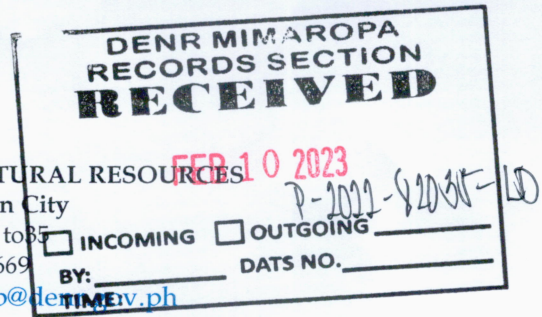




Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Visayas Avenue, Diliman, Quezon City
Tel. No. 929-6626 to 29; 929-6633 to 85
926-7041 to 43; 929-6252; 929-1669

Website: <https://www.denr.gov.ph> / Email: web@denr.gov.ph



17 JAN 2023

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
DENR By the Bay Building, 1515 Roxas Blvd., Ermina, Manila

FROM : The Director
Legal Affairs Service

SUBJECT : SWORN LETTER COMPLAINT DATED 14 MARCH 2022 OF
MS. TERESITA F. DAVID-O'BRIEN AGAINST CENR
OFFICER ANASTACIO SANTOS OF THE CENR OFFICE
(CENRO) OF SABLAYAN, OCCIDENTAL MINDORO

This refers to the Memorandum for the Secretary dated 20 December 2022, through the Undersecretary for Legal, Administration, Human Resources and Legislative Affairs, of CENR Officer Anastacio Santos of the CENRO of Sablayan, Occidental Mindoro, submitting his comments in response to the allegations on the above subject.

CENR Officer Santos denies the allegations in the subject complaint and clarifies that the property, in Sitio Lagundian, Brgy. Balansay, Municipality of Mamburao, Province of Occidental Mindoro, titled under the name of Ms. David-O'Brien was processed by her brother-in-law, then CENR Officer Caesar E. Quebec of CENRO Sablayan, despite the over lapping of claims between Ms. David-O'Brien, Ms. Collantes and Ms. Villaflores and differences between the actual occupants in the area and technical description in Survey No. CAD 1296-D, Case 9. CENR Officer Santos already submitted reports to your Office on the matter.

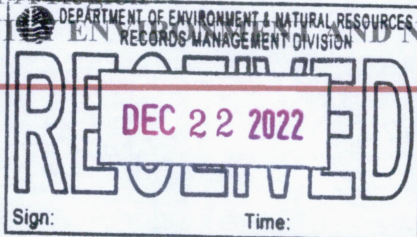
In this regard and in connection with our previous Memorandum dated 23 August 2022, we are referring this matter to your Office for evaluation.


NORLITO A. ENERAN, LL.M., CESO III



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE



December 20, 2022

RECORDED
Date: 12-20-22
By: M

MEMORANDUM TO THE SECRETARY

THRU : The Undersecretary for Legal, Administration, Human Resources and Legislative Affairs

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

SUBJECT : **COMPLAINT FILED BY TERESITA F. DAVID-O'BRIEN AGAINST CENRO ANASTACIO SANTOS FOR MISCONDUCT AND CONDUCT OF UNBECOMING OF A PUBLIC OFFICIAL**

This is in relation to the Memorandum of Regional Executive Director Lormelyn E. Claudio, CESO IV dated July 29, 2022, regarding the verified complaint of Ms. Teresita F. David-O'Brien, dated March 14, 2022, against the undersigned for misconduct and conduct of unbecoming of a public official.

A group of people from So. Lagundian, Barangay Balansay, Mamburao, Occidental Mindoro requested the undersigned to help and assist them in acquiring legal titles for their claimed lots in So. Lagundian. Each of them is claiming a portion of the subject land under Survey No. CAD 1296-D, Case 9.

On February 21, the undersigned scheduled a meeting with the people of So. Lagundian on which Mr. Teresita F. David-O'Brien failed to attend. During the said meeting, according to Engr. Eric Christian Custodio, the issuance of their titles was hampered due to their existing conflict as to the actual positions of their acquired lots. It appears that their actual positions are different from the technical description of Survey No. CAD 1296-D, Case 9.

However, to my surprise, in spite of the existing conflict, two individuals successfully acquired their land titles, one of which is Ms. Teresita F. David-O'Brien, sister-in-law of CENRO Caesar E. Quebec. When asked, the attendees of the meeting were also surprised that Ms. David already acquired a title over her lot. According to them, they were not aware of her existence not until they saw her name on the survey map. The survey map was also measured without informing the claimants. It was also approved without them exercising their right to review. Allegedly they also submitted a memorandum addressed to the Regional Office to correct the survey map.

On March 1, 2022, a second meeting was conducted. It was attended by the undersigned, Engr. Eric Christian Custodio, LMO Honeyeth Tinamisan and LMI



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

Ma. Menchie Quinones together with the people of So. Lagundian, including Ms. David.

According to Ms. David, she bought the said lot to a certain Mr. Medina in 2006 and its title was processed by her brother-in-law, the then CENR Officer Engr. Caesar E. Quebec. One of the claimants, Mr. Romal Tria, also stated that back then they thought that it's Engr. Quebec who owns Ms. David's property because they always see him visiting the area.

As the land was already divided among them, I concluded that there will be no problem aside from that of Ms. David, Ms. Collantes and Ms. Villaflores. Apparently, the titled area of Ms. David encroached a portion of that of Ms. Collantes and Ms. Villaflores. During the said meeting, Ms. David expressed her willingness to give Ms. Collantes and Ms. Villaflores the said portion through a deed of sale.

This was what really transpired during the two meetings. The meetings were called not even to question the titled issued in favor of Ms. David despite of it being questionable, but to respond to the request of the people of Lagundian. The meetings were done in the performance of my duty as a CENR Officer of CENRO Sablayan.

The indictments that I uttered words that tainted her good name are just false accusations. I never uttered any words that insinuates that she acquired her property improperly and illegally through her brother-in-law. She's the one who stated that because she's abroad, she issued a SPA in favor of her brother-in-law that includes the buying of property and titling of the said property. That action of the then CENRO Quebec, in the first place, was a conduct unbecoming of a public official. There's already an existing conflict of interest there, and that will result in the people's loss of trust and confidence in the government. It was evident during the meetings we conducted, that the people from So. Lagundian were disheartened by the open display of abuse of power of the previous CENRO.

I was not surprised that this complaint wants me to be held administratively liable. This is a deliberate attack to tarnish my reputation as the new CENRO of Sablayan. From my first day as CENRO of Sablayan, up until now, I am discovering numerous problems accounted to the past administration. Again, in fixing these kinds of problems, I know I will not get the favor of everyone, especially those who benefitted from such wrongdoings.

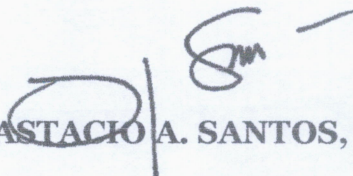
There were already several reports submitted to the Regional Office by the undersigned regarding the past actions that happened under the watch of the then CENRO but up until now, no recommendations and resolutions were made.

As a public official, I will always remain true to the people and our organization and I will never do anything contrary to the law that will tarnish my image.



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

For your information and record.


FOR. ANASTACIO A. SANTOS, MPA

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

Provincial Environment and Natural Resources Officer
DENR PENRO Mamburao



JUL 06 2022

MEMORANDUM

Legal Opinion 07-06-22 No. 035

FOR : The Assistant Secretary
Human Resources, Strategic Communication
and Sectoral Initiatives

FROM : The Director
Legal Affairs Service

SUBJECT : APPLICATION FOR TERMINAL LEAVE OF FORMER
ASSISTANT SECRETARY (ASEC.) CORAZON C. DAVIS

This refers to your handwritten note dated 20 June 2022 requesting for comments on the above subject in connection with the Notice of Finality of Decision dated 12 April 2022 from the Commission on Audit (COA), the dispositive portion of which reads:

"Accordingly, Ms. Corazon C. Davis and/or the other persons liable shall pay the above amount immediately to the agency cashier. Failure to pay the same shall authorize the agency cashier to withhold payment of salary and other money due to persons liable in accordance with COA Order of Execution to be issued to the agency cashier."

Upon review of the documents you provided and considering that then Asec. Davis has already retired from service on 01 June 2020, the following are our comments:

1. The claim of then Asec. Davis of Terminal Leave Benefits is pursuant to her retirement. Hence, such claim is governed by Civil Service Commission (CSC) Resolution No. 1300237 dated 30 January 2013 or the Implementing Rules and Regulation (IRR) of Republic Act (RA) No. 10154, otherwise known as An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pension, Gratuities and Other Benefits of Retiring Government Employees. The IRR ensures the timely and expeditious release of the retirement pay, pensions, gratuities and other benefits of all retiring employees of the government;
2. Retirement benefits is defined under Section 4 of said CSC Resolution as remuneration, **which include** pensions, gratuities, **terminal leave benefits**, and other benefits, given to an official or employee by reason of his/her retirement from government service;
3. Section 6 of the said IRR provides that retirement benefits of retiring employees may only be withheld if the employee has a pending administrative case. Further, terminal/accrued leave benefits of a retiring employee shall not be withheld because of a pending administrative case. The rule specifically provides:

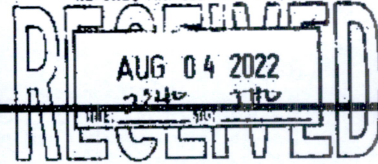
Section 6. Retiring Employees with Pending Cases. Retirement benefits of retiring employees may only be withheld if the employee has a pending administrative case, the outcome of the case involves

CSC Res. 1300237



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES
RECORDS MANAGEMENT DIVISION



MEMORANDUM FOR THE SECRETARY

THRU : The Undersecretary for Legal, Administration, Human Resources and Legislative Affairs

ATTENTION : The Director
Legal Affairs Services

FROM : The Regional Executive Director

SUBJECT : **COMPLAINT FILED BY TERESITA F. DAVID-O'BRIEN AGAINST CENRO ANASTACIO SANTOS FOR MISCONDUCT AND CONDUCT OF UNBECOMING OF A PUBLIC OFFICIAL**

DATE : JUL 29 2022

Respectfully forwarding the verified complaint dated March 14, 2022 filed by Teresita F. David-O'Brien against CENRO Anastacio Santos of Sablayan, Occidental Mindoro, which was received by this Office on March 21, 2022.

The complainant alleges, among others, that she is the owner of a parcel of land in Sitio Lagundian, Brgy. Balansay, Mamburao, Occidental Mindoro; she was verbally invited by CENRO Santos, through Engr. Eric Custodio, for an ocular inspection of said property. To her surprise, it was not a mere ocular inspection but also a meeting with other property owners who have a dispute over a land surrounding her property. She was then subjected to questioning by CENRO Santos, who even insinuated that she acquired her property improperly and illegally through her brother-in-law Engr. Caesar Quebec who was the former CENRO of Sablayan, Occidental Mindoro. She stated that not only was her good name tarnished but that she was deprived of the opportunity to properly prepare and provide evidence against the insinuations. Moreover, she was threatened by CENRO Santos saying, "Kaya kong ipa-nullify ang title mo!"

Memorandum Circular No. 2010-18, otherwise known as the *Guidelines in the Resolution and Disposition of Administrative Disciplinary Cases*, provides that all complaints involving xxx officials with salary grade 24 or higher who are not presidential appointees shall be handled and resolved at the Office of the Secretary (OSEC).

CENRO Santos, the person complained of, is a full-fledged CENR Officer, with Salary Grade 24. Hence, the authority to resolve the instant Complaint is within your office.

For consideration and further instruction/s, please.

LORMELYN E. CLAUDIO, CESO IV

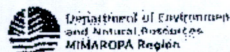
Copy furnished:

Teresita F. David David-O'Brien
Brgy. Payompon, Mamburao
Occidental Mindoro

CENRO Anastacio Santos
CENRO Sablayan, Occidental Mindoro

PENRO Occidental Mindoro

The Chief, Administrative Division
DENR MIMAROPA Region



Doc ID: 82035

ARD-MS/LD

DENR By the Bay Building, 1515 Roxas Boulevard, 1000 Ermita, Manila
Telephone Number: (832) 84050046
Website: <https://mimaropa.denn.gov.ph/>
Email: mimaroparegion@denr.gov.ph; denr4legal@gmail.com

The Supreme Court further emphasized that penal sanctions even loom over the government institution that unjustly fails to or delays the timely release of the monetary benefits of its retiring employee:

Section 5. Penal Provisions. – The unjustified failure and/or refusal to release the pension, gratuities and other retirement benefits due to a retiring government employee within the periods prescribed above or to comply with any provision of this Act shall be a ground for the filing of administrative disciplinary action against the erring officer(s) and/or employee(s). Such erring officer(s) and/or employee(s) shall, after hearing and due proceedings, be penalized with suspension from the service without pay from six (6) months to one (1) year, at the discretion of the disciplining authority.

This penalty shall not apply if the release of the retirement benefits could not be accomplished due to force majeure and other insuperable causes. In such cases, the thirty (30)-day period shall be counted from the time such cause(s) cease(s) to exist.

The more important consideration for granting retirement benefits is to compensate satisfactory service to the government. These are not mere gratuity, but reward for allotting the best years of a public servant's life in the service of the country. In the same vein, retirement benefits also form part of the emolument that serve the alternative purpose of encouraging and retaining qualified employees in the government service.

6. It was also ruled by the Supreme Court in *Romana M. Cruz v. Hon. Francisco Tantuico, et al.*⁴ that retirement benefits accruing to a public officer may not, without his consent, be withheld and applied to his/her indebtedness to the government. Such ruling was reiterated in *Tantuico, Jr. v Domingo*⁵ and *GSIS v. Commission on Audit*⁶, where the Court held that benefits under retirement laws cannot be withheld regardless of the employee's monetary liability to the government. Retirement laws are liberally interpreted in favor of the retiree because the intention is to provide for the retiree's sustenance and comfort when he is no longer capable of earning his livelihood.
7. Considering the preceding, it is the opinion of this Office that the Terminal Leave Benefits of then Director Raña may not be withheld despite the Resolution dated 19 May 2022 of the 2nd Division of Sandiganbayan finding him guilty of Violation of Art. 218 of the Revised Penal Code and sentencing him to pay a fine of One Thousand Pesos with subsidiary imprisonment in case of insolvency and ordered him to return to NRDC the amount of Eight Hundred Seventy-Four Thousand Pesos (P874,000.00) representing the cash advances he had failed to liquidate.

For your consideration.

ATTY. RAYMOND M. VELICARIA

⁴ G.R. No. L-49535 dated 28 October 1988

⁵ G.R. No. 96422 dated 28 February 1994

⁶ G.R. No. 138381 dated 10 November 2004



Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

INTERNAL AFFAIRS DIVISION
LEGAL AFFAIRS SERVICE

Date of Receipt: Aug 10, 2022
Time: _____
Received by: LB 252 XXU

Document No: DENRCO - AS RMD-2022-019383

Print Date: Friday, August 05, 2022

Sender: LORMELYN E. CLAUDIO

Address: DENR MIMAROPA REGION

Subject: MEMO DTD 07/29/2022 COMPLAINT FILED BY TERESITA F. DAVID-O BRIEN AGAINST CENRO ANASTACIO SANTOS FOR MISCONDUCT AND CONDUCT OF UNBECOMING OF A PUBLIC OFFICIAL (W/ ATTACHMENTS)

Addressee(s): LAS - Office of the Director (DENRCO - LAS OD)

DENR LEGAL AFFAIRS SERVICE

CC Addressee(s):

Date/Time Received: 08/04/2022 08:20:00 PM

AD 8-5-2022 TIME: 11:00 AM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	08/04/2022 08:24:19 PM	DENRCO - AS RMD		
DENRCO - AS RMD		DENRCO - LAS OD	08/04/2022 08:24:23 PM	

AD Aug. 9, 2022

Yul

Instructions:
☒ For appropriate action.
☐ For review/evaluation.
☐ For information/reference/file.
☐ Please respond to the letter within the prescribed period.
☐ Others: _____

NORITO A. ENENLAN, LL. M.
Director, Legal Affairs Service

Yul,
As require the Region to conduct an
investig & verify the allegations on the
alleged misconduct of Cenro Santos
as well as the land dispute bet. The
Region which was titled to David-O'Brien
in Sitio Lagundian, Brgy Balansay,
Mamburao, Occ Mindoro. Submit a
report and recommendations.

(13) MP

ADMIN 8-456-2

Encoder: Zipagan, Melgyn A.

Page 1 of 1

22

Occidental Mindoro

CENRO Anastacio Santos
CENRO Sablayan, Occidental Mindoro

PENRO Occidental Mindoro

The Chief, Administrative Division
DENR MIMAROPA Region

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Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 82035

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Email: mimaroparegion@denr.gov.ph; denr4blegal@gmail.com

(CSC) Resolution No. 1300237 dated 30 January 2013 or the Implementing Rules and Regulation of RA No. 10154, otherwise known as An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pension, Gratuities and Other Benefits of Retiring Government Employees ensures the timely and expeditious release of the retirement pay, pensions, gratuities and other benefits of all retiring employees of the government;

3. Retirement benefits is defined under Section 4 of CSC Resolution No. 1300237 as remuneration, **which include** pensions, gratuities, **terminal leave benefits**, and other benefits, given to an official or employee by reason of his/her retirement from government service;
4. Section 6 of the same rule provides that retirement benefits of retiring employees may only be withheld if the employee has a pending administrative case. Further, terminal/accrued leave benefits of a retiring employee shall not be withheld because of a pending administrative case. The rule specifically provides:

Section 6. Retiring Employees with Pending Cases.

Retirement benefits of retiring employees may only be withheld if the employee has a pending administrative case, the outcome of the case involves a possible pecuniary liability on the part of the employee, and the law specifically authorizes the withholding of the retirement benefits. In no case, however, shall the terminal/accrued leave benefits of a retiring employee be withheld because of a pending administrative case.

5. In *Re: Letter of Mrs. Ma. Cristina Roco Corona Requesting the Grant of Retirement and Other Benefits to the Late Former Chief Justice Renato C. Corona*³, the Supreme Court ruled that Retirement Laws are liberally construed and administered in favor of the persons intended to be benefited, and all doubts are resolved in favor of the retiree to achieve their humanitarian purpose. One such humanitarian purpose is to provide financial means once life continues on but without salary to support the retiree and his/her family.

Further, it was held by the Supreme Court that the objective of RA 10154 or An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees is provided in Section 1 thereof which provides:

*Section 1. Declaration of State Policy. – It is hereby declared that it is the policy of the State to ensure the timely and expeditious release of the retirement pay, pensions, gratuities and other benefits of all retiring employees of the government. **Public officers and employees who have spent the best years of their lives serving the government and the public should not be made to wait to receive benefits which are due to them under the law.** Accordingly, it is hereby mandated that highest priority shall be given to the payment and/or settlement of the pensions, gratuities and/or other retirement benefits of retiring government employees.*

³ A.M. No. 20-07-10-SC dated 12 January 2021

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
DENR By the Bay Building, 1515 Roxas Blvd., Ermita, Manila

FROM : The Director
Legal Affairs Service

SUBJECT : SWORN LETTER COMPLAINT DATED 14 MARCH 2022 OF MS. TERESITA F. DAVID-O' BRIEN AGAINST CENR OFFICER ANASTACIO SANTOS OF THE CENR OFFICE (CENRO) OF SABLAYAN, OCCIDENTAL MINDORO

We refer the above subject for investigation and verification of the allegations therein in connection with the land problem of Ms. Davis-O' Brien claiming ownership over a parcel of land situated in Sitio Lagundian, Brgy. Balansay, Municipality of Mamburao, Province of Occidental Mindoro.

The resolution on such complaint is within this Office pursuant to DENR Memorandum Circular (DMC) No. 2010-18, but the conduct of investigation can be entrusted to the Region pursuant to Section 43(3), Chapter 7, Subtitle A, Chapter 1, Book V of the Administrative Code of 1987.

In view thereof, kindly submit to this Office a report, with recommendation, on the matter, within fifteen (15) days from the termination of your investigation.

For information and compliance.

NORLITO A. ENERAN, LL.M., CESO III

MEMORANDUM

FOR : **The Chief**
Personnel Division

FROM : **The Chief**
Internal Affairs Division

SUBJECT : **PROCESSING OF TERMINAL LEAVE BENEFITS OF
DIRECTOR JUAN CATRAL RAÑA**

This refers to your Memorandum dated 09 December 2022 requesting for advice on the above subject in connection with the Resolution dated 19 May 2022 of the 2nd Division of Sandiganbayan, the dispositive portion of which reads:

"WHEREFORE, premises considered, the Court hereby finds accused JUAN CATRAL RAÑA guilty of violation of Article 218 of the Revised Penal Code, as charged in the Information dated April 28, 2015, and sentences him to pay a fine of One Thousand Pesos, with subsidiary imprisonment in case of insolvency, and orders him to return to the Natural Resources Development Corporation the amount of Eight Hundred Seventy-Four Thousand Pesos (P874,000.00) representing the cash advances he had failed to liquidate.

SO ORDERED"

Upon review of the documents you provided and considering that then Director Raña has already retired from service on 08 July 2016, the following are the comments of this Office:

1. Terminal leave benefits or accrued leave credits are considered as earned salaries of the official or employee concerned and the latter shall be entitled to the same as a matter of course¹. Further, any official or employee of the government who retires shall be entitled to the commutation of his leave credits without limitation and regardless of the period when credits were earned. Section 37 of the CSC Memorandum Circular No. 14, series of 1999² provides:

SECTION 37. Payment of Terminal Leave. – Any official/employee of the government who retires, voluntarily resigns, or is separated from the service through no fault of his own, and who is not otherwise covered by special law, shall be entitled to the commutation of his leave credits exclusive of Saturdays, Sundays and Holidays without limitation and regardless of the period when the credits were earned.

2. The claim of then Director Raña of Terminal Leave Benefits is pursuant to his retirement. Hence, such claim is also governed by Civil Service Commission

¹ CSC Resolution No. 01-0673, Re: Terminal Leave Benefit of Benjamin G. Mendoza

² Amendments to Rules I and XVI of the Omnibus Rules Implementing Book V of the Administrative Code of 1987, CSC Memorandum Circular No. 41-98, December 24, 1998)



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
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Released to CAS OD
fw 8-22-22
DENR CO-AS RMD-2022-019383
21 August 2022
L.B. 252 XXV

MEMORANDUM

FOR : **The Regional Executive Director**
DENR MIMAROPA Region
DENR By the Bay Building, 1515 Roxas Blvd., Ermina, Manila

FROM : **The Director**
Legal Affairs Service

SUBJECT : **SWORN LETTER COMPLAINT DATED 14 MARCH 2022 OF MS. TERESITA F. DAVID-O' BRIEN AGAINST CENR OFFICER ANASTACIO SANTOS OF THE CENR OFFICE (CENRO) OF SABLAYAN, OCCIDENTAL MINDORO**

We refer the above subject for investigation and verification of the allegations therein in connection with the land problem of Ms. Davis-O' Brien claiming ownership over a parcel of land situated in Sitio Lagundian, Brgy. Balansay, Municipality of Mamburao, Province of Occidental Mindoro.

The resolution on such complaint is within this Office pursuant to DENR Memorandum Circular (DMC) No. 2010-18, but the conduct of investigation can be entrusted to the Region pursuant to Section 43(3), Chapter 7, Subtitle A, Chapter 1, Book V of the Administrative Code of 1987.

In view thereof, kindly submit to this Office a report, with recommendation, on the matter, within fifteen (15) days from the termination of your investigation.

For information and compliance.

NORLITO A. ENERAN, L.M., CESO III



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Visayas Avenue, Diliman, Quezon City
Tel. No. 929-6626 to 29; 929-6633 to 35
926-7041 to 43; 929-6252; 929-1669
Website: <https://www.denr.gov.ph> / Email: web@denr.gov.ph

AUG 23 2022

MEMORANDUM

FOR : **The Regional Executive Director**
DENR MIMAROPA Region
DENR By the Bay Building, 1515 Roxas Blvd., Ermina, Manila

FROM : **The Director**
Legal Affairs Service

SUBJECT : **SWORN LETTER COMPLAINT DATED 14 MARCH 2022 OF MS. TERESITA F. DAVID-O' BRIEN AGAINST CENR OFFICER ANASTACIO SANTOS OF THE CENR OFFICE (CENRO) OF SABLAYAN, OCCIDENTAL MINDORO**

We refer the above subject for investigation and verification of the allegations therein in connection with the land problem of Ms. Davis-O' Brien claiming ownership over a parcel of land situated in Sitio Lagundian, Brgy. Balansay, Municipality of Mamburao, Province of Occidental Mindoro.

The resolution on such complaint is within this Office pursuant to DENR Memorandum Circular (DMC) No. 2010-18, but the conduct of investigation can be entrusted to the Region pursuant to Section 43(3), Chapter 7, Subtitle A, Chapter 1, Book V of the Administrative Code of 1987.

In view thereof, kindly submit to this Office a report, with recommendation, on the matter, within fifteen (15) days from the termination of your investigation.

For information and compliance.


NORLITO A. ENERAN, LLM., CESO III

Gmail

DENR Legal MIMAROPA <denr4blegal@gmail.com>

COMPLAINT OF MRS. TERESITA F. DAVID-O'BRIEN VERSUS ANASTACIO SANTOS

1 message


Penro Records <penro.records@yahoo.com>

To: HRDS MIMAROPA <hrdsdenrmmimaropa@gmail.com>, Records Section DENR MIMAROPA
<recordsectionmimaroparegion@gmail.com>, DENR Mimaropa Region <mimaroparegion@denr.gov.ph>, DENR MIMAROPA -

Fri, Mar 25, 2022 at 5:01 PM

Legal <denr4blegal@gmail.com>

good day please see attached file Asap thank you

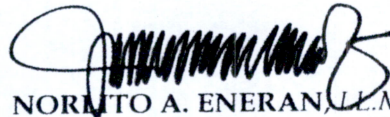
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3232K

This penalty shall not apply if the release of the retirement benefits could not be accomplished due to *force majeure* and other insuperable causes. In such cases, the thirty (30)-day period shall be counted from the time such cause(s) cease(s) to exist.

The more important consideration for granting retirement benefits is to compensate satisfactory service to the government. These are not mere gratuity, but reward for allotting the best years of a public servant's life in the service of the country. In the same vein, retirement benefits also form part of the emolument that serve the alternative purpose of encouraging and retaining qualified employees in the government service.

6. It was also ruled by the Supreme Court in the case of *Romana M. Cruz vs. Hon. Francisco Tantuico, et al.*² that retirement benefits accruing to a public officer may not, without his consent, be withheld and applied to his/her indebtedness to the government. Such ruling was reiterated in the cases of *Tantuico, Jr. vs. Domingo*³ and *GSIS vs. Commission on Audit*⁴, where the Court held that benefits under retirement laws cannot be withheld regardless of the employee's monetary liability to the government. Retirement laws are liberally interpreted in favor of the retiree because the intention is to provide for the retiree's sustenance and comfort when he is no longer capable of earning his livelihood.
7. In this case, since ASEC Davis has already retired from service before the issuance of the Notice of Finality of Decision, her request for the release of her Terminal Leave Benefits is meritorious in consonance with the above discussion.

For your consideration.



NORINTO A. ENERAN, LL.M., CESO III

² G.R. No. L-49535 dated 28 October 1988

³ G.R. No. 96422 dated 28 February 1994

⁴ G.R. No. 138381 dated 10 November 2004



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

March 25, 2022

MEMORANDUM

FOR : The Acting Secretary
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City

THRU : The Regional Executive Director
1515 L&S Bldg., Roxas Blvd.,
Ermita, Manila

ATT'N : The Chief, Legal Division

FROM : The OIC, PENR Officer

SUBJECT : **COMPLAINT OF MRS. TERESITA F. DAVID-O'BRIEN
VERSUS ANASTACIO SANTOS**

Respectfully forwarded herewith the received five (5) pages document on the above subject which involved a complaint for SG-24 official.

For information and appropriate action.


ERNESTO E. TAÑADA

So. Pag-asa, Brgy. Payompon, Mamburao, Occidental Mindoro
E-mail: msd_occndo@yahoo.com / denroccmin04@yahoo.com

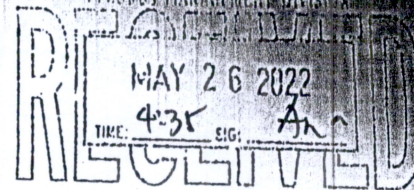


REPUBLIC OF THE PHILIPPINES

Sandiganbayan
QUEZON CITY

SECOND DIVISION

DEPT. OF ENVIRONMENT AND NATURAL
RESOURCES MANAGEMENT DIVISION



CRIM. CASE NO. **SB-15-CRM-0127**

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-VERSUS-

NOTICE OF
RESOLUTION

JUAN C. RAÑA,
Accused.

TO:

OFFICE OF THE SPECIAL PROSECUTOR
Quezon City
(pb2.osp@gmail.com) ✓

Atty. RAUL A. MORA
Counsel for the accused/movant
Rm. 410 Web-Jet Bldg.
Quezon Ave., corner BMA St.
Quezon City

SANDIGANBAYAN
Sheriff Division

Hon. SECRETARY
Department of Environment and
Natural Resources
Visayas Avenue, Diliman,
Quezon City.

GREETINGS:

You are hereby notified by these presents that on the **19th** day of **May** 2022, a **RESOLUTION** was issued in the above-entitled case, certified copy of which is hereto attached.

5.23.2022
Atty. ANNA MARIE D. CRESPILO
Executive Clerk of Court III

NOTE: PLEASE NOTIFY THIS OFFICE OF ANY CHANGE OF ADDRESS.

JV/File

20

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
MAMBURAO, OCCIDENTAL MINDORO

TERESITA F. DAVID-O'BRIEN,
Complainant,

-versus-

Administrative Case No. _____
For: **Misconduct and Conduct**
Unbecoming of a Public Official

ANASTACIO SANTOS,
Respondent.

x ----- x

COMPLAINT

COMPLAINANT TERESITA F. DAVID-O'BRIEN, unto this Honorable Office, respectfully avers that:

1. The Complainant is of legal age, Filipino, married, and a resident of Barangay Payompon, Mamburao, Occidental Mindoro.
2. The Respondent is of legal age, Filipino, married, and the present Community Environment and Natural Resources Officer of Sablayan, Occidental Mindoro with office address at Barangay Sto. Niño, Sablayan, Occidental Mindoro, where notices and processes of this Honorable Office may be served.
3. The Complainant is the registered owner of a parcel of land located in Sitio Lagundian, Barangay Balansay, Mamburao, Occidental Mindoro measuring 4,455 square meters and covered by Katibayan ng Orihinal na Titulo Blg. CARP2017000094. A copy of the said title is attached and marked as Annex "A" hereof.
4. As such registered owner, she was invited verbally by Engr. Eric Custodia in representation of Respondent Anastacio Santos, Community Environment and Natural Resources Officer (CENRO) of Sablayan, Occidental Mindoro, for an alleged ocular inspection of the property.

RECORDS	
RECEIVED BY: <i>[Signature]</i>	
DATE: <i>2018-02-10</i> TIME: <i>10:00</i>	
RELEASED BY: _____	
DATE: _____ TIME: _____	

2018-02-10
CMC



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

CERTIFIED TRUE PHOTO COPY
FROM THE RECORDS

MAY 25 2022

ATTY. ANNA MARIE D. CRESPILO
Executive Clerk of Court III
Second Division

Second Division

MINUTES of the proceedings held on May 19, 2022.

Present:

Hon. OSCAR C. HERRERA, JR. Chairperson/Associate Justice
Hon. MICHAEL FREDERICK L. MUSNGI ... Associate Justice
Hon. ARTHUR O. MALABAGUIO Associate Justice

The following resolution was adopted in:

Criminal Case No. SB-15-CRM-0127
People vs. Juan C. Raña

This resolves the ***Motion for Execution of Judgment*** dated April 6, 2022 filed by the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman

On September 27, 2019, the Court promulgated its ***Decision*** in this case the dispositive portion of which reads:

"WHEREFORE, premises considered, the Court hereby finds accused JUAN CATRAL RAÑA **guilty of Violation of Article 218 of the Revised Penal Code**, as charged in the Information dated April 28, 2015, and sentences him to pay a fine of One Thousand Pesos, with subsidiary imprisonment in case of insolvency, and orders him to return to the Natural Resources Development Corporation the amount of Eight Hundred Seventy-Four Thousand Pesos (P874,000.00) representing the cash advances he had failed to liquidate,

SO ORDERED"

Accused Rana appealed the civil aspect of the decision to the Supreme Court by way of petition for review on certiorari docketed as G.R. No. 251341.

In a ***Resolution*** dated July 7, 2020, issued in G.R. No. 251341, the Supreme Court denied the aforementioned petition for review on certiorari. The subsequent motion for reconsideration of the ***Resolution*** dated July 7, 2020 was denied with finality by the Supreme Court in a ***Resolution*** dated February 10, 2021.

Page 12
X-----X

On November 17, 2021, the Court received from the Supreme Court a **Letter of Transmittal** dated July 23, 2021, together with the **Entry of Judgement** stating that the **Resolution** dated July 7, 2020 rendered in G.R. No. 251341 became final and executory on February 10, 2021.

Acting now on the plaintiff's **Motion for Execution of Judgment** dated April 6, 2022, to which accused Juan C. Raña did not file any comment or opposition despite being served with a copy of the motion, the Court finds plaintiff's motion well-taken and hereby grants the same.

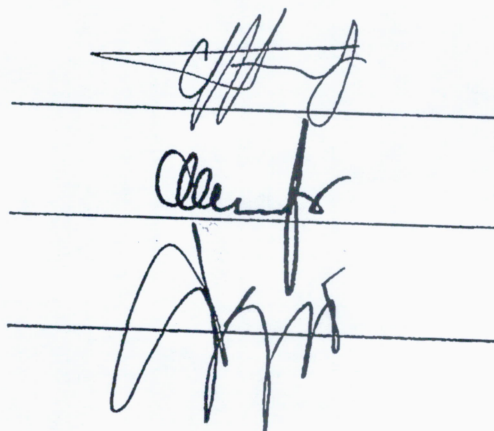
WHEREFORE, let a writ of execution be issued to enforce and implement the **Decision** dated September 27, 2019, particularly the civil aspect stated in the disposition portion thereof.

Approved:

HERRERA, JR., J.

MUSNGI, J.

MALABAGUIO, J.



Three handwritten signatures are written on three horizontal lines. The first signature is at the top, the second is in the middle, and the third is at the bottom.

5. However, when the complainant arrived at the property on the specified date and time, she was surprised to learn that it was not a mere ocular inspection of the property but a meeting among stakeholders (other property owners) who are parties to on-going disputes relating to a land surrounding her property, particularly the land dispute between Romal Tria and Allan Recio.
6. In the said meeting, little did the complainant know that she will be subjected to questioning by Respondent Santos about her subject property. What is worse, Respondent Santos even insinuated that the complainant acquired the property improperly and illegally through her brother-in-law Engr. Caesar Quebec who was the previous Community Environment and Natural Resources Officer whom Respondent Santos replaced. This verbal insinuation was within the hearing distance of other persons also present in the meeting. In the said meeting, Respondent Santos also claimed that complainant could not have acquired the property because she was abroad at the time of acquisition, not bearing in mind that acquisition of property in the Philippines can be consummated even in circumstances where a Filipino buyer is outside of the country. Such actions of Respondent not only tarnished the good name of the complainant but likewise deprived her of an opportunity to properly prepare and provide evidence against the insinuations.
7. For the record, the complainant acquired the property in a legal manner way back June 21, 2006 from Mr. Jeremy Medina. A copy of a Deed of Relinquishment of Rights is attached herewith as Annex "B". The said parcel of land was registered under the complainant's name on October 17, 2016 under Katibayan ng Orihinal na Titulo Blg. CARP2017000094.
8. It became clear to the complainant that she was invited under false pretenses, without formal notice and proper briefing of the meeting's agenda. Complainant was asked to be at So. Lagundian at 9:00 o'clock in the morning, however, Respondent Santos arrived at 11:00 o'clock in the morning without any explanation for his delay. Upon alighting his vehicle, he went straight to the complainant who greeted him "good morning", and his arrogant response was "ikaw ba si David?". To avoid any unpleasant mood, complainant merely answered, "dati po akong David, ngayon po I am now Mrs. O'Brien."
9. Respondent bombarded the complainant with unpleasant remarks and accusations stating that "Yung pinag-aawayan na lupa ni Recio at Tria, baka nakuha ni David". He even added, "Yang si David, at iba diyan bakit nagkatitulo? Gaano kalakas ang impluwensya ng mga yan bakit sila nagkatitulo?" Respondent, while



December 9, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR CALABARZON Region

Thru : The Assistant Regional Director for Technical Services
The Chief, Enforcement Division

FROM : The OIC, PENR Officer

SUBJECT : **HIRING OF LAWYERS UNDER CONTRACTS OF SERVICE AT THE
CENR AND IMPLEMENTING PENR OFFICERS**

In compliance to the Memorandum dated December 6, 2022 regarding the above-mentioned subject, please be informed that since CY 2011-2017 and 2021, no lawyers were hired under Contract of Service who handled cases on environment and natural resources (ENR) of this office. For CY 2018-2022, a total of Six (6) cases were filed and Two (2) case resolved or disposed by this office in collaboration with other quasi-judicial agencies in courts. For CY 2022, a total of Twenty (20) cases were filed in the City of Imus, Cavite, Regional Trial Court (RTC), Branch 22 against Twenty (20) Informal Settlers Families (ISFs) regarding the illegal occupation at the forestland areas at Sitio Mamba, Brgy. Pinagsanhan 1B, Maragondon, Cavite. Four (4) cases were currently scheduled on December 29, 2022 for preliminary investigation of the court. Please find details, to wit;

Year	No. of cases filed in courts	No. of ENR cases resolved or disposed
2011	0	0
2012	0	0
2013	0	0
2014	0	0
2015	0	0
2016	0	0
2017	0	0
2018	1	waiting for the Issuance of Finality
2019	1	1
	1	on-going hearing
2020	1	1
	1	on-going hearing
2021	0	0
2022	20	on-going hearing
Total	25	2

Hiring of lawyers is an advantage for the office in the conduct of operations and filing of cases. They provide legal advice and assist in the decision making of hearing officers on the conduct of Administrative Adjudication Proceedings. Moreover, they also assist in the gathering, preparation and organizing of evidence and witnesses for making an appropriate presentation in the court.

For information and record.

JANUEL PERAS

"Tungo sa Matapat, Matuwid at Mabilis na Serbisyo"

DENR PENRO Cavite Building,
Brgy. Gregorio, Trece Martires City, Cavite
E-mail add. penrocavite@yahoo.com; penrocavite@gmail.com

staring at me, unprofessionally stated in public that "Ang naging papel ko ay janitor at hindi CENRO dahil nililinis ko ang iniwang dumi ng dating CENRO." And the Respondent's last blow and threat to the complainant was "Kaya kong ipa-nullify ang title mo!"

10. Respondent Santos' actuations by subjecting the complainant to humiliation, calling her by her last name "David" and uttering statements insinuating that she acquired the property illegally, in front of and within the hearing distance of several people speak most of his unprofessionalism and lack of respect for his office's clients, in violation of the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713). Thus, Respondent failed to uphold professionalism required of him as a public servant.
11. The Respondent failed to recognize that holding an esteemed position in the government is never a license to act capriciously with full freedom and liberty, therefore, he must be directed to conduct himself in a manner that is composed and befits a public official who officially deals with people. Also as the saying goes, "To be worthy of respect, one must act respectably and that courtesy begets courtesy."
12. Indeed, the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713) enunciates the State policy of promoting a high standard of ethics and utmost responsibility in the public service. Section 4 (c) of the said Code commands that public officials and employees shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.
13. In the light of the foregoing, Respondent Santos, by his actuation, failed to live up to such standard. Accordingly, Respondent must be held liable for misconduct and conduct unbecoming a public official for violating the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713).

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed before this Honorable Office that a judgment be rendered ordering:

1. Respondent Anastacio Santos administratively liable for misconduct and conduct unbecoming of a public official and that the corresponding penalties be imposed upon him.



Republic of the Philippines
Department of Environment and Natural Resources
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
QUEZON PROVINCE

December 12, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR- IV-CALABARZON
Brgy. Mayapa, Calamba City, Laguna

FROM : The PENR Officer
Brgy. Ibabang Iyam, Lucena City, Quezon

SUBJECT : **HIRING OF LAWYERS UNDER CONTRACTS OF SERVICE AT THE CENR AND IMPLEMENTING PENR OFFICES**

Respectfully forwarded is the Memorandum dated December 09, 2022 from the CENR Officer of Calauag, Quezon, Joselito D. Barros, which was received by this Office thru email on even date. This is in compliance with the Memorandum dated December 06, 2022 of Usec. for Legal, Administrations, Human Resources and Legislative Affairs, Atty. Ernesto D. Adobo, Jr., CESO I regarding the above-mentioned subject.

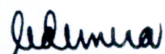
As per report submitted, a total of **50 cases were filed in courts** from 2011 to 2022. The following is the yearly breakdown of the number of cases instituted and/or filed in courts and the number of ENR cases resolved or disposed.

Year	No. of Cases Filed	No. of ENR cases resolved/ disposed
2011	4	0
2012	0	0
2013	0	0
2014	4	0
2015	2	0
2016	0	0
2017	13	12
2018	0	0
2019	8	2
2020	8	2
2021	9	2
2022	2	2
TOTAL	50	20

Further, be informed that the hiring of a lawyer will benefit the said Office in terms of assisting in the preparation of necessary documents needed in the filing of cases, pleadings, and motions which includes legal advice in court proceedings and for immediate resolution or disposal of ENR cases.

For information and record

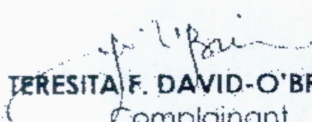
For and in the absence of the PENRO:


LIEZL E. DE MESA
SVEMS/ Chief, MES
In-Charge, Office of the PENRO

Cc:
PENRO TSD-MES
Records
File Name: TSD 2022
Tracking No. 2022-23227
JPN/LED/AMN

2. Other reliefs that this Honorable Office may deem just and equitable under the circumstances.

Mamburao, Occidental Mindoro, March 14, 2022.


TERESITA F. DAVID-O'BRIEN
Complainant

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF OCCIDENTAL MINDORO) S.S.
MUNICIPALITY OF MAMBURAO)

VERIFICATION AND CERTIFICATION OF
NON-FORUM SHOPPING

I, **TERESITA F. DAVID-O'BRIEN**, of legal age, Filipino, married and a resident of Barangay Payompon, Mamburao, Occidental Mindoro, subscribing under oath, hereby depose and state that:

1. I am the Complainant in the above-captioned administrative case and I have caused for the preparation of the same;
2. I have read the foregoing Complaint and the allegations therein are true and correct of my own personal knowledge and/or based on authentic records and documents on hand, and I attest to the authenticity of the exhibits thereof;
3. The instant pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
4. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. I have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency;
6. No such action or proceeding is pending in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency; and

4 | Page

7. If I should learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency, I hereby undertake to notify this Honorable Court within five (5) calendar days from such notice.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 2022 in Mamburao, Occidental Mindoro.

T. F. David-O'Brien
TERESITA F. DAVID-O'BRIEN

DL 047-21-000925

SUBSCRIBED AND SWORN to before me on the ____ day of MAY, 2022, in Mamburao, Occidental Mindoro, the affiant exhibiting to me her identification card provided under her name.

JDC. NO. 093
PAGE NO. 070
BOOK NO. LXIII
-- MES DE JUN

Kathrine Nolasco Abeleda
ATTY. KATHRINE NOLASCO ABELEDA
Notary Public
Mamburao, Occidental Mindoro
Notarial Commission valid until 12-31-2027
Roll of Attorneys No. 580
MCLE No. V-002ARV valid until 12-31-2027
IBP No. 19NRM-2027 Occ. Mindoro
PTR No. 4766629-2022, Occ. Mindoro

Copy furnished:

MR. JIM O. SAPULNA, CESO I

Acting Secretary,
Department of Environment and Natural Resources
Visayas Ave., Diliman, Quezon City

ATTY. ERNESTO D. ADOBO, JR., CESO I

Undersecretary for Legal, Administration, and Human Resources
Department of Environment and Natural Resources
Visayas Ave., Diliman, Quezon City

MS. LORMELYN E. CLAUDIO, CESO IV

OIC, Regional Executive Director
DENR Region IV-B MIMAROPA
DENR by the Bay Bld. 1515 Roxas Boulevard
Ermita, Manila

MR. ERNESTO E. TAÑADA

Provincial Environment and Natural Resources Officer
Mamburao, Occidental Mindoro

MR. ANASTACIO A. SANTOS

Community Environment and Natural Resources Officer
CENRO, Sablayan, Occidental Mindoro

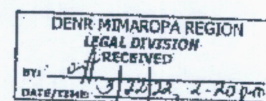
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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
MAMBURAO, OCCIDENTAL MINDORO

ADMS
1022-82025-10
MAR 21 2022

TERESITA F. DAVID-O'BRIEN,

Complainant,



-versus-

Administrative Case No. _____
For: **Misconduct and Conduct
Unbecoming of a Public Official**

ANASTACIO SANTOS,

Respondent.

X-----X

COMPLAINT

COMPLAINANT TERESITA F. DAVID-O'BRIEN, unto this Honorable Office, respectfully avers that:

1. The Complainant is of legal age, Filipino, married, and a resident of Barangay Payompon, Mamburao, Occidental Mindoro.
2. The Respondent is of legal age, Filipino, married, and the present Community Environment and Natural Resources Officer of Sablayan, Occidental Mindoro with office address at Barangay Sto. Niño, Sablayan, Occidental Mindoro, where notices and processes of this Honorable Office may be served.
3. The Complainant is the registered owner of a parcel of land located in Sitio Lagundian, Barangay Balansay, Mamburao, Occidental Mindoro measuring 4,455 square meters and covered by Katibayan ng Orihinal na Titulo Blg. CARP2017000094. A copy of the said title is attached and marked as Annex "A" hereof.
4. As such registered owner, she was invited verbally by Engr. Eric Custodio in representation of Respondent Anastacio Santos, Community Environment and Natural Resources Officer (CENRO) of Sablayan, Occidental Mindoro, for an alleged ocular inspection of the property.

5. However, when the complainant arrived at the property on the specified date and time, she was surprised to learn that it was not a mere ocular inspection of the property but a meeting among stakeholders (other property owners) who are parties to on-going disputes relating to a land surrounding her property, particularly the land dispute between Romal Tria and Allan Recio.
6. In the said meeting, little did the complainant know that she will be subjected to questioning by Respondent Santos about her subject property. What is worse, Respondent Santos even insinuated that the complainant acquired the property improperly and illegally through her brother-in-law Engr. Caesar Quebec who was the previous Community Environment, and Natural Resources Officer whom Respondent Santos replaced. This verbal insinuation was within the hearing distance of other persons also present in the meeting. In the said meeting, Respondent Santos also claimed that complainant could not have acquired the property because she was abroad at the time of acquisition, not bearing in mind that acquisition of property in the Philippines can be consummated even in circumstances where a Filipino buyer is outside of the country. Such actions of Respondent not only tarnished the good name of the complainant but likewise deprived her of an opportunity to properly prepare and provide evidence against the insinuations.
7. For the record, the complainant acquired the property in a legal manner way back June 21, 2006 from Mr. Jeremy Medina. A copy of a Deed of Relinquishment of Rights is attached herewith as Annex "B". The said parcel of land was registered under the complainant's name on October 17, 2016 under Katibayan ng Orihinal na Titulo Blg. CARP2017000094.
8. It became clear to the complainant that she was invited under false pretenses, without formal notice and proper briefing of the meeting's agenda. Complainant was asked to be at So. Lagundian at 9:00 o'clock in the morning, however, Respondent Santos arrived at 11:00 o'clock in the morning without any explanation for his delay. Upon alighting his vehicle, he went straight to the complainant who greeted him "good morning", and his arrogant response was "ikaw ba si David?". To avoid any unpleasant mood, complainant merely answered, "dati po akong David, ngayon po I am now Mrs. O'Brien."
9. Respondent bombarded the complainant with unpleasant remarks and accusations stating that "Yung pinag-awayan na lupa ni Recio at Tria, baka nakuha ni David". He even added, "Yang si David, at iba diyan bakit nagkatitulo? Gaano kalakas ang impluwensya ng mga yan bakit sila nagkatitulo?" Respondent, while

staring at me, unprofessionally stated in public that "Ang naging papel ko ay janitor at hindi CENRO dahil nililinis ko ang iniwang duming dating CENRO." And the Respondent's last blow and threat to the complainant was "Kaya kong ipa-nullify ang title mo!"

10. Respondent Santos' actuations by subjecting the complainant to humiliation, calling her by her last name "David" and uttering statements insinuating that she acquired the property illegally, in front of and within the hearing distance of several people speak most of his unprofessionalism and lack of respect for his office's clients, in violation of the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713). Thus, Respondent failed to uphold professionalism required of him as a public servant.

11. The Respondent failed to recognize that holding an esteemed position in the government is never a license to act capriciously with full freedom and liberty, therefore, he must be directed to conduct himself in a manner that is composed and befits a public official who officially deals with people. Also as the saying goes, "to be worthy of respect, one must act respectably and that courtesy begets courtesy."

12. Indeed, the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713) enunciates the State policy of promoting a high standard of ethics and utmost responsibility in the public service. Section 4 (c) of the said Code commands that public officials and employees shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.

13. In the light of the foregoing, Respondent Santos, by his actuation, failed to live up to such standard. Accordingly, Respondent must be held liable for misconduct and conduct unbecoming a public official for violating the Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6713).


PRAYER

WHEREFORE, premises considered, it is most respectfully prayed before this Honorable Office that a judgment be rendered ordering:

1. Respondent Anastacio Santos administratively liable for misconduct and conduct unbecoming of a public official and that the corresponding penalties be imposed upon him.

2. Other reliefs that this Honorable Office may deem just and equitable under the circumstances.

Mamburao, Occidental Mindoro, March 14, 2022.


TERESITA F. DAVID-O'BRIEN
Complainant

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF OCCIDENTAL MINDORO) S.S.
MUNICIPALITY OF MAMBURAO)

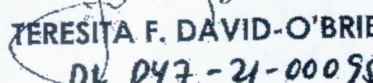
**VERIFICATION AND CERTIFICATION OF
NON-FORUM SHOPPING**

I, **TERESITA F. DAVID-O'BRIEN**, of legal age, Filipino, married and a resident of Barangay Payompon, Mamburao, Occidental Mindoro, subscribing under oath, hereby depose and state that:

1. I am the Complainant in the above-captioned administrative case and I have caused for the preparation of the same;
2. I have read the foregoing Complaint and the allegations therein are true and correct of my own personal knowledge and/or based on authentic records and documents on hand, and I attest to the authenticity of the exhibits thereof;
3. The instant pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
4. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. I have not commenced any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency;
6. No such action or proceeding is pending in the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency; and

7. If I should learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or different Divisions thereof, or any other tribunal or agency, I hereby undertake to notify this Honorable Court within five (5) calendar days from such notice.

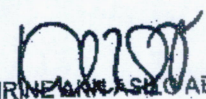
IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 2022 in Mamburao, Occidental Mindoro.


TERESITA F. DAVID-O'BRIEN
DL 047-21-00095

MAR 17 2022

SUBSCRIBED AND SWORN to before me on the ____ day of _____, 2022, in Mamburao, Occidental Mindoro, the affiant exhibiting to me her identification card provided under her name.

JOC. NO. 043
PAGE NO. 030
BOOK NO. LXVIII
SERIES OF 288


ATTY. KATHRINE ANNASH CABELEDA
Notary Public
Mamburao, Occidental Mindoro
Notarial Commission valid until 12/31/2023
Roll of Attorney's No. 59624
MCLE No. VI-0024830 valid until 04/14/2022
IBP No. 196784 -2022, Occ. Mindoro
PTR No. 4766629 -2022, Occ. Mindoro

Copy furnished:

MR. JIM O. SAPULNA, CESO I
Acting Secretary,
Department of Environment and Natural Resources
Visayas Ave., Diliman, Quezon City

ATTY. ERNESTO D. ADOBO, JR., CESO I
Undersecretary for Legal, Administration, and Human Resources
Department of Environment and Natural Resources
Visayas Ave., Diliman, Quezon City

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