

REPUBLIC OF THE PHILIPPINES
COURT OF APPEALS
MANILA

SIXTEENTH DIVISION

PEOPLE OF THE
PHILIPPINES,
Petitioner,

-versus-

CA-G.R. SP No. 176968

HON. ERWIN Y.
DIMAYACYAC, in his
capacity as Presiding Judge
of the Regional Trial Court,
4th Judicial Region,
Pinamalayan, Oriental
Mindoro, Branch 42, **MARK**
REY HERNANDEZ ABEL and
GABRIEL PANERA
SERUJANO,

Respondents.

X-----X

MANIFESTATION

PETITIONER PEOPLE OF THE PHILIPPINES,
through the Office of the Solicitor General, in compliance
with Resolution dated February 8, 2023, respectfully states
that there is no case or proceeding involving the same
parties and issues pending before the Honorable Court or
any other court, tribunal, or agency.¹

RESPECTFULLY SUBMITTED.

Makati City, February 28, 2023.

¹ Certification dated February 28, 2023 is attached as Annex "A."

x-----x

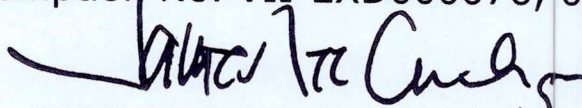
MENARDO I. GUEVARRA

Solicitor General

Roll No. 33957

IBP No. 292878, 01/09/23

MCLE Exemption No. VII-EXD000076, 08/13/19




JAMES LEE CUNDANGAN

Assistant Solicitor General

Roll No. 47481

IBP Lifetime Membership No. 09142, 04/29/10

MCLE Exemption No. VIII-OSG000001, 04/18/22



GIFT S. MOHAMETANO

State Solicitor I

Roll No. 58739

IBP Lifetime Membership No. 013965, 06/30/15

MCLE Compliance No. VII-0025819, 01/24/23

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo St., Legaspi Village,

Makati City

Tel./Fax No. (02)817-984

docket@osg.gov.ph

Copy furnished:

PUBLIC ATTORNEY'S OFFICE

SACS, DOJ Agencies Building

NIA Road cor. East Avenue

Diliman, 1101 Quezon City

HON. ERWIN Y. DIMAYACYAC

Presiding Judge

Regional Trial Court, 4th Judicial Region

Pinamalayan, Oriental Mindoro, Branch 42

(Criminal Case No. CR21-11806)

ATTY. MARY LYKA M. OLITA-CABARLES

Counsel for the Private Respondents

Public Attorney's Office-Pinamalayan District Office

A and G Building, Mambil Street, Sto. Niño Subdivision

Marfrancisco, Pinamalayan, Oriental Mindoro

x-----x

MARK REY HERNANDEZ ABEL

Private Respondent

Brgy. Subaan, Socorro,
Oriental Mindoro

GABRIEL PANERA/PAERA SERUJANO

Private Respondent

Brgy. Subaan, Socorro,
Oriental Mindoro

BENEDICTO A. MALCONTENTO

Prosecutor General

Department of Justice
Manila

LORMELYN E. CLAUDIO, CESO IV

Regional Executive Director

DENR MIMAROPA Region

EXPLANATION

Service on the other parties is being done through registered mail due to distance and lack of personnel.


GIFT S. MOHAMETANO
State Solicitor I

JLC/GSM/mbg




Republic of the Philippines
Office of the Solicitor General

CERTIFICATION

This is to certify that per official records of the Criminal Cases Division of the Docket Management Service, Office of the Solicitor General, **CA-G.R. SP NO. 176968** titled **PEOPLE OF THE PHILIPPINES –VS– HON. ERWIN Y. DIMAYACYAC**, in his capacity as Presiding Judge of the Regional Trial Court, 4th Judicial Region, Pinamalayan, Oriental Mindoro, Branch 42, **MARK REY HERNANDEZ ABEL** and **GABRIEL PANERA SERUJANO** is the only record available on file. This further certifies that no other records of pending case involving the same parties and issues are found after a thorough verification/search.

Issued upon request of State Solicitor Gift S. Mohametano for whatever legal purpose it may serve.

Makati City, February 28, 2023


JOSEPHINE M. BAYONGAN
Chief Administrative Officer
Criminal Case Division

Noted:


NILO ODILON L. PALESTROQUE
Director, Docket Management Service
[hco]

REPUBLIC OF THE PHILIPPINES

AFFIDAVIT OF SERVICE

(Revised as of April 1992)

RYLAN UJE D. BYCAYCO
GSIS # CM 00000473028
MAR 02 2023

I, _____ OFFICE OF THE SOLICITOR GENERAL ,
with Office address at 134 Amorsolo St., Legaspi Village, Makati City, after being sworn to depose and say:

That on 03/02/2023 , I caused to be served a copy of the following pleading/paper:

NATURE OF THE PLEADING

Manifestation

In case No. CA-G.R. SP NO. , entitled PEOPLE OF THE PHILIPPINES

VS. HON. ERWIN Y. DIMAYACYAC, IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL

pursuant to Section 3,4,5 and 10, Rule 13 of the Rules of Court, as follows:

By Personal Service To:

() By depositing a copy to the party or his/her attorney
on _____ as shown on p _____.

() By leaving a copy in his/her clerk or with a person
having charge thereof on _____ as shown on p _____.

() By delivering a copy to the Court/Tribunal Office on
_____ as shown on p _____.

By Registered Mail To:

PUBLIC ATTORNEY'S OFFICE
SACS, DOJ Agencies Building
NIA Road cor. East Avenue
Diliman, 1101 Quezon City, , Philippines
BENEDICTO A. MALCONTENTO
Prosecutor General
Department of Justice
Manila

() By depositing copy on MAR 02 2023 in the Post
Office at _____ as evidenced by Registry
Receipt(s) No.(s) _____ hereto attached and
indicated after the name (s) of the addressee(s), and
with instruction to the postmaster to return the mail to
the sender after (10) days if undelivered.

, , Philippines

ATTY. MARY LYKA M. OLITA-CABARLES
Counsel for the Private Respondents
Public Attorney's Office-Pinamalayan District
Office

A and G Building, Mambil Street, Sto. Niño
Subdivision
Marfrancisco, Pinamalayan, Oriental Mindoro

MARK REY HERNANDEZ ABEL

Private Respondent
Brgy. Subaan, Socorro,
Oriental Mindoro, , Philippines

HON. ERWIN Y. DIMAYACYAC

Presiding Judge
Regional Trial Court, 4th Judicial Region
Pinamalayan, Oriental Mindoro, Branch 42
(Criminal Case No. CR21-11806)

, , Philippines

GABRIEL PANERA/PAERA SERUJANO
Private Respondent
Brgy. Subaan, Socorro,
Oriental Mindoro

, , Philippines
LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director
DENR MIMAROPA Region
, , Philippines

Makati, Metro Manila, Philippines

XYLAN UJE S. SYCAYCO
GSIS # CM 00000473028

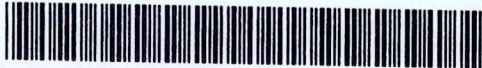
MAR 02 2023

(Affiant)

XYLAN UJE S. SYCAYCO
GSIS # CM 00000473028

SUBSCRIBED AND SWORN to before me this _____ of _____ at Makati
City, Philippines. Affiant exhibiting to me his _____ issued at Pasay City.

MAR 02 2023



23-000829-0006

ERENS AYCON, JR.

Solicitor, Officer Administering the Oath
Office of the Solicitor General