INVITATION** dated 06 June 2011 received on 07 June 2011 issued by the **CHIEF ALBERTO Q. ARBO, Administrative Division, Chairman, Multi-Sectoral Committee** with DENR MIMAROPA REGION'S **REGIONAL SPECIAL ORDER NO. 110 dated 03 June 2011**. Parties were likewise reminded to file their respective **Memorandum** from receipt of the Court's Order.

On 16 December 2022, the prosecution filed their **Memorandum**. On 23 December 2022, accused **Cervantes, thru Atty. Ryan Acosta**, filed his **Memorandum** dated 21 December 2022.

The case is now submitted for **DECISION**.

With all the foregoing evidence, both testimonial and documentary evidence, under consideration, this Court is confronted with the issue of *whether the prosecution has established the guilt of accused RAFAEL CERVANTES for LIBEL beyond reasonable doubt*.

THE COURT NOW RESOLVES.

It is a fundamental rule in criminal procedure that the State/prosecution carries the *onus probandi* in establishing the guilt of the accused beyond a reasonable doubt, as a consequence of the *tenet ei incumbit probatio, qui dicit, non qui negat*, which means that he who asserts, not he who denies, must prove,² and as a means of respecting the *presumption of innocence* in favor of the man or woman on the dock for a crime.

It is axiomatic that in criminal cases, the prosecution has to prove the guilt of the accused beyond reasonable doubt.³ The appreciation of such evidence lies now with the court who hears it.

² *People of the Philippines v. Gilbert Reyes Wagas*, G.R. No. 157492, 04 September 2013 citing *People of the Philippines v. Subingsubing*, G.R. Nos. 104942-43, 25 November 1993, 228 SCRA 168 (1993).

³ *Canal, Sr. v. People of the Philippines*, 473 SCRA 403 (2005).

Did the prosecution sufficiently establish accused CERVANTES' guilt beyond reasonable doubt?

Under **Article 353** of the Revised Penal Code, **LIBEL** is the *public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead.*

Based on this definition, the **elements for the crime of LIBEL to exist** are the following: (a) the defamatory imputation of a crime, or a vice or defect, real or imaginary, omission, condition, status or circumstance; (b) imputation must be made publicly; (c) imputation ***must be malicious***; (d) imputation must be directed at a natural or juridical person, or one who is dead [identity of the person defamed]; and (e) imputation must tend to cause the dishonor, discredit, or contempt of the person defamed.

The **test of defamatory imputation**: *"A charge is sufficient if the words are calculated to induce the hearers to suppose and understand that the person against whom they were uttered was guilty of certain offenses, or are sufficient to impeach the honesty, virtue or reputation, or to hold him up to public ridicule."* The imputation may cover: 1. Crime allegedly committed by the offended party; 2. Vice or defect, real or imaginary, of the offended party; and 3. Any act, omission, condition, status of, or circumstances relating to the offended party.

Under **Article 354** of the Revised Penal Code, the **law presumes that every defamatory imputation is malicious, even if it be true, if no good intention and justifiable motive for making it is shown**. Truth or falsity is generally immaterial in a defamation suit because the law does not seek to punish the act of lying or telling mistruths about others. Instead, ***its primary purpose is to uphold a person's "right to public esteem" by preventing injury to reputation.***⁴

While every defamatory imputation is presumed malicious, the law and jurisprudence provide for exceptional cases where the presumption does not apply, such as: ***when the complainant is a public figure, particularly a public officer.***⁵ In these cases, ***the burden falls on the prosecution to establish that the defamatory statement was published with actual malice or with the knowledge that it is false or with reckless disregard of its falsity. The "reckless***

⁴ *Tulfo v. People*, G.R. No. 187113, 11 January 2021.

⁵ *Daquer v. People*, G.R. No. 206015, 30 June 2021.

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disregard” standard requires a high degree of awareness of the probable falsity of the statement. At the very least, it requires that the defendant in fact entertained serious doubts as to the truth of the statement published.⁶ In *Alfonso Yuchengco v. The Manila Chronicle Publishing Corporation, et al.*,⁷ the Supreme Court ruled that “failure to even get the side” of the person defamed constitutes reckless disregard of the truth or falsity of the articles.

Now, going to the evidence presented, accused **Cervantes** and private complainant **Ocampo** admitted the following facts:

1. On May 26, 2011 at Puerto Princesa City, Philippines, accused Rafael Cervantes was interviewed on-air on the radio program, “**Asintado**” hosted by Louie Larrosa.
2. There were statements given by the accused during said interview to the effect that Diosdado Ocampo and other employees of the DENR were asking money before Diosdado Ocampo will sign the survey authority.
3. Diosdado Ocampo was the Chief of the CENRO-DENR, Puerto Princesa City in the year 2011.
4. The statements mentioned in the information for the case were the one uttered by **Rafael Cervantes** during the radio program, “**Asintado**” on May 26, 2011.
5. The comments and utterances subject of the information for the case pertain to Diosdado Ocampo.
6. Complainant can identify the accused.
7. Prior to the publications of libelous statements, complainant filed criminal charges against **Rafael Cervantes** for Violation of PD 705 for cutting mangroves in Bgy. San Manuel.

All the elements of the offense were admitted by accused **Cervantes EXCEPT** on the element of **MALICE**. Accused **Cervantes** claims that it was **Mr. Larrosa** who caused him to say the said defamatory statements/imputations; they were made in good faith and he can prove the truth thereof.

The Court revisits the **Transcript of the Interview**:

TRANSCRIPT OF THE INTERVIEW OF CENRO DIOSDADO L. OCAMPO AND MR. RAFAEL CERVANTES BY LOUIE LAROSA BROADCAST

⁶ *Jose Jesus M. Disini, et al., v. the Secretary of Justice, et al.*, G.R. No. 203335, 11 February 2014 citing *Annette F. v. Sharon S.*, 119 Cal. App. 4th 1146, 1151 (Cal. App. 4th Dist. 2004).

⁷ G.R. No. 184315, 25 November 2009.

OVER DYEC TV AND RADIO STATION PROGRAM
ASINTADO ON MAY 26, 2011

- LOUIE LAROSA - Unahin ko muna kayong dalawa ni Cenro Dado, para ma, Cenro Dado, magandang umaga po
- CENRO DADO - Ay good morning ka louie at sa lahat ng mga nakikinig
- LOUIE LAROSA - Si Cervantes andito, si Padohinog at kayo naman at mukhang itong lot verification ay sinabing alienable at disposable anfg area kaya nagpatuloy ng proseso ang mga ito dito ay kiniquestion narin ngayon sir kayo naman po ang magpaliwanag ngayon
- CENRO DADO - Ah ka louie maiiksi lang ang aking paliwanag
- LOUIE LAROSA - Sige po
- CENRO DADO - As far as ang lot verification is concern this is not a term, I think it is not a ticket for them (Ohm! Larosa says) to cut yong bakawan dyan ah kagaya nong naunang sinabi ko and based from our reference and based on our verification eh the area appears to be falling doon sa A & D (Ohm! Larosa says) that's not all yon kasi isa doon lang yan sa mga pre-requisite activity to the title if ever, now yong lot verification na yon again is not a ticket for them to cut ung bakawan ang sinampang kaso ka louie ah to the Honorable Prosecutor office found there is a probable cause.
- LOUIE LAROSA - pumuputol ng bakawan
- CENRO DADO - Ah oo and lastly in deference and with respect, due respect sa prosecutor ah eventually case nila
- LOUIE LAROSA - Cenro masingit namin kasi medyo, ang inaano nyo dito kay Cervantes ay yong pagpuputol ng bakawan na kung saan ang City Prosecutor Office ay may nakitang probable cause may matatag na ebidensya laban sa kanya kaya ipapafile ang kaso, ganun.
- CENRO DADO - Yes ka louie tama yon, ipapafile.
- LOUIE LAROSA - Alright opo, ah kanina off the air nag uusap kami ni Mr. Cervantes sinasabi nya, kaya daw kayo mainit sa kanya, ito sabihin ko na para malaman natin kung sino ang nagsasabi ng totoo, baka niluluko ako itong ni Cervantes eh meron siyang kilala noon sa Sta. Lourdes parang nag aapply ng titling ng lupa, hinihingan raw di umano one hundred thousand tong itong sila ay tuwing bibisita sila dyan sa inyo tinatanong nyo sa kanya oh saan na ang one hundred thousand, para doon daw sa magtititulo ng lupa, ano ho ba yong sinasabi ito ni Mr. Cervantes cenro na nanghihingi daw kayo pati sa kasama nya ng isang daang libo, para sa pagpapatitulo daw ng lupa doon naman sa may Sta. Lourdes

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CENRO DADO - Ay ka louie yong sinabi ni Mr. Cervantes pawang kasinungalingan yan (Ohm, Larosa Says) kasi ni ang sinabi nyang tao sa Sta. Lourdes di ko nga kilala, kasi tayo ka louie ah above board tayo kung sinoman na lalapit sa ating tanggapan na mga kaylangan ng serbisyo pinagkakaloob natin sa abot ng makakaya wala tayong hinihiling sukli doon, yong sinasabi ni Mr. Cervantes ay wala tayong alam at pawang kasinungalingan

LOUIE LAROSA - Sandali-sandali lang po Cenro ha, ngayon Cervantes kaharap si cenro, ayaw ko pati ako niluluko na kung sino ha kasi ako pagka alam mo galit ako dyan, may sinabi ka kasi na naghihingi si cenro ng one hundred thousand sa inyo oh sabihin mo kaharap si cenro

MR. CERVANTES - Ah

LOUIE LAROSA - Sige para sa kanya

MR. CERVANTES - Ah totoo po yon ka louie dahil yong lupa po na yon ah don sa Sta. Lourdes ako po yong naglakad ng mga papeles noon ay hindi po ayaw permahan ni cenro ocampo yung survey authority (oh! Larosa says) Sa ngayon po dahil po ah humihingi sya ng isang daang libo bago nya permahan yon

LOUIE LAROSA - Para saan daw un hundred thousand

MR. CERVANTES - Ah hindi nya po pinaliwanag kung para saan yon, basta ang sinabi nya peperma sya don sa survey authority kung magbibigay kame ng isang daang libo

LOUIE LAROSA - oh ngayon

MR. CERVANTES - ah nagkataoon na wala itong applicant ay wala naman po syang ganoon kalaking halaga ah sinabi ko po sa kanya na actually may buyer kami dito sa lupang ito at ah kung papayag ka na permahan mo muna yong survey authority ay pagkatapos na mabayaran itong si itong tinutulongan ko (yong buyer, larosa says), oo saka po namin ibibigay yong hinhiingi na isang daang libo (oh ano sabi ni cenro, Larosa says) at pumayag naman po sya at ah tuwing magpapalow up po ako doon ah tinatanong nyo po ako kung saan na, at sabi ko naman sa kanya ang usapan natin kung halimbawa na mabayaran po yong may ari ng lupa saka ka mabibigyan (ohm! Larosa says) So yon ang condition so hanggang sa ngayon hindi pa po nababayaran ang nasabing lupa (oh!Larosa says), kaya ang tingin ko po dito ay sinisingle out ako ni cenro ocampo (dahil sa one hundred thouswand, Lorosa says), bakit kame kame lang po ang nakikita nya, na sa katunayan kung mapapansin nyo po dyan sa Abanico lahat ng bahay dyan ay sa tabing bakawan sa dagat na, bakit kami lang ang nakikita nya

LOUIE LAROSA - Ohm! Cenro yon po ah one hudred thousand muna, ito si Cervantes hinihingan mo raw ng one hundred thousand eh! Dito oh

- CENRO DADO - Ah natatawa ako ka louie eh hindi ko alam kung nasa tamang pag-iisip and si ah si Mr. Cervantes nayan pero palagay kasi yan ang tinatawag non ka louie yong sa mga ah professional squatter yata yung naglider-lider kaya (ohm!, Larosa says) kaya ganyan yong ano nya, pero walang katutuhanan, pawang kasinungalingan yong sinasabi nyang nagdedemand tayo ka louie, wala tayong sinasabing ganyan, wala tyaong napipending na mga survey authority sa opisana ko
- LOUIE LAROSA - Dali lang na lilito na ako ah! Sino ba ang nagsasabi sa inyong dalawa ang totoo. Cervantes ano ang kwan mo dito
- MR. CERVANTES - Ah ka louie maliban po dyan sa sinasabi ko nayan ah may hawak pa po ako na dalawang ah dukomento na inaplayan po ito na ito talaga ay nasa bakawan na at naisyuhan din po ito ng lot verification (ohm! Larosa says) katulad po ng yon ay yong tao na yon ah nanagapply ay nakapagdown na po sa opisina nila at ah down ng ano, larosa says ah nakapagbayad po
- LOUIE LAROSA - Para saan ang bayad
- MR. CERVANTES - Ayon po sa kanila yon ay ah (SOP, Larosa says) ah bilang kapalit don sa pag issue nila (ano nga yon SOP Larosa says) ah malinaw na ganun po yon
- LOUIE LAROSA - Oh sino ang binayaran nila don, magkano binayad, magkalinawan tayo
- MR. CERVANTES - ah matatandaan ko po ito ng mga singkwenta mil kung hindi ako nagkakamali (fifty (50) thousand sino ang binayaran nya sandali lang Mr. sino ang binayaran don sa cenro, Larosa says) ah yong pera na po ito ay dinaan kay Mr. Sumido (Sumido Larosa says) at sya na po ang bahala kay doon kay Mr. Corpuz
- LOUIE LAROSA - Bakawan bakawan yon ha (opo Cervantes says) ano naman ang kinalaman ni cenro dyan
- MR. CERVANTES - Ah ka louie, ah sa ngayon ay dinideny sinabi sabi nya sa akin na baka wala ako katinuang ang pag-iisip ah mula po ngayon ka louie bigyan mo ako ng panahon para madiscuss ko po sa iyo na sinabi ko na ito at mapakita ko iyo inyo ang mga dukomento na mga sinasabi ko
- LOUIE LAROSA - Kasi lalabas nito parang sira ulo mo, kaya ka nagsasabi ng ganyan, ngayon
- MR. CERVANTES - Ah yon po ang sinasabi nya
- LOUIE LAROSA - Oh dito si cenro, kausapin mo si cenro, na sinasabi mo ganun, na sinasabihan sya, kilan mo sinabi sa kanya yon

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MR. CERVANTES - Ah Mr. Ocampo ah may mga katibayan po ako na hawak sa ngayon na magpapatunay na ginagawa nyo anumalya dyan sa opisina ninyo

LOUIE LAROSA - Ohm! Cenro kayo naman po, oh si Sumido binigyan din daw ng lima fifty thousand para sa mangroves tit title, naku, oh pambihira oh

CENRO DADO - Ka louie masasabi ko lang dyan, eh kung meron syang ebidensya e di ipresenta nya, eh magsampa sya ng karampatang reklamo ah kung yon ang sinabi nya ka louie, mahirap yong ah ginigeneralize nya in fairness sa ibang mga kawane ng gobyerno (si si mr Sumido, opo, Larosa says) naman na mga ganito ganyan eh sana patunayan nila iba yung sinasabi, iba yon patutunayan mo ka louie

LOUIE LAROSA - Si Noel Sumido ba nandyan ba sa opisina nyo Sir cenro

CENRO DADO - Yes staff natin

KA LOUIE LAROSA - (Pwede ba naming makausapin mamaya yan, kasi inabutan daw nila nito yan ng fifty thousand, para daw sa pagtititulo ng isang lugar na kung saan ay mangroves din mamaya sir,

CENRO DADO OCAMPO- Nasa sakanya yon ka louie kung magsasalita sya o kung kakausapin (hindi hindi dapat ipaliwanag nya to kasi, kanino nyo ba inabot ang pera na fifty thousand, Larosa says)

MR. CERVANTES - Ah don po kay Mr. Sumido (Kasama ka, Laroza says) at ah ako pa mismo ang nag-abot at ah may witness po ak, ah katulad po ng sinasabi nya (ikaw ang nag abot ng singkwenta mil, Larosa says) ah katulad po ng sinasabi nya na ano ang katibayan namin, sa palagay mo kaya kung tatanggap sila ng ganong lagay sila ba ay mag iissue ng resibo hindi naman ah

LOUIE LAROSA - Singkwenta Mil ikaw ang nag abot (ako ang nag abot non may mga witness ako, Cervantes Says) cenro siguro nakikinig, nanunuod ng TV, nakikinig satin ang mga tao, siguro pagpapaliwanagan natin si Sumido, ibinigay raw nya, sya daw ang nag-abot ng sinwenta mil

CENRO DADO - Yes ka louie, by all means why not, yon ang palaging action na ginagawa natin pagka may nagririklamo

LOUIE LAROSA - Kasi kung hindi ako kami na ang magrerequest sa DENR para paimvestigahan itong anumalya daw ano bang mga anulmaya

MR. CERVANTES - Ah katunayan ka louie ay may pinaplano na po ako na sumulat don sa secretary DENR at sa office of the president ah (sandali sandali imamaya na mamaya na cenro anong ano mo dito idedemolish ho ba si si Cervantes yong area nya don, Larosa says)

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CENRO DADO - Well ka louie because they cut ah mangroves at promise na mag self demolish sya kaya tayo sumulat sa Anti-Squatting at CASSAPS para to pursue yong demolition ng area

LOUIE LAROSA - Oh ano ang ano mo kay cenro eh talagang idedemolish ka don

MR. CERVANTES - Ah don po sa sinasabi ni Mr. Ocampo sa kanyang mga pahayag ay patunay na lang po na hindi sya sumusunod sa batas dahil ano po yong ah, sa tingin ko po wala pa pong jurisdiction ang anti-squatting na mag demolish unless po na ang korte ay mag issue ng court order for demolition, katulad ng sinasabi ko ah, nagfile na sila ng kaso laban sa amin bakit hindi nya hintayin kung ano ang maging decision ng korte at ah sasabihin ko sa kanya na ididipensa ko po kung anong sa tingin ko ang tama at ah ipalalaban ko po itong dukumento na hawak ko

LOUIE LAROSA - Cenro kailangan pa ba ng court order dito, ah sinasabi ni ano ni ni Cervantes

CENRO DADO - I think yong anti-squatting unit natin ka louie ay alam na nila kung ano ang requirement dyan, because they have some rules don sa request natin and I think by this time baka magkwan sila ng order ka louie

LOUIE LAROSA - ok tama yon, sige balik tayo sandal, e ano ko lang ha, sandali lang Mr. Padolino, Ah medyo concern lang ako dito cenro sinasabing nitong anumalya dyan sa loob ng departamento, lalo itong, mabigat ito kasi kung sinasabi nya singkwenta mil inabot nya kay Sumido na staff po ninyo mabigat na alegasyon yan, tapos kayo mismo sinasabihan nya na nanghihingi sa kanya ng one hundred thousand over the radio at over the local TV, so mabigay na alegasyon to cenro, ah ito ba ay kaya mong patunayan Mr. Cervantes

MR. CERVANTES - Ah kaya pong patunayan dahil yong ibang claimant po ay handang magpatunay at ah may mga witnesses po akong kasama na nagbigay po ako sa kanila (nong singkwenta mil, hindi yong one hundred thousand na hinihingi sayo ni ni Cenro, Kayo lang ba ang nag-uusap na dalawa non, Larosa says) kami lang po ang nag-uusap non dahil ah ako po ang naglalakad ng papeles (so ibig sabihin ikaw nakikisama at alam mo ang mga anumalya dyan sa DENR at ikaw din, ikaw ay isa sa naglalagay dyan so alam mo stand kalakaran dyan, ano ba, dito ka sa mike, alam mo bang sinasabi mo na pwede kang idemanda nyan, larosa says)

MR. CERVANTES - Ah yong tungkol po don sa sa (yong sa one hundred thousand, one hundred thousand muna, Larosa says) yong don po sa one hundred thousand ah na sinasabi nya ay hindi pa naman naibibigay (hindi pa naibibigay, Larosa Says) kasi ang sinasabi naman nila pinapaliwanag ay ito po ay para sa processing ng lupa (Pero wala na dinideny, cenro wala hong ganun ha, sa inyo wala po kayong sinasabing ganun, Larosa says)

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CENRO DADO

- Ah ka louie tingnan mo ang mga statement ni Mr. Cervantes mukhang nagsisilbe syang fixer eh, baka siya mismo ang nanghihingi pagkatapos ni-nename dropt tayo ka louie (ohm! Oh ayan oh, Larosa Says)

MR. CERVANTES

- Ah ka louie tulad ng sinabi ko paulit ulit ko na sinasabi na kaya kung patunayan dahil may mga witnesses po akoyong nagbigay po kami ng pera doon kay Mr. Sumido at ang nagging paliwanag po nito ay para po doon sa pagprocess don po sa sinasabi ni Mr. Ocampo sa kanyang mga pahayag ay patunay na lang po na hindi sya sumusunod sa batas dahil ano po yong ah, sa tingin ko po wala pa pong jurisdiction ang anti-squatting na mag demolish unless po na ang korte ay mag issue ng court order for demolition, katulad ng sinasabi ko ah, nagfile na sila ng kaso laban sa amin bakit hindi nya hintayin kung ano ang maging decision ng korte at ah sasabihin ko sa kanya na ididipensa ko po kung anong sa tingin ko ang tama at ah ipalalaban ko po itong dukumento na hawak ko ng dukumento para mapabilis po ang pagpapatitulo

LOUIE LAROSA

- Okey, so Cenro Dado ah ito po no pag eexecutin namin ng affidavit ito sasamahan ko sa abogado to para permahan nya ang sinasabi nya kung totoo o hindi, para sa side ninyo maipaliwanag nyo rin kung totoo o hindi kasi mabigat na alegasyon ito tong sinasabi nyang anumalya at sya mismo nag-aabot singkwenta mil at sa inyo naman kayo ang nanghihingi ng isang daang libo ano po par

CENRO DADO

- Sige ka louie reding -redi tayo dyan eh am also ready to face him eh tingnan mo siya mismo admitted nya ah naglalakad sya ano ang ibig sabhin noon, doon sa mga taong pinangangakuan ng tulong sya pa marahil yong nangungolikta nangungutong at ni-namedrop tayo ka louie (ohm! Ok, Larosa says)

MR. CERVANTES

- Ah ka louie gusto kung sagutin yon, yung mga taong tinulungan ko katulad nito si Mrs. Ibanez ito ay malapit pa na kamag-anak ko at ang sinasabi doon sa Sta. Lourdes ito po talagang kaibigan ko na pinakiusapan ako dahil hindi sya hindi nya alam kung papaano mag-apply (sa madaling salita fixer ka dyan sa loob, Larosa says) ah hindi po ganun ka louie ang tumuntulong ka lang, Larosa says) tumutulong lang ako at walang masa don sa (pagtulong, Larosa says) pagtulong (ohm, Larosa says) kung nangangailangan po ang iyong kapwa

LOUIE LAROSA

- Willing ka ba mag execute ng affidavit laban sa sinasabi mo, kasi mahirap yan radio to, kung may pinermahan ka sa harapan ng fiscalya, sa harapan ng abogado na si Cenro Dado nanghihingi sayo ng isang daang libo at bibigay ka dyan ng singkwenta mil para sa mga pagpapaprocess ng titulo without resibo no, kung бага SOP ah willing kabang magperma ng ganyan (ah, Cervantes says) dahil mabigat yang sinasabi mo pare ah.

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MR. CERVANTES - Ah oo ka louie ah willing tayo dyan, (pag nakarating sa Manila Office yan, Larosa Says) willing tayong pumerma dyan (oh!, Larosa says), ah katunayan ang sinasabi ko dito sa may Jacana ang sinasabi ko yong lupa na ito ay ah ah (yong inaayos mo na singkwento mil, Larosa says) opo (yan sa Jacana san banda yan, Larosa Saysa) ay kung tutuosin talagang complicated yong area na ito dahil may stewardship po ito at kinonfirm po nila ito don sa area (pero nagging alienable and disposable, Larosa says) opo (sa may Jacana, saan banday yan, Larosa says) may lot verification po ako na hawak (saan yan saan yan) doon po sa may Jacana banda so (ah ste ngayon meron ng lot verification, Larosa says) opo may hawak po ako (yan na yong buyer lot verification na resulta ng singkwenta mil na binigay mo kay Sumido, Larosa says) opo totoo yon, dahil ang gusto kung eapply don ng kaibigan ko ay makapag apply sya ng foreshore lease katunayan ito po ay may stewardship (mabigat ang sinasabi nito, Larosa says) tapos ang ginawa po doon ah sinabi nila na magbayad sila ng sabihin ko sa nag aaply na yon ay para mapabilis ang proceso ng papelis at ah yon haman ay gagastosin don sa sa pag-aasikaso ng papelis sa Manila at ah inadvice nila pwede sya na magdagdag na makapag apply na patitulohan at ah (magkano ang usapan don fifty thousand lang, Larosa says) ah (kelan nyo ginagawa ang pag-bibigay mo na yan, kelan mo ginawa, Larosa says) ah hindi ko na po matandaan yong petsa at ah (sino ang cenro na yon, sino ang cenro nong nagbigay ka, Larosa Says) ah kung hindi po ako nagkakamali si Mr Ocampo si Cenro Ocampo na po (si Cenro Dado narin, Larosa says) opo

LOUIE LAROSA - So Cenro ah ito medyo, ano pong masasabi nyo ditom ito ito po ba yong sinasabi nyo sa prosecutor na efile na, yong laban dito kay Cervantes

CENRO DADO - Ah pakiulit yon ka louie (naefile na po itong kasong nasabi ninyo, ah yong kina Mr. Cervantes ng City Prosecutor naisampa na sa court, Larosa says) gaya ng nabanggit ko nong isang araw meron ng resolution (resolution ng, Larosa says) yong City Prosecutor Office for the filing information sa court na ka louie, after resolution sa City Prosecutor isasampa na sa korte

LOUIE LAROSA - ah ito na hawak ko na ang resolution Rafael Cervantes, Fedirico Negrocatesco, Romeo Dadibas, Gilbert Padua, Junjun Arganados at si Felissa Arganado, Alfred Kalabuso tio ang mga sasampahan ng ng kaso dahil sa unlawfully ah ano tong hindi masyadong mabasa pare, yong pamumutol ng bakawan ah with the total volume 14,922.00 cubic meters statement total value 2,315,000.00 ito yong mga pinutol nilang mga bakawan cenro (Yes ka louie, Cenro Dado says) resolution ng fiscal nabasa nyo na ba to

MR. CERVANTES - Ah wala pa akong natatanggap ka louie at ah gusto ko lang ah linawin (Sige go bago magpaalam si Cenro, mahaba tayo eh, ano ang gusto mong sabihin sa kanya, ay si Cenro muna, Cenro may gusto ka pang sabihin, tatawag po kami ulit mamaya maya at si Mr. Sumido paki ano lang ho ang availability nya, si Christian

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papuntan dyan, para magpaliwanag sa singkwenta mil na binigay sa kanya ni kwan ah SOP daw sabi ni Cervantes Cenro, may gusto pa kayong sabihin dahil mabigay ang alegasyon sa inyo at doon sa mga tao ninyo sa DENR ah don sa mga nanunuod at tsaka sa mga nakikinig cenro dado sige ho, Larosa Says)

CENRO DADO

- Well, ka louie we deny lahat ng sinasabi ni Cervantes at makikita mo ang lawak ng network as fixer ng taong iyan, may Sta. Lourdes, meron as Jacana, meron pa yong mga ibang squatters at diumano ang information natin sa kanya siya din ang mga namumuno muno sa mga nag eesquat sa mga private titled property dito sa bayan at mukhang sinampahan natin ng kaso yan sa nalalaman natin ah leader ng mga namumuno sa mga nag eesquat ka louie sa ganyan yong trabaho nyan fixer yan, kaya ang mga kababayan natin na lummapit dyan ay konting ingat at walang katutuhanan yong sinasabi nyang nagbibigay o nagbigay sya sa atin o may pangako sa atin, siguro ni-nename dropt tayo sa kanyang pagka desperado (ah dalawa lang yan, sa mga nakikinig, ah sige, Larosa Says).

MR. CERVANTES

- Ah ka louie, gusto ko lang sabihin dio kay cenro ocampo (pwede ba idirikta muna sa kanya wag muna padaanan sa akin, Larosa says) ah gusto ko lang sabihin sayo ah Cenro Ocampo lahat ng alegasyon ko ah kaya ko pong patunayan yan dahil may mga witnesses po ako na magpapatunay na doon pos a sinasabi koa t sa sinasabi mo na na fixer ako ano ang basihan mo, katulad ng sinabi ko yong mga tinulongan ko ay malapit na kamag-anak ko pa at ako ay pinakiusapan lamang at ah ang isa pa dyan sa Sta Lourdes ay isang matalik kong kaibigan at hindi nya alam ang pag-apply kung ano ang proseso na kanyang gagawin dahil napakabusy din nilang tao at iyo ay pinakiusap lang sa atin (Cenro Dado yan nalang muna at dala lang po yan either ah si Cervantes o kayo ang nagsasabi ng totoo at may follow-up pa naman tayo dito cenro ano po, Larosa says)

CENRO DADO

- Yes ka louie tank you, ah yong pag bintang ay isa, ang pagpapatunay ay iba ka louie (ohm! Larosa Says) so hinihintay natin eh right yan freedom of expression ika nga ka louie. ...xxx"

It is sad the that both private complainant and accused **Cervantes** were pitted against each other during the radio interview. **NO HOLDS BARRED.** On several occasions, both were reminded that their statements are considered ***libelous, malicious or defamatory***. However, they were not stopped from proceeding with the interview and instead **hurled accusations against each other.**

The Court quotes the statements of private complainant:

"CENRO DADO

- Ah natatawa ako ka louie eh hindi ko alam kung nasa tamang pag-iisip and si ah si Mr. Cervantes nayan pero palagay kasi yan ang tinatawag non ka louie yong sa mga **ah professional**

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squatter yata yung naglider-lider kaya (ohm!, Larosa says) kaya ganyan yong ano nya, pero walang katutuhanan, pawang kasinungalingan yong sinasabi nyang nagdedemand tayo ka louie, wala tayong sinasabing ganyan, wala tayong napipending na mga survey authority sa opisana ko"

Both private complainant and accused **Cervantes** uttered libelous and defamatory imputation.

Now, was there **malice** on the part of accused **Cervantes**?

"Malice or ill-will in libel must either be proven (malice in fact) or may be taken for granted in view of the grossness of the imputation (malice in law). *Malice*, as the Supreme Court wrote in *Brillante v. Court of Appeals*, is a term used to indicate the fact that the **offender is prompted by personal ill-will or spite and speaks not in response to duty, but merely to injure the reputation of the person defamed. Malice implies an intention to do ulterior and unjustifiable harm. It is present when it is shown that the author of the libelous or defamatory remarks made the same with knowledge that it was false or with reckless disregard as to the truth or falsity thereof.**"⁸

"Defamation, which includes libel and slander, means the offense of injuring a person's character, fame or reputation through false and malicious statements. It is that which tends to injure reputation or to diminish esteem, respect, goodwill or confidence in the plaintiff, or to excite derogatory feelings or opinions about the plaintiff. **It is the publication of anything that is injurious to the good name or reputation of another or tends to bring him into disrepute. In determining whether certain utterances are defamatory, the words used are to be construed in their entirety and taken in their plain, natural and ordinary meaning, as they would naturally be understood by persons hearing (or reading, as in libel) them, unless it appears that they were used and understood in another sense.**"⁹

Malice in this case being already presumed, the defense now has the burden to prove the existence of good intention and justifiable motive on the part of the accused in uttering the defamatory statements. In other words, the accused must show that she has a justifiable reason for the defamatory statements even if it was in fact true.¹⁰

⁸ *GMA Network, Inc. vs. Bustos, et al.*, G.R. No. 146848, 17 October 2006.

⁹ *Alfonso Yuchengco v. The Manila Chronicle Publishing, Corp.*, G.R. No. 184315, 25 November 2009.

¹⁰ *Disini v. The Secretary of Justice*, G.R. No. 203335, 11 February 2014.

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Malice, however, does not necessarily have to be proven. There are two types of malice, malice in law and malice in fact. **Malice in law** is a presumption of law. It dispenses with the proof of malice when words that raise the presumption are shown to have been uttered. It is also known as constructive malice, legal malice, or implied malice. On the other hand, **malice in fact** is a positive desire and intention to annoy and injure. It may denote that the defendant was actuated by ill will or personal spite. It is also called express malice, actual malice, real malice, true malice, or particular malice.¹¹

The Court finds that the prosecution failed to prove **MALICE**. It is sad that the DENR-MIMAROPA failed to conclude its investigation and submit a report as to the truth or falsity of accused **Cervantes'** allegations in the Complaint Affidavit. Hence, the Court will no longer dwell on the truth or falsity of the defamatory imputations. Accordingly, the prosecution failed to discharge its burden to prove **malice in fact or that the act of the accused was actuated by ill will or personal spite considering that the Complaint-Affidavit** was supported by documentary evidence.

In the words of **Honorable Associate Justice Marvic M.V.F. Leonen**, *"While not per se demonstrating the veracity and blamelessness of the defense's entire version of events, they nevertheless disclose how the prosecution's case is unable to stand on its own merits."* It must be stressed that in our criminal justice system, the overriding consideration is not whether the court doubts the innocence of the accused, **but whether it entertains a reasonable doubt as to their guilt**. Where there is no moral certainty as to their guilt, they must be **acquitted even though their innocence may be questionable**. The constitutional right to be presumed innocent until proven guilty can be overthrown only by proof beyond reasonable doubt.¹²

It bears stressing that in the case of **Cristinelli S. Fermin v. People of the Philippines**,¹³ the Supreme Court reminded the public and media practitioners, which is now being reiterated as this scenario [case] would have been prevented if all parties proceeded with **caution** during the interview, that:

"xxx Although a wide latitude is given to critical utterances made against public officials in the performance of their official duties, or against public figures on matters of public interest, such criticism does not automatically fall within the ambit of constitutionally protected speech. If the utterances are false, malicious or unrelated to a public officer's performance of his duties or irrelevant to matters of public interest

¹¹ *Yuchengco v. The Manila Chronicle Publishing Corp.*, G.R. No. 184315, November 25, 2009.

¹² *People of the Philippines v. Asis*, 439 Phil. 707 (2002).

¹³ G.R. No. 157643, 28 March 2008

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involving public figures, the same may give rise to criminal and civil liability.¹⁴ While complainants are considered public figures for being personalities in the entertainment business, media people, including gossip and intrigue writers and commentators such as petitioner, do not have the unbridled license to malign their honor and dignity by indiscriminately airing fabricated and malicious comments, whether in broadcast media or in print, about their personal lives.¹⁵

'We must however take this opportunity to likewise remind media practitioners of the high ethical standards attached to and demanded by their noble profession. The danger of an unbridled irrational exercise of the right of free speech and press, that is, in utter contempt of the rights of others and in willful disregard of the cumbrous responsibilities inherent in it, is the eventual self-destruction of the right and the regression of human society into a veritable Hobbesian state of nature where life is short, nasty and brutish. Therefore, to recognize that there can be no absolute "unrestraint" in speech is to truly comprehend the quintessence of freedom in the marketplace of social thought and action, genuine freedom being that which is limned by the freedom of others. If there is freedom of the press, ought there not also be freedom from the press? It is in this sense that **self-regulation** as distinguished from **self-censorship** becomes the ideal mean for, as Mr. Justice Frankfurter has warned, "[W]ithout x x x a lively sense of responsibility, a free press may readily become a powerful instrument of injustice.

'Lest we be misconstrued, this is not to diminish nor constrict that space in which expression freely flourishes and operates. For we have always strongly maintained, as we do now, that freedom of expression is man's birthright – constitutionally protected and guaranteed, and that it has become the singular role of the press to act as its "**defensor fidei**" in a democratic society such as ours. But it is also worth keeping in mind that **the press is the servant, not the master, of the citizenry, and its freedom does not carry with it an unrestricted hunting license to prey on the ordinary citizen.**¹⁶ xxx"

Thus, this Court's role in the justice system is not so much to penalize as to see that justice is done. Towards this end, ours is the obligation to explore all aspects of a case, including those that the parties have glossed over or have not fully explored. In this case, a judgment for **ACQUITTAL** is in order.

WHEREFORE, in the light of the foregoing, accused **RAFAEL CERVANTES** is **ACQUITTED** for **LIBEL**. The cash bond with **O.R. No. 8720019A** is released to him.

¹⁴ *Brillante v. Court of Appeals*, G.R. Nos. 118757 & 121571, 19 October 2004, 440 SCRA 541 (2004).

¹⁵ *Soriano v. Intermediate Appellate Court*, No. L-72383, 09 November 1988, 167 SCRA 222 (1988).

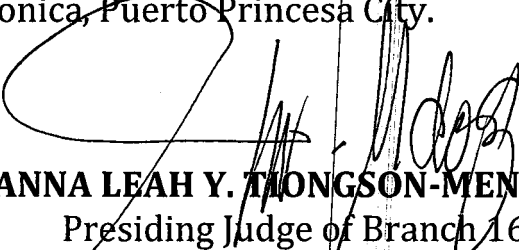
¹⁶ *Borjal v. Court of Appeals*, 361 Phil. 1 (1999).

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The Branch Clerk of Court is hereby ordered to record the dispositive portion of this Decision in Criminal docket of the Court.

SO ORDERED.

Given in chambers this 10th day of March 2023 at Roxas, Palawan for the Hall of Justice, Bgy. Sta. Monica, Puerto Princesa City.



ANNA LEAH Y. TIONGSON-MENDOZA
Presiding Judge of Branch 164,
Regional Trial Court, Roxas, Palawan
[Pursuant to OCA Circular No. 200-2016]

Copy furnished:

City Prosecutors Office [c/p] -
Atty. Ryan Acosta [c/accused] -
Accused Rafael Cervantes
Private Complainant Diosdado Ocampo
Mr. Louie Larossa
Supreme Court
File
DENR Main
DENR Region IVB