INCOMING OUTGOING BY: March 15, 2023 TIME:

MEMORANDUM

FOR

The Regional Executive Director

DENR, MIMAROPA, 1515 L & S Building

Roxas Blvd., Ermita, Manila

Attention

The Chief, Legal Division

FROM

The Provincial Environment and

Natural Resources Officer

SUBJECT

LETTER DATED FEBRUARY 13, 2023 FROM STIMSON L. SALAZAR RE: REQUEST FOR COPY OF COMPLAINT FILED AT COURT RE: LAND CONFLICT AGAINST RESIDENTS OF SO. TAGAUAYAN, BARANGAY COCORO,

MAGSAYSAY, PALAWAN

Forwarded is the memorandum of CENRO Puerto Princesa dated February 28, 2023 informing particulars thus reiterating the previous memorandum of July 20, 2022 requiring the complainants to file verified protest.

Attached is the letter of Mr. Stimson Salazar requesting for the conduct of ocular inspection and investigation relative his land dispute against the residents of So. Tagauayan, Barangay Cocoro, Magsaysay, Palawan per his letter of February 13, 2023. Hence, the request for fund allocation to cover the expenses for the subject inspection.

Further request for consideration is the copy of the investigation report rendered by the Factfinding Team per memorandum dated April 29, 2015 of Asst Secretary Atty. Anselmo C. Abungan

On record is our memorandum of March 9, 2023 to CENRO Puerto Princesa instructing to submit compliance to the instruction of the OIC ARD for Technical Services considering that Mr. Salazar requested to hold in abeyance the conduct of investigation involving Lots 8074, 8754 and 8764, Cad 199 situated at Tagauayan, Cuyo, Palawan because it is in the level of court and is waiting for the resolution.

Per attached letter of Mr. Salazar, he corrected the misinformation relative the case he filed. Accordingly, it is before the Provincial Prosecutor Office and not of Regional Trial Court. In the paragraph 3 of the same letter he humbly asked for the apology he made before that Office.

For the PENRO

ALEXANDER E. MANCIO Supervising ECOMS/EA of PENRO Palawan In-Charge, Office of the PENRO

Copy furnished:

The CENRO Puerto Princesa

TSD-RPS DRN 2023-2186/lmo

DENR-PALAWAI ENRO-RECORD



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

PUERTO PRINCESA CITY
Highway Boy Sta Monica Puerto Princesa

South National Highway, Bgy. Sta. Monica Puerto Princesa City Email Address: centroprincesa@denr.gov.ph

Tel. Fax No.: (048) 717-0702

February 28, 2023

2023CN 23-21810

DENR PENRO

PALAWAN RECORDS

MEMORANDUM

FOR

The Regional Executive Director DENR MIMAROPA Region

1515 L & S Building, Roxas Boulevard, Ermita, Manila

THRU

The PENRO Palawan

Sta. Monica, Puerto Princesa City

FROM

The OIC-CENRO Puerto Princesa Sta. Monica, Puerto Princesa City

SUBJECT

LETTER DATED FEBRUARY 13, 2023 FROM STIMSON L. SALAZAR RE:

REQUEST FOR COPY OF COMPLAINT FILED AT COURT RE: LAND CONFLICT AGAINST RESIDENTS OF SO. TAGAUAYAN, BGY. COCORO.

MAGSAYSAY, PALAWAN

Respectfully endorsing herewith is a copy of the letter dated February 13, 2023 of Mr. Stimson L. Salazar which was received by this Office on February 16, 2023 requesting for an ocular inspection and investigation regarding his land dispute against residents of So. Tagauayan, Bgy. Cocoro, Magsaysay, Palawan over certain parcels of land located on the said barangay (hereto attached with attachments).

Please be informed that per our letter dated April 18, 2022 (copy hereto attached), the Protestants, Mr. Emilio Agnas, et. al., were directed to file their verified protest against the Agricultural Sales Application No. 045316-013 of Stimson Salazar covering Parcel No. 5 of Tagauayan Island Big and Parcel No. 6 of Tagauayan Island Small containing an area of 387.6 hectares located in So. Tagauayan, Bgy. Cocoro, Magsaysay, Palawan. However, as of this moment, this Office has not received any verified protest from the complainants.

In this regard, this Office would like to reiterate our previous memorandum dated July 20, 2022 (copy hereto attached), requiring the complaints to file their verified protest and requesting the Regional Office for fund allocation with regards to the conduct of ocular inspection/investigation over the said land dispute considering that the subject area is an island municipality.

Furthermore, as stated on the said memorandum, this Office is likewise requesting for a copy of the investigation report rendered by the Fact-Finding Team from the Central Office wherein per Memorandum dated April 29, 2015 (copy hereto attached) from Acting Assistant Secretary for Legal Services Atty. Anselmo C. Abungan addressed to the Regional Director MIMAROPA Region, said latter was provided with a copy of the Fact-finding Investigation Report together with the annexes contained regarding "Land Issues in SB Resolution No. 02-2015 dated January 5, 2015 of the Municipality of Magsaysay, Province of Palawan in re: Alleged Illegal and Speculative Sale and Acquisition of Public Lands in Sitio Tagauayan, Barangay Cocoro by Some Enterprising Residents thereof".

For information, consideration and further instruction.

Cc: Mr. Stimson L. Salazar (salazarstimson@gmail.com)

Bgy. Tenga-Tenga, Cuyo, Palawan Contact No. 0907-094-5171

Mr. Emilio Agnas, et. al. Sitio Tagauayan, Bgy. Cocoro, Magsaysay, Palawan Contact No. 0975-837-5028 (Ms. Josephine Agnas Saguiped)

CENRO/File
DRN-2023-1130/RPS/*cpbm

PEDRO A. VELASCO

OENR MINIAROPA REGION CEN CONTRINCESA NO 573 DATE: 3-10-27 BY:



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

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE PUERTO PRINCESA CITY

South National Highway, Bgy. Sta. Monica Puerto Princesa City

Email Address: cenropuertoprincesa@denr.gov.ph

Tel. Fax No.: (048) 717-0702

July 20, 2022

MEMORANDUM

FOR

The Regional Executive Director

DENR MIMAROPA Region

1515 L & S Building, Roxas Boulevard, Ermita, Manila

THRU

The PENRO Palawan

Sta. Monica, Puerto Princesa City

FROM

The OIC-CENRO Puerto Princesa

Sta. Monica, Puerto Princesa City

SUBJECT

LETTER DATED APRIL 4, 2022 FROM STIMSON L. SALAZAR

REQUESTING FOR AN OCULAR INSPECTION/INVESTIGATION RE: LAND DISPUTE AGAINST EMILIO AGNAS, ET. AL. OVER TAGAUAYAN ISLANDS (BIG AND SMALL) LOCATED IN SO.

TAGAUAYAN, BGY. COCORO, MAGSAYSAY, PALAWAN

This pertains to the letter dated April 4, 2022 (copy hereto attached) of Mr. Stimson L. Salazar which was received by this Office on July 4, 2022 requesting for an ocular inspection/investigation and meeting with the Sangguniang Bayan of Magsaysay, Palawan together with the complainants regarding his land dispute against Mr. Emilio Agnas, et. al. over Tagauayan Islands (Big and Small) located in So. Tagauayan, Bgy. Cocoro, Magsaysay, Palawan.

Please be informed that per our letter dated April 18, 2022 (copy hereto attached), the Protestant, Mr. Emilio Agnas, et. al., were directed to file their verified protest against the Agricultural Sales Application No. 045316-013 of Stimson Salazar covering Parcel No. 5 of Tagauayan Island Big and Parcel No. 6 of Tagauayan Island Small containing an area of 387.6 hectares located in So. Tagauayan, Bgy. Cocoro, Magsaysay, Palawan anent to the instruction from then Regional Executive Director Maria Lourdes G. Ferrer, CESO III per letter dated November 25, 2021 (copy hereto attached) pursuant to DENR Administrative Order (DAO) No. 2016-31.

Considering that some lots within the Municipality of Magsaysay, Palawan are covered by Decree, the Protestant was likewise requested to secure first a Certification from the Cuyo-Agutaya-Magsaysay Municipal Circuit Trial Court certifying that the involved lots of the Protest are within Public Land and are not covered by any Decree or Cadastral Court Proceedings for Registration. Attached herewith are the list of involved lots within Tagauayan Islands (Big and Small).

Be informed further that the said lots are the subject of complaint of the residents of Tagauayan Islands per letter dated May 25, 2021 (copy hereto attached).

In this regard, considering that there is no allocated fund/budget with regards to the conduct of ocular inspection/investigation subject of the protest and/or conflicting claim, this Office would like to respectfully request for a funding for the travelling expenses over the disputed land since the subject area is an island municipality.

In addition, we would like to request for a copy of the investigation report rendered by the Fact-Finding Team from the Central Office wherein per Memorandum dated April 29, 2015 (copy hereto attached) from Acting Assistant Secretary for Legal Services Atty. Anselmo C. Abungan addressed to the Regional Director MIMAROPA Region, said latter was provided with a copy of the Fact-finding Investigation Report together with the annexes contained regarding "Land Issues in SB Resolution No. 02-2015 dated January 5, 2015 of the Municipality of Magsaysay, Province of Palawan in re: Alleged Illegal and Speculative Sale and Acquisition of Public Lands in Sitio Tagauayan, Barangay Cocoro by Some Enterprising Residents thereof".

For information, consideration and further instruction.

Cc: Mr. Stimson L. Salazar

Bgy. Tenga-Tenga, Cuyo, Palawan Contact No. 0907-094-5171

Mr. Emilio Agnas, et. al.

Sitio Tagauayan, Bgy. Cocoro, Magsaysay, Palawan Contact No. 0975-837-5028 (Ms. Josephine Agnas Saguiped)

CENRO/File

DRN-2022-4788 & 2022-4992/RPS/*cpbm

Barangay Tenga-Tenga Cuyo, Palawan February 13, 2023

PEDRO A. VELASCO
DMO IV/OIC CENRO, DENR
Bgy. Santa Monica
Puerto Princesa City

DENR-CEARD
DENR-CEARD
DOC NO.
DATE: FEB 16 2023
VAME: POSITION: FORWATURE FAMILY FOR THE PROPERTY OF THE PROPE

SUBJECT:

REQUEST FOR COPY OF COMPLAINT FILED AT COURT RE:

LAND CONFLICT AGAINST RESIDENTS OF SO. TAGAUAYAN,

BGY COCORO, MAGSAYSAY, PALAWAN

Dear DENR-CENRO Velasco:

With reference to your letter dated November 4, 2022, asking this representation to furnish Your Office a copy of the Criminal Case filed before the Regional Trial Court of Palawan. May I correct the information regarding the case which I have filed before the Provincial Prosecutors Office (PPO), is not with the RTC of Palawan. It is about the criminal case for Attempted Murder resulting from an incident that transpired on April 25, 2021, perpetrated by Emilio Agnas and members of his family and some residents thereat attempting to harm us. A Resolution issued by the Provincial Prosecutors Office, for some legal technical reason, was downgraded to Grave Threats, instead, of my original complaint for Attempted Murder. Photo copy is hereto attached and marked as **Annex "A".**

My Lawyer, having not satisfied with the PPO Resolution, filed a Motion for Reconsideration praying to reconsider our original complaint for Attempted Murder, but, it was not granted. That case for Grave Threats was subsequently elevated to lower Court which is now being heard at the Municipal Trial Court of Cuyo, Palawan. Photo copy of the Motion for Reconsideration is hereto attached and marked as **Annex** "B".

With all due respect, I, stand corrected for the misinformation I made in my letter to the OIC, ASSISTANT REGIONAL DIRECTOR FOR TECHICAL SERVICES on September 11, 2021. Further, humbly asking that Office of my sincerest apology of my honest mistake.

Please allow me to clarify the issues. That, it is not about the lots covering Lot Nos. 8074, 8075, 8754 and 8764, Cad-229, which was previously investigated and ocular-inspected by the DENR Central Office Fact Finding Team, headed by ATTY. GERALDINE DELA CERNA RAMOS, acting on the SB RESOLUTION NR. 02-2015. Photo Copy of that Letter dated February 10, 2015, hereto attached and marked as **Annex "C"**. A Resolution for that matter was issued, by then Acting Assistant Secretary for Legal Services, DENR, ATTY. ANSELMO C. ABUNGAN on April 29, 2015, Photo copy of which is hereto attached and marked as **Annex "D"**.

4

In fact, the conflicting issues now being complained by \$ps. Emlio Agnas and Delia Abrina Agnas, by among the Heirs, are the properties left behind by late SIMEON ABRINA and BARBARA NACASI, their grandfather. Sps Emilio and Delia Abrina Agnas are not in favour of selling parts of their inherited shares to this representation. Photo Copy of the letter addressed to OIC CENRO PEDRO A. VELASCO dated February 2, 2023 by the other heirs is hereto attached and marked as **Annex** "E".

The DENR-RED MIMAROPA Region sent a letter on November 25, 2021 to EMILIO AGNAS in order for him to submit a verified Protest against me. As of this date, no such Protest has been filed by him. A copy of the letter is attached and marked as **Annex** "F".

Some of the residents of Taguayan Island filed a complaint against me at the Sangguniang Panlalawigan ng Palawan alleging that I hired goons and harassed them. This is not true. The complaint was scheduled for hearing before the Committee on Barangay Affairs of the Sangguniang Palawan on February 14, 2022. The Complainants did not appear. The Committee called my attention to the signatories in the Complaint who appears to be signed by only one person. Copy of the complaint is marked as **Annex** "G".

Similar complaints were filed before the Offices of DENR-MINAROPA, DENR-PENRO and DENR-CENRO, in Puerto Princesa City. These complaints were likewise brought to the attention of media were me and members of my family were dragged and embarrassed us before the public.

In view of the foregoing reasons, may I therefore respectfully request Your Office to conduct ocular inspection and investigation in order to clarify, ventilate and to end up the issues on the alleged illegal and speculative acquisition and sale of public lands at So. Tagauayan, Barangay Cocoro, Magsaysay, Palawan.

Thank you and God Bless!

Very respectfully yours,

MR. STIMSON L. SALAZAR 09070945171

salazarstimson@gmail.com

Copy furnished:

The DENR-PENRO

DENR, Bgy. Sta. Monica Puerto Princesa City

MARIA LOURDES G. FERRER, CESO III

Regional Executive Director DENR MIMAROPA Region 1515 L&S Building, Roxas Boulevard Ermita, Manila

MR. EMILIO AGNAS

Sitio Taguayan, Bgy. Cocoro Magsaysay, Palawan 2/2 1001. 2021

ANNEX-AU

Republic of the Philippines Department of Justice OFFICE OF THE PROVINCIAL PROSECUTOR

Province of Palawan City of Puerto Princesa

STIMSON L. SALAZAR,

Complainant,

NPS NO. IV-08-INV-21F-

0271

- versus -

For

EMELIO AGNAS, LUISITO ABRINA, DELIA AGNAS, ANGELIE DERIAL, IRENE DELA CRUZ, REGINA ABRINA, JOSELITO ABRINA, JOSELITO ABRINA, JONIEMEL MANLAPAZ, RENE ABRINA, JOHN LOWIE ABRINA, LINDA VILLAVERDE, ADELA DACILLO, RODRIGO BAGONA, a.k.a. BABY MANLAPAZ, ALFREDO AGNAS, ERMA AGNAS, HELEN AGNAS, and ROLLY AGNAS.

Respondents.

"VIOL. OF ART. 51 (ATTEMPTED MURDER)"

RESOLUTION

This resolves the above-captioned complaint for Attempted Murder that charges all herein respondents after they allegedly conspired, confederated, and mutually helped each other, while armed with bolo, steel pipe, and wooden club, in trying to kill complainant and his companions on April 25, 2021, at around 9:00 o'clock in the morning in Tagawayan shoreline, of Barangay Cocoro, Magsaysay, Palawan, but respondents' attempt was thwarted as complainant and company were able to leave the place unscathed.

The Criminal Complaint has the following attachments, to wit: (1) Malaya at Kusang Loob na Salaysay of Stimson Salazar y Lanuza; (2) Malaya at Kusang Loob na Salaysay of Pamela Salazar y Pacaldo; (3) Malaya at Kusang Loob na Salaysay of Reynante Palao y Bantog; (4) Malaya at Kusang Loob na Salaysay of Alex Parangue Y Agnas; (5) Report on Violation of Art. 51 (Attempted Murder); and (6) Cellular phone video of the incident in a compact disc (CD).

Page 1 of 7

IN VIEW OF THE FOREGOING, it is respectfully recommended that INFORMATION for the crime of GRAVE THREATS under Article 282 (1) of the Revised Penal Code, as amended by Section 70 of Republic Act No. 10951, be FILED against respondents EMELIO AGNAS and RENE ABRINA before the proper court.

The complaint against the rest of the respondents, namely: LUISITO ABRINA, DELIA AGNAS, ANGELIE DERIAL, IRENE DELA CRUZ, REGINA ABRINA, JOSELITO ABRINA, JONIEMEL MANLAPAZ, JOHN LOWIE ABRINA, LINDA VILLAVERDE, ADELA DACILLO, RODRIGO BAGONA, a.k.a. BABY MANLAPAZ, ALFREDO AGNAS, ERMA AGNAS, HELEN AGNAS, and ROLLY AGNAS, is hereby DISMISSED for lack of probable cause.

Police Staff Sergeant Samuel A. Bacuel, the Police Investigator in this case, is hereby directed to **submit with dispatch** or within ten (10) days from receipt hereof the Barangay *Certification* to file action after conciliation between the parties failed.

Respectfully submitted.

This 6th day of sept-2021 in Puerto Princesa City, Palawan.

WALTER P. AVILLANOSA
Associate Provincial Prosecutor
MCLE Compliance No. VI - 0022772
IBP No. 117222; 2/4/2020; Palawan

Recommending Approval:

GIDOR D. MANERO

Assistant Provincial Prosecutor MCLE Exemption No. VI-0015268

APPROVED:

ETHEL L. ALVAREZ-MAGCAMIT

Assistant Provincial Prosecutor
Per Oppia' Order No, 0056 dated August 14,1, 2021 Lagar
MCLE Compliance No. VI-0015267

PROVINCIAL PROSECUTION OFFICE

Republic of the Philippines
Department of Justice

OFFICE OF THE PROVINCIAL PROSECUTO

Hall of Justice Building Annex Puerto Princesa City



STIMSON L. SALAZAR,

Complainant,

NPS NO. IV-08-INV-21F-0271

-versus-

for

EMELIO AGNAS, LUISTO ABRINA,
DELLA AGNAS, ANGELIE DERIAL,
IRENE DELA CRUZ, REGINA ABRINA,
JOSELITO ABRINA,
JONIEMEL MANLAPAZ,
RENE ABRINA, JOHN LOWIE ABRINA,
LINDA VILLAVERDE, ABELA DACILLO,
RODRIGO BAGONA, a.k.a BABY
MANLAPAZ, ALFREDO AGNAS, ERMA
AGNAS, HELEN AGNAS, ROLLY AGNAS
and LORENA ANDAO CHERRY,

"VIOL. OF ART 51 (ATTTEMTED MURDER)"

april 21, 2022

REGISTAY 40.511 547 167 27

Respondents.

Kespondent

MOTION FOR RECONSIDERATION /RE-INVESTIGATION

The Private Complainant STIMSON L. SALAZAR, by himself and under oath, unto this Honorable Court most respectfully states the following:

1.On September 6, 2021, this Honorable Office issued a Resolution in this case. At that time, the Respondents had not yet filed their Counter-Affidavit. A copy was received on September 24, 2021.

2. The dispositive portion of the Resolution states the following:

"IN VIEW OF THE FOREGOING, it is respectfully recommended that INFORMATION for the crime of GRAVE THREATS UNDER Article 282 (1) of the Revised Penal Code, as amended by Section 70 of Republic Act No. 10951, be FILED against respondents EMELIO AGNAS and RENE ABRINA before the proper court.

The complaint against the rest of the respondents, namely:
LUISITO ABRINA, DELIA AGNAS, ANGELIE DERIAL, IRENE DELA
CRUZ, REGINA ABRINA, JOSELITO ABRINA, JONIEMEL MANLAPAZ, JOHN LOWIE ABRINA, LINDA VILLAVERDE, ADELA DACILLO,
RODRIGO BAGONA, a.k.a BABY MANLAPAZ, ALFREDO AGNAS,
ERMA AGNAS, HELEN AGNAS, and ROLLY AGNAS, is hereby
DISMISSED for lack of probable cause.



nued to threaten him and his companions. They were forced to immediately re-start the engine of the banca and travelled back to Magsaysay, Palawan.

- 10. When the Complainant and his companions arrived in Bantayanan Wharf in Bgy. Lucbuan, Magsaysay, Palawan, they saw four (4) PNP personnel there including the Chief of Police. It appears that the Respondents had reported the incident to the PNP even before they arrived in the wharf. However, the PNP did not conduct a search on their person to verify if the Complainant had a firearm with him. They then left the wharf and proceeded to the PNP Magsaysay to report the incident. The Complainant presented his toy-gun to the PNP Investigator. This is the same plastic toy gun that the Complainant had used in bluffing the Respondents.
- 11. The Complainant reported the incident to the PNP Magsaysay, Palawan and also filed a complaint in the barangay. In the barangay, the parties agreed to amicably settle the case. Copy of Kasunduan in the barangay is **Annex "B".** However, the Respondents filed a Complaint against him for GRAVE THREATS and a complaint was actually filed at the MCTC Cuyo, Palawan. The case was dismissed by the court. A copy of the Order of dismissal is attached as **Annex "C".**
- 12. When the Respondents filed the complaint against the Complainant, he was compelled to file this Complaint for ATTEMPTED MURDER in order to protect himself from the baseless criminal charge against him. The affidavit complaint of the complainant and his witnesses are all in the records of this case submitted by the PNP Investigator. The video footage by the Respondents and the video footage of the Complainant had been submitted to this Honorable Office.
- 13. The audio of the video footage clearly captured the voice of one of the Respondents to punch a hole in the banca so that the banca will not be able to leave the place and the Respondents can kill the Complainant and his companions. These words were uttered even as the banca was already leaving the place.

Arguments & Discussion

14. "The essential elements of an attempted felony are as follows:

The offender commences the commission of the felony directly by overt acts;

He does not perform all the acts of execution which should produce the felony;

The offender's act be not stopped by his own spontaneous desistance; The non-performance of all acts of execution was due to cause or accident other than his spontaneous desistance.

The first requisite of an attempted felony consists of two (2) elements, namely:

(1) That there be external acts;

(2) Such external acts have direct connection with the crime intended to be committed." (Fantastico vs. Malicse, G.R. No. 190912, January 12, 2015)

Police Staff Sargent Samuel A. Bacuel, the Police Investigator in this case, is hereby directed to **submit with dispatch** or within ten (10) days from receipt hereof the Barangay **Certification** to file action after conciliation between the parties failed

- 3. On September 29, 2022, the private Complainant filed a Motion for Reconsideration. The Respondents were furnished with a copy of the motion by way of registered mail. It appears that this motion was not acted upon by this Honorable Office. It also appears that a Criminal Information for Grave Threats for EMELIO AGNAS and RENE ABRINA was filed before the MCTC of Cuyo, Palawan. The records of the lower court does not contain a Resolution of the Motion for Reconsideration filed by the Private Complainant.
- 4. The arraignment of these accused was scheduled for hearing on March 24, 2022 before the MCTC of Cuyo, Palawan. During the hearing, the private complainant asked the Honorable Court for the reconsideration of the fact that only two (2) of Respondents in the criminal complaint before this Honorable Office had been charged.

Facts of the Case

- 5. The Private Complainant adopts and re-pleads the allegations in his Motion for Reconsideration for the purpose of this MOTION FOR RECONSIDE-RATION/REINVESTIGATION, as follows:
- 6. On April 25, 2021, the Complainant travelled to Tagawayan (main island) in order to inspect the Barangay Multi-Purpose Building as the Punong Barangay of Bgy. Cocoro, Magsaysay, Palawan asked for his help for the repair of the said building. Punong Barangay RENANTE PALAO together with his two (2) Barangay Tanods were with the Complainant. Also travelling with the Complainant was his daughter. They also brought along with them snacks for the residents of the Sitio Tagawayan as PB PALAO had requested for an assembly of the residents upon his arrival.
- 7. The Complainant is a claimant of several parcels of land in Tagawayan (main island) by virtue of Waiver of Rights executed by other claimants in his favor. He has tax declarations over these parcels of land. He has an approved Survey Order over the island as well as the small island nearby. A copy of the Survey Order is attached as **Annex** "A".
- 8. When the motorized banca was approaching the island, the Complainant noticed several persons who were armed with bolos, steel pipes and wooden sticks were approaching the motorized banca. They threatened to kill us. They even insulted PB PALAO.
- 9. As these persons were getting near the motorized banca, the Complainant who had a foreboding of what could possibly happen in the island had brought along with him a plastic toy gun. He told these persons to desist from getting near the banca or he would shoot them. Even as he was bluffing these persons with his toy gun even while two (2) of them slashed and hacked the bow and the outrigger of the banca. At the same time, these persons conti-



nued to threaten him and his companions. They were forced to immediately re-start the engine of the banca and travelled back to Magsaysay, Palawan.

- 10. When the Complainant and his companions arrived in Bantayanan Wharf in Bgy. Lucbuan, Magsaysay, Palawan, they saw four (4) PNP personnel there including the Chief of Police. It appears that the Respondents had reported the incident to the PNP even before they arrived in the wharf. However, the PNP did not conduct a search on their person to verify if the Complainant had a firearm with him. They then left the wharf and proceeded to the PNP Magsaysay to report the incident. The Complainant presented his toy-gun to the PNP Investigator. This is the same plastic toy gun that the Complainant had used in bluffing the Respondents.
- 11. The Complainant reported the incident to the PNP Magsaysay, Palawan and also filed a complaint in the barangay. In the barangay, the parties agreed to amicably settle the case. Copy of Kasunduan in the barangay is **Annex "B".** However, the Respondents filed a Complaint against him for GRAVE THREATS and a complaint was actually filed at the MCTC Cuyo, Palawan. The case was dismissed by the court. A copy of the Order of dismissal is attached as **Annex "C".**
- 12. When the Respondents filed the complaint against the Complainant, he was compelled to file this Complaint for ATTEMPTED MURDER in order to protect himself from the baseless criminal charge against him. The affidavit complaint of the complainant and his witnesses are all in the records of this case submitted by the PNP Investigator. The video footage by the Respondents and the video footage of the Complainant had been submitted to this Honorable Office.
- 13. The audio of the video footage clearly captured the voice of one of the Respondents to punch a hole in the banca so that the banca will not be able to leave the place and the Respondents can kill the Complainant and his companions. These words were uttered even as the banca was already leaving the place.

Arguments & Discussion

14. "The essential elements of an attempted felony are as follows:

The offender commences the commission of the felony directly by overt acts;

He does not perform all the acts of execution which should produce the felony;

The offender's act be not stopped by his own spontaneous desistance; The non-performance of all acts of execution was due to cause or accident other than his spontaneous desistance.

The first requisite of an attempted felony consists of two (2) elements, namely:

(1) That there be external acts;

(2) Such external acts have direct connection with the crime intended to be committed." (Fantastico vs. Malicse, G.R. No. 190912, January 12, 2015)

- 15. In this case, the Respondents commenced the execution of the crime of attempted murder by their overt acts of "welcoming" the Complainant and his companions with bolos, steel pipes and wooden sticks, all intended to kill the Complainant and his companions as the acts were simultaneous with their shouts to kill the Complainant and his companions. They, however, failed to produce the felony not because of their spontaneous desistance as they persisted in committing the acts until the Complainant's banca was immediately re-started and they hurriedly left the place. In other words, they failed to commit the crime of murder because the Complainant and his companions left the place. Two (2) of the Respondents had actually committed overt acts by hacking and slashing the bow and outrigger of the banca in order to disable the banca and thus consummate their intent to kill.
- 16. Intent to kill can clearly be inferred from the acts of the Respondents when they met the banca of the Complainant all fully armed to kill. This incident is so unusual as even women were likewise armed to kill with bolos. Thus clearly showing their deliberate and conspiracy to kill the Complainant and his companions. This is very clear even in the video-footage that the Respondents submitted to the MCTC Cuyo when they filed a complaint for GRAVE THREATS against herein Complainant.
- 17. There was no spontaneity in the commission of the acts by the Respondents against the Complainant who was visiting the island together with the Punong Barangay in order to lend assistance in the repair of a barangay multi-purpose building. They were thus shocked to see the Respondent wading in the sea to meet the banca of the Complainant and his companions who were then unarmed. Thus, there is evident premeditation and treachery.
- 18. It could also be said that since the Complainant and his companions were just five (5) while the identified Respondents are eighteen (18), there is an abuse of superior strength committed by them against the Complainant and his witnesses. There were actually 23 armed people who met the Complainant and his banca as they were approaching the beach.
- 19. The Complainant also came to know that the mastermind of the ATTEMPTED MURDER (assassination) against him is a certain LORENA ANDAO CHERRY as shown in the Facebook posts by her to the Respondents. Copies of the screen shots of her Facebook posts are attached as **Annex "D"** and **Annex "D-1"**. These Facebook posts are even more shocking because they are public posts. Portions of the public Facebook posts is the following:
 - "X X X TARABANGI INDO TAD-TADEN DAN SI SALAZAR
 MAKITA INDO SA DALAN PIANGA INDO REYNANTE PALAO
 PATIGAYON DAN BAGO MAGKARAGULO DYAN" (LET US HELP EACH
 OTHER CHOP INTO PIECES SALAZAR IF YOU SEE HIM IN THE ROAD.
 BREAK HIS BONES REYNANTE PALAO PLEASE BEFORE TROUBLE
 HAPPENS THERE)
- 20. The Respondents were emboldened to commit the acts against the Complainant because LORENA ANDAO CHERRY promised them that if they will file a complaint against the Complainant, she will pay the services of a lawyer.



The evident premeditation by the Respondents and by LORENA ANDAO CHERRY to kill the Private Complainant is evident and clear.

- 21. The Complainant believes that a Certificate to File Action is not required in this case as the complaint is for ATTEMPTED MURDER and not a complaint for GRAVE THREATS. The penalty for ATTEMPTED MURDER is more than one (1) year. Hence, referral to the barangay is not required.
- 22. The Complainant in this case is a resident of Bgy. Tenga-Tenga, Cuyo, Palawan while the Respondents are residents of Tagawayan Island, Bgy. Cocoro, Magsaysay, Palawan. Pursuant to the Local Government Code, if the parties are residents of different municipalities, referral to the barangay is not required.
- 23. The Complainant also believes that he need not be hacked by the Respondents in order for a complaint of ATTEMPTED MURDER can be filed against them. The Respondents did not merely threaten to kill the Complainant, they truly intended to kill him at that time as shown in the video evidence. The complaint is not GRAVE THREATS because the Respondents did not merely threaten to kill the Complainant and his companions. They intended to kill the Complainant and his companions and failed but not because of their desistance but because the Complainant and his companions were able to escape on time.
- 24. The annexes attached in the Motion for Reconsideration are also adopted and re-pleaded in this Motion for Reconsideration/Reinvestigation. The Private Respondent can readily identify the Respondents as shown in the video footages that they themselves submitted before this Honorable Office and the their video-footage that was submitted before this Honorable Office.

WHEREFORE, premises considered, it is most respectfully prayed unto this Honorable Office that the Resolution be reconsidered and a criminal complaint for ATTEMPTED MURDER be filed against the Respondents as enumerated in the caption of this motion.

Other measures of relief which are just and equitable under the premises are also prayed for.

April 21, 2022 in Puerto Princesa City.

May Salaysay

OSCA ID Cuyo 02561

VERIFICATION

- I, STIMSON L. SALAZAR, of legal age, single, Filipino and a resident of Cuyo, Palawan, after having been duly sworn to in accordance with law, hereby depose and say:
 - 1. I am the Private Complainant in this case;
 - 2. I have read and understood all of the allegations contained in my Motion for Reconsideration/Reinvestigation;
 - 3. the factual allegations in my Motion for Reconsideration/Reinvestigation have evidentiary support after reasonable opportunity for discovery and I can support them with affidavits of other witnesses when necessary or required; and
 - 4. My Motion for Reconsideration/Reinvestigation is not filed to harass, cause unnecessary delay or needlessly increase the cost of litigation.

IN WITNESS WHEHREOF, I have hereunto set my hand this 2 1 2022 of April 2022 at Puerto Princesa City, Palawan.

STIMSON L. SALAZAR

May Salaysay

OSCA ID Cuyo 02561

SUBSCRIBED AND SWORN TO before me this ____ day of April 2022 at Puerto Princesa City, Palawan.

Doc. No. 438 Page No. Book No. JU

Series of 2022

EXTENDED UNTIL JUNE 30, 2022

ERNO. 3795 DATE SEPT 28.2001

PTR NO. 16256211-8-2 ATTORNEY'S ROLL NU. 20094 IBP OR# 184273 2/3/22

TIN-113-299-352

MCLE COMPLIAGE NO. VI-0000058 MAY 4,2016 - PASIG CITY VALID UNTIL APRIL 14/2022

CP NO. DSI76435613

Annar - Ry

Republic of the Philippines

Department of Environment and Natural Resources

OFFICE OF THE SECRETARY

Visayas Avenue, Diliman, Quezon City

IN RE: SB RESOLUTION NO. O2-2015,
MUNICIPALITY OF MAGSAYSAY,
PALAWAN ON THE ILLEGAL AND
SPECULATIVE ACQUISITION AND
SALE OF PUBLIC LAND IN SITIO
TAGAUAYAN, BRGY. COCORO,
MAGSAYSAY, PALAWAN.

To :/ Engr. Rex Velasco
DENR-CENRO,
Sta. Monica, Puerto Princesa City

Pursuant to the Memorandum, dated February 4, 2015 of the Assistant Secretary for Legal Services, on the above-subject, Subpoena Ad Testificandum is hereby issued for you to appear and to give direct answers to questions of the Fact-Finding Team relative to the alleged unwarranted speculative public land applications and illegal titling over public lands at Tagauayan Island Big and Tagauayan Island Small, Barangay Cocoro, Magsaysay, Palawan, on February 26, 2015, 10:00 Oclock in the morning at CENRO, Sta. Monica, Puerto Princesa City.

Fail not under administrative consequences.

Issued this 10th day of February, 2015.

JOSE MATEO SANCHEZ

Team Leader

Noted:

ATTY. GERALDINE DELA CERNA-RAMOS Chief, PDD, Legal Service

Republic of the Philippines Department of Environment and Natural Resources Visayas Avenue, Diliman, Quezon City Tel. Nos. 929-6626 to 29; 929-6633 to 35 926-7041 to 43; 929-6252; 929-1669 Website: http://www.denr.gov.ph/E-mail: web@denrgov.ph

TEMR-R4, MUMAHUMA - DENIK "IENTE PHINCESA CIT

DENR PENRO

MEMORANDUM

TO

The Regional Director

DENR - Region IV-B DENR by the Bay Building 1515 Roxas Boulevard

Ermita, Manila

FROM

The Acting Assistant Secretary for Legal Services

SUBJECT

Land Issues in SB Resolution No. 02-2015 dated 05 January 2015 of the Municipality of Magsaysay, Province of Palawan, IN RE: Alleged Illegal and Speculative Sale and Acquisition of Public Lands in Sitio Tagauayan, Barangay Cocoro by Some Enterprising

Residents thereof

DATE

APR 29 2015

Attached for your perusal is a copy of the Fact-finding Investigation Report, together with annexes contained in One (1) folder, of a Team created by this Office to inquire into facts and issues in relation to the above-mentioned subject matter.

The Report raises as the primary matter of concern in subject Sanggunian Resolution, and the accompanying Petitition, the non-contested lots in Sitio Tagauayan, Barangay Cocoro. It has been found by the Team that such lots have been declared as public land and property of the State as far back as 1965 by the (then) Court of First Instance in Cuyo, Palawan. As the Petitioners now allegedly possess, occupy, improve and cultivate these lots, they are entitled by such declaration to purchase the same through Agricultural Sales under the provisions of the Public Land Act.

Furthermore, the Team also contends that the Order dated 30 January 2014 of OIC, Regional Executive Director Oscar C. Dominguez approving S.A. No. 2014-01-001 for lots being applied for by Mr. Stimson Salazar should be accorded presumption of regularity.

This Office conforms to the findings and recommendations of the Team in the Report subject to your further appropriate action.

> ATTY. ANSEL MO C. ABUNGAN

Copy furnished:

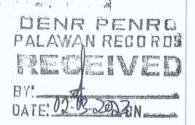
PENRO - Palawan CENRO - Puerto Princesa City Barangay Santa Monica, Puerto Princesa City

February 2, 2023

MR PEDRO A. VELASCO

DMO IV/OIC-CENRO South National Highway, Bgy. Sta. Monica, Puerto Princesa City

Mr. Velasco:



DATE: LEB U3 2023

NAME: POSITION: POSITION:

Ito ay patungkol sa reklamo ng pang-aangkin ng lupa sa inyong opisina na ginawa ng mag-asawang, DELIA ABRINA-AGNAS at EMILIO AGNAS. Ang mga ito ay mga lupang sakahan na matatagpuan sa Tagawayan Island, Bgy. Cocoro, Magsaysay, Palawan. Ito ang usapin sa inyong sulat na binigay kay MR. SALAZAR na may petsa na November 4, 2022.

Nais po naming ipabatid sa inyo na kami po ay mga tagapagmana nina SIMEON ABRINA at BARBARA NACASI na silang umaangkin at nagmamay-ari ng nasabing lupa na nakasaad sa "tax declarations". Sa inyo pong kaalaman ay kapatid ko (ELSIE L. CAÑETE) si DELIA ABRINA-AGNAS. Siya naman po ay aming (ANIE ROSA ABRINA-TOLEDO at AMELITA OLA-MACUA) pinsang-buo. Ako (MARIETA OLA NACASI) naman po ay pamangkin ni DELIA ABRINA-AGNAS dahil siya ay pinsang-buo ng aking ina.

Nais din naming ipabatid sa inyo na hindi namin binigyan ng pahintulot si DELIA ABRINA-AGNAS na kami ay kanyang i-representa o ikatawan sa anumang usaping bentahan o pagbibigay ng karapatan sa lupa na nakapangalan kay SIMEON ABRINA (tax declared owner). Ang katotoha-nan ay halos lahat ng miyembro ng aming pamilya ay nagkasundo na isalin ang aming karapatan o ibenta ang aming bahagi sa nasabing lupa kay MR. STIMSON SALAZAR.

Si DELIA ay may apat (4) na mga kapatid na nagkasundo na isalin ang kanilang karapatan o ibenta ang kanilang bahagi sa nasabing lupa. Si SEMEON ABRINA ay may apat (4) na anak, isa dito ay si CONRADO ABRINA na tatay naman ni DELIA. Samakatuwid, ang bahagi na lang ni DELIA sa nasabing lupa ay humigit-kumulang na lang na 500 metro kuwadrado

Dahil dito, ipinapaalam namin sa inyo na kami ay hindi sumasang-ayon at aming tinutuligsa ang reklamo na ginawa ni DELIA ABRINA-AGNAS laban kay MR. STIMSON SALAZAR dahil ang mga miyembro ng aming pamilya ay sumang-ayon na na ibenta o isalin ang kanilang katapatan.

Maraming salamat po sa inyong pang-unawa at sana ay mapagbigyan ninyo ang aming paki-usap.

Muacost Marieta ola Nacasi

BGY. ID 0571

Bgy. Cocoro, Magsaysay,

Palawan

A.M. atu a AMELITA OLA-MACUA

OSCA MO239-19

Bgy. Rizal, Magsaysay,

Palawan

Sumasainyo,

ANIE ROSA ABRINA-TOLEDO

DSWD 175323009-2530-00047

Bgy. Lucbuan, Magsaysay,

Palawan

ELSIA A CANNE

ELSIE L. CANETE

DSWD 175314010-2539-00077

Bgy. Lucbuan, Magsaysay

Palawan

SUBSCRIBED AND SWORN to before me this 2nd day of February 2023 in Puerto Princesa City.

Page No. 76
Book No. LXXIV

Series of 2023

ATTY. JEAN LOU N. AGUILAR
Notary Public / Roll No. 44785
(PPC, Aborlan, Narra, Agutaya, Cuyo, Magsaysay)
Until December 31, 2023
IBP No. SDO reinit / 01-10-2023
PTR NO. 1745621 / 01-08-2023
MCLE VII-0018462 / 05-24-2022



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

NOV 2 5 2021

G. EMILIO AGNAS Sitio Tagauayan, Brgy. Coccoro Magsaysay, Palawan

Ginoong Agnas,

Ito po ay kaugnay sa inyong liham na may petsang October 19, 2021 patungkol sa lupa na matatagpuan sa isla ng Tagauayan kung saan kayo naninirahan.

Upang matulungan namin kayo sa inyong suliranin, inaabisuhan namin kayo na magtungo sa CENRO Puerto Princesa City na matatagpuan sa Brgy. Sta. Monica, Puerto Princesa City kung saan puwede kayong magsumite ng isang VERIFIED PROTEST laban sa sinasabi ninyong aplikasyon sa lupa ni G. Stimson Salazar, sang-ayon sa Sections 3 at 4 ng DENR Administrative Order (DAO) No. 2016-31, na nagsasaad ng Procedure in the Investigation of Land Claims and Conflicts Cases. Kinakailangang nakasaad sa inyong verified protest ang pangalan ng mga partido, ang kanilang tirahan, ang mga materyal na paratang, ang batas na batayan ng protest, mga ebidensyang dokumento at iba pa na sumusuporta sa inyong mga paratang, kalakip ang mga sumusunod:

1. Certificate to file action mula sa barangay;

2. Verification and Certification of Non-Forum Shopping;

3. Katunayan ng pagbabayad ng Protest Fee; at

4. Bagong 2x2 na litrato ng protestant o ng kanyang awtorisadong kinatawan at litrato ng lupang kinasasakupan ng titulo.

Ipaaalam namin sa CENRO Puerto Princesa City ang tungkol sa bagay na ito at ipadadala namin ang inyong liham para sa kanilang kaukulang aksyon.

Umaasa ang aming tanggapan na naliwanagan kayo patungkol sa inyong suliranin.

Lubos na gumagalang,

FERRER, CESO III Regional Executive Director

Binigyang sipi:

Mr. Stimson Salazar Brgv. Tenga-Tenga, Cuyo Palawan

PENRO Palawan

ARD-MS/LD

CENRO Puerto Princesa City

CERTIFIED TRUE / PHOTO COLY Phy 12.21. 2021 MARLÈNE M. BADILLA Admin. Asst. III/ Records Officer-Designate Legal Division, DENR MIMAROPA Region

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 82483367/82483468/82493367 local 2717 (Regional Executive Director); 2709 (Legal Division)
Direct Line: (632) 84050157; Facsimile: (632) 84050046
Website: https://mimaropa.denr.gov.ph
Email: mimaroparegion@denr.gov.ph; denr4blegal@gmail.com

"ANNEX-G"

NO.: DATE:

SMO TRUMWAYAN MACIA-15A-1, PALAWAY

JANUARY 17, 2023

REPUBLIC OF THE PHILIPPINES

OFFICE OF THE SECRETARY TO THE SALES CHARG PANLAL CANGAN

RUVINGE DE PALAWAN

PROVINCE OF PALAWAN

OPFICE OF THE SAUGUNIAN PANUALAWICEAN

RECEIVED

CHAME & SIGNATURED

TIME Z.

2023-26

SAUGNNIAN PANLALAWICAN MEMBER,

KAMING MCA RESIDENTE AND ISLA, AND CITTO TACHMAJAN E

AND BAKANDAR COCORD, MACCA-LAY, PALAWAN ENC PAPABOT AMEN KANINDO

AND REKLAMONO JA, TENGURD AND ENG ENGNAT NE STIMON SALAZAR KAMI

EHG ADLEKAN MAJAO, TENGURD ME MGA THO NGA ENG PADAKA SI MICTER

SALAZAR ANG IBA AKAGOT PA PAJEG NA UNIFORM. AND KAPITAN PATI

TANDO ARA ENG BUBUAT TAKA PROTEKSYONAN KAMI ENG ADLEKAN KAMI

MATAD MABURNAT ANDA KANAMEN ANG TRANPACT NA JA ABUGO KANAMEN,

KAMI HACAPABOT E REKLAMO KUNG PWEDE KAMI MATABANGAN ANG

PROBLEMANG JA, E ANG TRIBONG CUYONON CO NCIP NGA ARER DEN

LANG KAMI MATABANGAN, MACHELAT KAMI INDONG AKOON.

MATAMANY JAVAMAT.

SIGNATURE AT THE NEXT PAGE.

CONTACT PERSON

DELIN X. KENAS " CP# 0950-4910413

VICTORY

0 2/18

3140	NO.: DATE:
Delin abina agus	
I milio polor agua	E.ague
EMMIT A. MANLAPAZ	gamanlapen
Precious day H. Alovina	Against
Hank bon & Alanina	Mg
Joselito O. Abrina	fall
Benigna B- Abrina	
RALRD T. AGNAS	kgres.
Alfredo ponce de Leon	Aagnes
Emma Sanchez agnes	Eagnas
Chanis A. Dayanga	Cidagaraga
Mark Rey A- agarage	ant dagaraga
Philip Arthony & Oagnaga	PAdagaraga
loky s. Agras	Rsagnas
Richelle G. Agrus	Rgagnas
Romnick S. Agnas	Reagnas
Rinariose 7. Agras	Rtagnas
Ruymond S- Agher	Rsagnas
Cheryte D. Agnas	Chorgnas
Adela A. Dacillo	Adacillo
Dominggo Dacille	Ddacillo
STMON A DACILID	S. DACINO
and Garano	A. Depried
dyda Alexad	L. Blepial
Shippood Depol	S. Demal
Anatolio Aguas	A. Agnas
charlyn Agras	c. Agnas
sharkie Agnas	e Agnas
Analyn Agnas	A. Agnors
Renaute & mas	2. Agrios
Helen A. Labrifor	Hlabafry
₩VICTORY	

onime Manjapaz	Inc toron
Rogie S. Labitor	Relations
Ricky L. Nalica	R. Malica
Penarose 18. Baac	R. Baac
Irene a dela onz	1. del acar
Saime D. dela cruz	J. dela cour
Emily A. Agms	Eignap
Imelda a lanac	selfinas (e)
Jemray A. Dela Cruz	St. Tola cruy
Shirley Ar Abrina	Staleying
· · · · · · · · · · · · · · · · · · ·	
	VICTORY