Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

HECTOR AGUIRRE CASIDSID, Petitioner, - versus - **PEOPLE OF THE PHILIPPINES,** Respondent.	**G.R. No. 260539** Present: CAGUIOA, *J.*, *Chairperson*, INTING, GAERLAN, DIMAAMPAO, and SINGH, *JJ.* **Promulgated:** FEB 10 2026

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DECISION

SINGH, *J.*:

This is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court, filed by Hector Aguirre Casidsid (**Hector**) of the Decision,[2] dated May 28, 2021, and the Resolution,[3] dated December 15, 2021 of the Court of Appeals (**CA**) in CA-G.R. SP No. 13868. The CA affirmed the Decision,[4] dated June 6, 2019, of Branch 2, Regional Trial Court, Kalibo, Aklan (**RTC**), in Appealed Criminal Case No. 14327, which found no compelling reason to disturb the Judgment,[5] dated May 16, 2018, rendered by the Municipal Circuit Trial Court, Buruanga-Malay, Buruanga, Aklan (**MCTC**), in Criminal Case No. 1519-M, convicting Hector of the crime of Violation of Section 48(9), in relation to Section 37, of Republic Act No. 9003, or the Ecological Solid

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1 *Rollo*, pp. 11–23.

2 *Id.* at 28–48. Penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Marilyn B. Lagura-Yap and Nancy C. Rivas-Palmones of the Twentieth Division, Court of Appeals, Cebu City.

3 *Id.* at 49–50. Penned by Associate Justice Roberto P. Quiroz and concurred in by Associate Justices Marilyn B. Lagura-Yap and Nancy C. Rivas-Palmones of the Twentieth Division, Court of Appeals, Cebu City

4 *Id.* at 73–77. Penned by Acting Presiding Judge Bienvenido P. Barrios, Jr.

5 *Id.* at 51–72. Penned by Acting Presiding Judge Maribel D. De Guia-Cipriano.

Waste Management Act of 2000, and sentencing him to pay a fine amounting to PHP 500,000.00.

The Facts

On June 5, 2014, an Information[6] was filed before the MCTC by the Office of the Ombudsman, which charged Hector of the crime of Violation of Section 48(9), in relation to Section 37, of Republic Act No. 9003. The accusatory portion of the Information reads, as follows:

> That on or about the 16th day of March 2012, and for some[ ]time prior and subsequent thereto, in the Municipality of Malay, Province of Aklan, Philippines, and within the jurisdiction of this Honorable Court, above named accused HECTOR CASIDSID, a public officer, being the Barangay Captain of Barangay Yapak, Boracay Island, Municipality of Malay, Province of Aklan, in such capacity and committing the offense in relation to office, taking advantage of his official functions, with deliberate intent, did then and there willfully, unlawfully and criminally establish, operate and use an open dump site on a parcel of land owned by Leo Neil G. Tirol in Sitio Ilig-Iligan, Barangay Yapak, Boracay Island, Municipality of Malay, Province of Aklan, and dumped therein mixed garbage and solid wastes without the knowledge and consent of the owner, to the damage and prejudice of the environment, Leo Neil G. Tirol and the public service.
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> CONTRARY TO LAW.[7]

Arraignment was conducted on January 7, 2015, where Hector pleaded "not guilty" to the offense charged.[8] Thereafter, trial ensued.

The prosecution presented the following witnesses: (**a**) Leo Neil G. Tirol (**Leo**), the private complainant in this case; and (**b**) Engineer Ricardo D. Benjamin, Sr. (**Engr. Ricardo**) of the Department of Environment and Natural Resources (**DENR**). Meanwhile, the defense presented the following witnesses: (**a**) Hector, the accused; and (**b**) Otelo Casidsid (**Otelo**), the supposed caretaker of the property owned by Leo.

The Version of the Prosecution

On May 21, 2012, Leo filed with the Office of the Ombudsman a Complaint-Affidavit,[9] which alleged that a substantial portion of his property in Sitio Ilig-iligan, Barangay Yapak, Boracay, covered by Transfer Certificate

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6 CA *rollo*, pp. 91–93.
7 *Id.* at 91–92.
8 *Rollo*, p. 52.
9 CA *rollo*, pp. 78–83.

of Title (**TCT**) No. T-25456,[10] was being used by Hector, the Chairperson of Barangay Yapak, as a dump site without his consent.[11]

In his notarized Reply,[12] Hector denied the allegation and interposed that the TCT held by Leo is spurious since it was derived from a putative title registered during the time that the whole of Boracay was classified as inalienable forest land.[13]

Importantly, Hector claimed that the materials recovery facility (**MRF**) of Barangay Yapak was already full and non-operational at that time, so the Barangay endeavored to find an "alternative temporary dumping site" considering that there have been several complaints from residents, tourists and hotel operators regarding uncollected garbage. After approaching Otelo, and after a call with Leo, the Barangay was then allowed to dump garbage in the property.[14] Eventually, the Ombudsman, acting on Leo's complaint, found Hector administratively liable for Simple Misconduct and suspended him for two months.[15] When he reassumed office, Hector asserted that he ordered that the subject property be vacated as a dump site.[16]

Hector also asserted that there was malicious intent in Leo's filing of the complaint since the latter wanted to be in the good graces of the Barangay's officer-in-charge when Hector was suspended by the Ombudsman so Leo can continue with his alleged illegal occupation of the property.[17]

Otelo also submitted an affidavit in support of Hector. There he stated that: (**a**) sometime in September 2012, officials of the Barangay, including Hector, sought his permission if they can use a portion of the property as a temporary dump site; (**b**) he consulted with the Tirol family through telephone about the Barangay's request; (**c**) he allowed the Barangay to use the property as a dump site; and (**d**) upon Hector's return from suspension by the Ombudsman, he ordered the closure of the dump site.[18]

In the Resolution,[19] dated September 24, 2013, the Office of the Ombudsman found probable cause to charge Hector of the crime of Violation of Section 48, in relation to Section 37, of Republic Act No. 9003. Thus, the Information was filed before the MCTC.

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10 *Id.* at 72–74.
11 *Rollo*, p. 29.
12 CA *rollo*, pp. 175–180.
13 *Id.* at 177.
14 *Id.* at 179.
15 *Rollo*, p. 32.
16 CA *rollo*, p. 179.
17 *Id.* at 180.
18 *Rollo*, pp. 68–69.
19 CA *rollo*, pp. 84–90.

In his testimony, Leo alleged that he and his mother are the registered owners of the property, which they inherited from his father. He averred that since the property became a dump site, it had become uninhabitable and its value substantially depreciated. He claimed that the property could no longer be used for any purpose without health risk and exposure to hazardous smoke caused by the burning of garbage.[20]

Engr. Ricardo, Senior Environment Management Specialist at the DENR, testified that he and his team personally inspected the property on April 13, 2012 after receiving a complaint[21] from Leo. The findings of the team are contained in the Ocular Investigation Report,[22] which Engr. Ricardo authenticated in court. The Report stated that "[h]eaps of mixed garbage such as plastics, Styrofoam, bottles, food waste, fish[ ]scales, chicken bones, newspapers, and sachet products were visible in the complain[ed] area during the time of investigation[,]" and that there existed a "[d]eep excavation area ... intended as dumping site for biodegradable garbage, and traces of wastes covered with soil are also visible in the complain[ed] area, indicating that dumping of garbage is already on[]going at the area for a longer time now."[23]

Engr. Ricardo stated that he tried to reach Hector twice at the Barangay Hall to inform him of Leo's complaint and obtain his participation in the investigation but he was not around in the office during those times.[24] Engr. Ricardo admitted on cross-examination that he sent no written notice to Hector about the complaint and the investigation.[25] Ultimately, Engr. Ricardo affirmed that a pit was found in the property during the ocular inspection, and that traces of wastes covered with soil were found in the area, which indicated that dumping was ongoing.[26]

The Version of the Defense

Hector denied that he had used the property as an open dump site, but pointed out that it was a private entity[27] which caused the dumping of garbage. Hector claimed that a certain Roberto Tirol, who was presumably a co-owner of the property, entered into an agreement with the private entity that allowed the latter to engage in garbage dumping activities in the area. Otelo, the caretaker of the property who is also the uncle of Hector, sought the latter's help because the dump site, which had been in operation for three years,

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20 *Rollo*, p. 32.
21 CA *rollo*, p. 75.
22 *Id.* at. 76–77.
23 *Id.* at 76.
24 *Id.* at 58–59.
25 *Id.* at 59–60.
26 *Rollo*, p. 32.
27 The records reveal that the private entity purported to by Hector was a certain "DMCI." CA *rollo*, pp. 135–136.

started to emit foul odor. Hector intervened by sending personnel in the area to help arrange and segregate the garbage.[28]

Hector claimed that Leo could not have acquired ownership of the subject property since Boracay is part of the public domain, which can only be made subject of ownership by the Government. He asserted that the TCT presented by Leo is spurious. He alleged that Leo wanted to secure a Barangay certification attesting that the latter was in full possession of the property but the Barangay did not issue said certification; as such Leo had an axe to grind, so to speak, against Hector.[29]

On cross-examination, Hector admitted, however, that he has not seen the alleged contract between Roberto Tirol and the private entity that allowed for the operation of the dump site in the subject property as he only relied on the information given to him by Otelo.[30] Hector admitted that the Barangay's MRF was already full at that time and cannot accommodate the garbage of the private entity. Nevertheless, he did not seek the help of the DENR in dealing with the alleged dumping operation of the private entity.[31]

Otelo, the other defense witness, testified that he was the caretaker of the property at the time the dumping activities commenced in the property. The defense presented a handwritten instrument supposedly executed by Leo which authorized Otelo to act as caretaker of the former's properties located in Sitio Bil-at and Sitio Camanci.[32] Otelo affirmed that it was the private entity which dumped garbage in the area pursuant to a supposed agreement with Roberto Tirol. Otelo claimed that Leo knew that the property was being used as a dump site. He stated that Hector instructed him to ask Leo if he would permit the Barangay to fix the garbage problem, which Leo allowed.[33]

The Ruling of the MCTC

In the Judgment, dated May 16, 2018, the MCTC convicted Hector of the crime charged and sentenced him to pay a fine of PHP 500,000.00. The dispositive portion of the said Judgment reads, as follows:

> WHEREFORE, premises considered, judgment is hereby rendered finding accused HECTOR A. CASIDSID guilty beyond reasonable doubt of the crime of Violation of Section 48(9)[,] in relation to Section 37[,] of Republic Act No. 9003 otherwise known as the Ecological Solid Waste Management Act of 2000 and is hereby imposed the penalty of fine of [PHP 500,000.00]. No costs.

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28 *Rollo*, pp. 32–33.
29 *Id.* at 33.
30 CA *rollo*, pp. 136–137.
31 *Rollo*, p. 33.
32 CA *rollo*, p. 181.
33 *Rollo*, pp. 33–34.

SO ORDERED.[34]

The MCTC held that Republic Act No. 9003 is a special law, such that any violation of its provisions is considered a crime *malum prohibitum*.[35] Thus, in determining whether there is violation of the said law, particularly of Section 48(9), ownership of the property being used as an open dump site is not an element of the crime. What the law penalizes is the use, establishment or operation of an open dumpsite without the corresponding permit or authority, or the closure of one which was already existing at the time of the statute's enactment.[36]

The MCTC also noted the "flip-flopping defense" interposed by Hector, thus constituting a "negative pregnant."[37] Hector did not categorically deny having committed the offense, but he maintained that a private entity was the one responsible for the operation of the dump site in the property pursuant to the agreement between one Roberto Tirol and the private entity. However, no such agreement was presented in court by Hector. If such an agreement really existed, Hector, as the Barangay Chairperson, should have asked for the permit or authority granted to the private entity for the operation of the open dump site as mandated by Republic Act No. 9003.

The handwritten authority presented by Otelo designating him as caretaker of the property was not given credence by the MCTC considering that the authority purportedly granted to Otelo only concerned the management of properties located in Sitios Bil-at and Camanci, and there was no mention of the subject property, which is located in Sitio Ilig-iligan. Moreover, Leo denied in his testimony that he has authorized Otelo to be the caretaker of the property.[38]

As to Hector's defense, the MCTC found that Hector proffered two conflicting defenses. Before the Ombudsman, Hector averred that he asked permission from the owner of the property through Otelo for the use of the property as a temporary dump site. However, during trial, Hector claimed that it was a private entity which operated the dump site per a supposed agreement with one Roberto Tirol. For the MCTC, whether the garbage was dumped by the Barangay or the private entity, Hector remained liable because he allowed such activity to continue. Hector could have easily ordered the private entity to clear the property and halt its dumping operations, but he did not bother to act on it. Thus, Hector committed a violation Section 48(9) of Republic Act No. 9003, which prohibited the operation of open dump sites.[39]

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34 *Id.* at 72.
35 *Id.* at 63.
36 *Id.*
37 *Id.*
38 *Id.* at 64.
39 *Id.* at 70–72.

However, since the prosecution failed to prove the net income of Hector for the purpose of fixing the amount of additional penalty under Section 49(c) of Republic Act No. 9003, the MCTC imposed only the penalty of fine of PHP 500,000.00.[40]

Hector filed an appeal with the RTC.

The Ruling of the RTC

In the Decision, dated June 6, 2019, the RTC affirmed the conviction of Hector. The *fallo* of the said Decision reads:

> IN VIEW of the foregoing considerations, the Court finds no compelling reason to disturb the findings of the court a quo thus, the [Judgment,] dated May 16, 2018 is hereby affirmed *in toto*.
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> SO ORDERED.[41]

The RTC ruled on four issues raised by Hector on appeal. The RTC held that the MCTC had jurisdiction over the offense charged. It held that Hector was charged with a crime violating the provisions of a special law, for which the MCTC had jurisdiction to try and decide.[42]

The RTC ruled that the MCTC had properly acquired jurisdiction over the person of Hector. It held that when the MCTC issued the warrant of arrest, Hector posted an undertaking which the MCTC accepted. Thus, the MCTC validly acquired jurisdiction over the person of Hector.[43]

Hector questioned the legal personality of Leo to file the criminal complaint before the Office of the Ombudsman. The RTC held that Leo, as the purported owner of the property being used as a dump site, can validly file a complaint for purposes of conducting the required preliminary investigation before the appropriate office. It also ruled that the Office of the Ombudsman is one of such offices authorized by law to conduct such preliminary investigation.[44]

The RTC affirmed the findings of the MCTC that Hector committed a violation of Section 48(9) of Republic Act No. 9003. The evidence presented by the prosecution established that the subject property is being used as an open dump site, which is prohibited by law, and that Hector is responsible

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40 *Id.* at 72.
41 *Id.* at 77.
42 *Id.* at 74–75.
43 *Id.* at 75.
44 *Id.*

therefor.[45] Thus, considering that this is the first violation committed by Hector, the imposable penalty is the payment of fine of PHP 500,000.00.[46]

Thereafter, Hector filed a Petition for Review[47] with the CA.

The Ruling of the CA

In the Decision, dated May 28, 2021, the CA affirmed the ruling of the lower courts. The dispositive portion of the said Decision reads, as follows:

> WHEREFORE, in view of the foregoing, the petition for review is DISMISSED for lack of merit.
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> SO ORDERED.[48]

The CA ruled that the Office of the Ombudsman has the power to file cases against public officers cognizable by the regular courts. It held that the Court had long clarified in the Resolution in *Uy v. Sandiganbayan*[49] that the Ombudsman has the authority to prosecute erring public officers before the regular courts and not exclusively with the Sandiganbayan.[50]

Hector's argument that Leo had no legal personality to file the complaint, from which the criminal case originated, has no merit. The CA held that the case filed against him was criminal in nature, as such it was prosecuted not for Leo as private complainant, but on behalf of the People of the Philippines, which is the real party in interest. The appellate court also ruled that the 30-day notice requirement, which is required for *citizen suits* under Section 52(c) of Republic Act No. 9003, is not applicable in this case since the case did not originate from a citizen suit.[51]

Ultimately, the CA affirmed the findings of the lower courts that Hector violated Section 48(9), in relation to Section 37, of Republic Act No. 9003 which prohibited the operation of open dump sites. It noted that while Hector did not categorically admit that the Barangay was using the open dump site, the following circumstances point to Hector's criminal liability under the said law: (**a**) Hector stated, in his judicial affidavit, that the MRF of the Barangay could no longer accommodate any additional garbage; (**b**) Hector admitted that the open dump site had existed for three years and people have been complaining about it ever since; (**c**) he does not know whether valid permits and licenses were secured for the operation of the open dump site; (**d**) Hector

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45 *Id.*
46 *Id.* at 77.
47 CA *rollo*, pp. 2–20.
48 *Rollo*, p. 48.
49 407 Phil. 154 (2001) [Per J. Puno, *En Banc*].
50 *Rollo*, pp. 38–39.
51 *Id.* at 40–42.

only acted when his uncle, Otelo, asked for assistance; (**e**) his only solution was to send people to help sort out the garbage; and (**f**) although he stated that a private entity was the one actually dumping garbage in the property, Hector was unable to present evidence proving the existence and involvement of the said private entity.[52]

The CA noted the indifference displayed by Hector in dealing with this dump site dilemma which only served to bolster the conclusion that the Barangay benefitted from the usage of the open dump site in the property. The CA held that Hector, as the Barangay Chairperson, should have taken appropriate action under the law, i.e., he should have ordered the closure of the dump site, and his failure to do so is an indication that he is behind the establishment, operation and use of the illegal dump site.[53] Thus, the CA found no reversible error in the findings of the lower courts.

Hector filed a Motion for Reconsideration,[54] which was denied by the CA in the Resolution, dated December 15, 2021. Thus, Hector filed the present Petition.

The Issues

The Court resolves the following issues:

First, is the 30-day notice rule for citizen suits under Section 52(c) of Republic Act No. 9003 a jurisdictional requirement in the filing of criminal cases in court?

Second, is ownership of the property a valid defense for the crime of Violation of Section 48(9), in relation to Section 37, of Republic Act No. 9003?

Finally, is Hector guilty beyond reasonable doubt of the crime charged?

The Ruling of the Court

The Court finds the Petition bereft of merit.

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52 *Id.* at 45–46.
53 *Id.* at 46–47.
54 CA *rollo*, pp. 239–246.

The 30-day notice requirement in the filing of citizen suits under Section 52(c) of Republic Act No. 9003 is not a jurisdictional requirement in the filing of criminal charges; notwithstanding, the present case did not originate from a citizen suit

Hector asserts that under Section 52(c) of Republic Act No. 9003, it is a requirement that before any citizen suit is filed against any public officer, a 30-day notice should have first been given to such public officer and the alleged violator concerned, and it must be shown that no appropriate action was taken thereon. Since Engr. Ricardo admitted that he did not send any notice to Hector contrary to the mandate of Section 52(c), the present criminal case against Hector is void for violating the latter's due process rights.[55]

The Office of the Solicitor General (**OSG**), the statutory counsel of the People in cases before this Court, maintains that Hector's argument that a citizen suit was filed against him is incorrect. The OSG argues that the 30-day notice requirement under Section 52(c) of Republic Act No. 9003 is inapplicable because what was instituted against Hector was a criminal case under the direction of a public prosecutor and instituted on behalf of the People. For the OSG, citizen suits are typically filed under the name of a private citizen or a group of private citizens and prosecuted by them or through their respective private counsels.[56]

The Court rules in favor of the People.

Section 52(c) of Republic Act No. 9003 provides for the statutory basis of the citizen suit against public officers and the 30-day notice condition necessary before its filing. The provision reads:

> SEC. 52. *Citizen Suits.* – For purposes of enforcing the provisions of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:
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> ....
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> (c) Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations; or abuse his [or her] authority in the performance of his [or her] duty; or, in any manner, improperly performs his [or her] duties under this Act or its implementing rules and regulations: *Provided, however, That no suit can be filed until after [30]-day notice has*

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55 *Rollo*, pp. 16–18.

56 *Id.* at 102–104.

> *been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.* (Emphasis supplied)

The history of the contemporary citizen suit in environmental cases can be traced to a provision of the Clean Air Act of the United States (**U.S.**),[57] which permits *any* person to commence a civil action on his own behalf against any person, including governmental entities, for alleged violation of the said statute.[58] The U.S. Congress would thereafter reproduce this section of the Clean Air Act in all new federal environmental statutes,[59] thus integrating the concept of citizen suit in environmental litigation.

The rationale for the citizen suit is based on ease of implementation. The U.S. Congress believed that, in empowering citizens to file suit for alleged violation of environmental laws, citizens would act as "private attorneys general and enforce the laws directly." This is also founded on the philosophy that these citizens are the ones who are most directly affected by the pollution and degradation of the environment caused by irresponsible actors.[60]

The U.S. citizen suit provision provides, however, two conditions which must be met in order for a citizen suit to prosper: (**a**) first, the citizen plaintiff must give notice to the alleged violator, the U.S. Environmental Protection Agency, and the relevant state agency; and (**b**) second, it must be shown that the relevant government agency is not diligently prosecuting its own action prior to the commencement of the citizen suit.[61] This notice requirement "ensures that federal and state government agencies are aware of each alleged violation and are given an opportunity to take enforcement action. This procedure preserves the government's role as the primary enforcer of environmental laws."[62]

The concept of environmental citizen suits in the Philippines was first introduced in the landmark case of *Oposa v. Factoran, Jr.*,[63] where this Court relaxed the rule on standing and allowed suit based on the concept of "intergenerational responsibility," i.e., that people can file environmental cases on behalf of their generation, as well as future ones.[64] This relaxation of the rule on standing implements the constitutional right of the people to a

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57 42 U.S.C. Section 7604 (1963).

58 *See* Robert D. Snook, *Environmental Citizen Suits and Judicial Interpretation: First Time Tragedy, Second Time Farce*, 20 W. NEW ENG. L. REV. 311, 313–314 (1998).

59 *Id.* at 314.

60 *Id.* at 316.

61 *Id.* at 314.

62 *See* Will Reisinger, Trent A. Dougherty & Nolan Moser, *Environmental Enforcement and the Limits of Cooperative Federalism: Will Courts Allow Citizen Suits to Pick Up the Slack?*, 20 DUKE ENV'T. L. & POL'Y F. 1, 11 (2010)

63 296 Phil. 694 (1993) [Per J. Davide, Jr., *En Banc*].

64 *Id.*

"balanced and healthful ecology in accord with the rhythm and harmony of nature."[65] As discussed by the Court:

> Petitioners minors assert that they represent their generation as well as generations yet unborn. We find no difficulty in ruling that they can, for themselves, for others of their generation and for the succeeding generations, file class suit. *Their personality to sue in behalf of the succeeding generations can only be based on the concept of intergenerational responsibility insofar as the right to a balanced and healthful ecology is concerned.* Such a right, as hereinafter expounded, considers the "rhythm and harmony of nature." Nature means the created world in its entirety. Such rhythm and harmony indispensably include, inter alia, the judicious disposition, utilization, management, renewal and conservation of the country's forest, mineral, land, waters, fisheries, wildlife, off-shore areas and other natural resources to the end that their exploration, development and utilization be equitably accessible to the present as well as future generations. Needless to say, every generation has a responsibility to the next to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology. Put a little differently, the minors' assertion of their right to a sound environment constitutes, at the same time, the performance of their obligation to ensure the protection of that right for the generations to come.[66] (Emphasis supplied)

Years after *Oposa*, the Court saw the need to formulate separate and specific rules that can sufficiently address the procedural concerns peculiar to environmental cases and provide remedies to actual environmental problems encountered by government agencies, corporations, practitioners, people's organizations and such other groups handling environmental cases.[67] Thus, the Court promulgated the Rules of Procedure for Environmental Cases,[68] which aimed to provide for a simplified, speedy and inexpensive procedure for the enforcement of environmental rights and obligations under the Constitution, existing laws, rules and regulations, and international agreements.[69]

Essential to this case is Part II, Rule 2, Section 5 of the Rules of Procedure for Environmental Cases, which provides the framework for the filing of citizen suits. The provision reads, as follows:

> SEC. 5. *Citizen suit.* – Any Filipino citizen in representation of others, including minors or generations yet unborn, may file an action to enforce rights or obligations under environmental laws. Upon the filing of a citizen suit, the court shall issue an order which shall contain a brief description of the cause of action and the reliefs prayed for, requiring all interested parties to manifest their interest to intervene in the case within [15] days from notice thereof. The plaintiff may publish the order once in

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65 CONST., art. II, sec. 16.
66 296 Phil. 694 (1993) [Per J. Davide, Jr., *En Banc*].
67 ANNOTATION TO THE RULES OF PROCEDURE FOR ENVIRONMENTAL CASES, p. 98.
68 A.M. No. 09-6-08-SC, effective April 29, 2010.
69 A.M. No. 09-6-08-SC (2010), part I, rule 1, sec. 3(b).

> a newspaper of a general circulation in the Philippines or furnish all affected barangays copies of said order.
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> Citizen suits filed under [Republic Act] No. 8749 and [Republic Act] No. 9003 shall be governed by their respective provisions.

With this provision, the Court relaxed the requirement of standing in the filing of environmental cases. Considering that it is public interest that is sought to be protected, no proof of personal injury is required from the citizen plaintiff.[70] What is required is that the plaintiff, either a natural person or a juridical entity, prove Filipino citizenship.[71] Explaining the rationale for this rule, the Court stated in *Resident Marine Mammals of the Protected Seascape Tañon Strait v. Reyes*:[72]

> To further encourage the protection of the environment, the Rules enable litigants enforcing environmental rights to file their cases as citizen suits. This provision liberalizes standing for all cases filed enforcing environmental laws and collapses the traditional rule on personal and direct interest, on the principle that humans are stewards of nature. The terminology of the text reflects the doctrine first enunciated in *Oposa v. Factoran*, insofar as it refers to minors and generations yet unborn.[73]

Aside from liberalizing the standing requirement through the allowance of citizen suits, the Court likewise expanded the application of the same to cover the enforcement or violation of all existing environmental laws as enumerated in Part I, Rule 1, Section 2 of the Rules of Procedure for Environmental Cases.[74] With this, it is not only under Republic Act No. 9003

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70 ANNOTATION TO THE RULES OF PROCEDURE FOR ENVIRONMENTAL CASES, p. 111.

71 *Id.*

72 758 Phil. 724 (2015) [Per J. Leonardo-De Castro, *En Banc*].

73 *Id.* at 754, *citing* ANNOTATION TO THE RULES OF PROCEDURE FOR ENVIRONMENTAL CASES, p. 111.

74 A.M. No. 09-6-08-SC (2010), part I, rule 1, sec. 2 states:

> These Rules shall govern the procedure in civil, criminal and special civil actions before the Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts involving enforcement or violations of environmental and other related laws, rules and regulations such as but not limited to the following:
> (a) Act No. 3572, Prohibition Against Cutting of Tindalo, Akli, and Molave Trees;
> (b) P.D. No. 705, Revised Forestry Code;
> (c) P.D. No. 856, Sanitation Code;
> (d) P.D. No. 979, Marine Pollution Decree;
> (e) P.D. No. 1067, Water Code;
> (f) P.D. No. 1151, Philippine Environmental Policy of 1977;
> (g) P.D. No. 1433, Plant Quarantine Law of 1978;
> (h) P.D. No. 1586, Establishing an Environmental Impact Statement System Including Other Environmental Management Related Measures and for Other Purposes;
> (i) R.A. No. 3571, Prohibition Against the Cutting, Destroying or Injuring of Planted or Growing Trees, Flowering Plants and Shrubs or Plants of Scenic Value along Public Roads, in Plazas, Parks, School Premises or in any Other Public Ground;
> (j) R.A. No. 4850, Laguna Lake Development Authority Act;
> (k) R.A. No. 6969, Toxic Substances and Hazardous Waste Act;
> (l) R.A. No. 7076, People's Small-Scale Mining Act;
> (m) R.A. No. 7586, National Integrated Protected Areas System Act including all laws, decrees, orders, proclamations and issuances establishing protected areas;
> (n) R.A. No. 7611, Strategic Environmental Plan for Palawan Act;
> (o) R.A. No. 7942, Philippine Mining Act;
> (p) R.A. No. 8371, Indigenous Peoples Rights Act;

that citizen suits may be filed, but under other environmental laws as well. This reflects the Court's objective of providing uniform rules in the initiation and trial of all environmental cases, notwithstanding that the causes of action originate from different statutory bases.

Since Republic Act No. 9003 provides for certain conditions in the filing of citizen suits against public officials, and Part II, Rule 2, Section 5 of the Rules of Procedure for Environmental Cases explicitly states that the citizen suit provision in Republic Act No. 9003 must govern, then the 30-day notice requirement under Section 52(c) of Republic Act No. 9003 will have to be observed by citizen plaintiffs.

The Court rules, however, that the 30-day notice requirement under Section 52(c) of Republic Act No. 9003 is a *mandatory* but not a *jurisdictional* requirement in the filing of criminal cases before the appropriate prosecuting office. As such, non-compliance therewith would not necessarily lead to the immediate dismissal of a case.

The general structure of the citizen suit provision under Section 52(c) of Republic Act No. 9003 is similar to the U.S. citizen suit provisions, the only difference is that the 90-day period for governmental action is reduced to 30 days under Republic Act No. 9003. Thus, judicial interpretations on the U.S. citizen suit provision would be useful guideposts in determining the nature of the 30-day notice requirement under Section 52(c).

In *Hallstrom v. Tillamook County*,[75] the U.S. Supreme Court held that these two requirements are "mandatory conditions precedent to commencing suit under the ... citizen suit provision" and that a trial court "may not disregard these requirements at its discretion."[76] The federal Supreme Court did not rule that the conditions are jurisdictional requirements in the strict sense of the term, but it held that since the suit in question failed to comply with the two requisites for a valid citizen suit, the same must be dismissed.[77]

(q) R.A. No. 8550, Philippine Fisheries Code;
(r) R.A. No. 8749, Clean Air Act;
(s) R.A. No. 9003, Ecological Solid Waste Management Act;
(t) R.A. No. 9072, National Caves and Cave Resource Management Act;
(u) R.A. No. 9147, Wildlife Conservation and Protection Act;
(v) R.A. No. 9175, Chainsaw Act;
(w) R.A. No. 9275, Clean Water Act;
(x) R.A. No. 9483, Oil Spill Compensation Act of 2007; and
(y) Provisions in C.A. No. 141, The Public Land Act; R.A. No. 6657, Comprehensive Agrarian Reform Law of 1988; R.A. No. 7160, Local Government Code of 1991; R.A. No. 7161, Tax Laws Incorporated in the Revised Forestry Code and Other Environmental Laws (Amending the NIRC); R.A. No. 7308, Seed Industry Development Act of 1992; R.A. No. 7900, High-Value Crops Development Act; R.A. No. 8048, Coconut Preservation Act; R.A. No. 8435, Agriculture and Fisheries Modernization Act of 1997; R.A. No. 9522, The Philippine Archipelagic Baselines Law; R.A. No. 9593, Renewable Energy Act of 2008; R.A. No. 9637, Philippine Biofuels Act; and other existing laws that relate to the conservation, development, preservation, protection and utilization of the environment and natural resources.

75 493 U.S. 20 (1989).

76 *Id.* at 31.

77 *Id.*

In the same vein, the Court rules that the 30-day notice requirement under Section 52(c) of Republic Act No. 9003 is not a jurisdictional requirement. However, diverging from the result in *Hallstrom*, the Court holds that failure to comply with the 30-day notice requirement would not lead to the automatic dismissal of a case. Such requirement, instead, is a condition precedent that must be complied with prior to the filing of the case in court.

For the Court to rule that the 30-day notice requirement is a jurisdictional requirement will run counter to the face of Section 52(c) of Republic Act No. 9003, as there is nothing in the text of the said statute that precludes the courts from acquiring jurisdiction over a citizen suit if the 30-day notice requirement is not met. This pragmatic approach to the interpretation of the 30-day notice requirement, as compared to the strict compliance enunciated in *Hallstrom*, better serves the interests of judicial economy and efficiency as the citizen suit will not have to be dismissed and refiled, saving judicial resources, especially where the case is already at the advanced stage of litigation, such as here. Likewise, it may be prohibitively costly for a citizen-plaintiff to refile the action, which may defeat the purpose of liberalizing the policy of allowing citizens to act as environmental law enforcers.[78]

The purpose of the proviso in Section 52(c) of Republic Act No. 9003 is to give an opportunity to the violator and the concerned government agency to take appropriate action on the complaint. The DENR, for example, is best equipped to ascertain the veracity of the complaint regarding the alleged violation of Republic Act No. 9003, and to address the same through its personnel who have acquired technical expertise on the matter. Indeed, the DENR is the "primary government agency responsible for the conservation, management, development and proper use of the country's environment and natural resources,"[79] and the 30-day notice requirement gives the DENR the opportunity to exercise such mandate in the first instance.

This view is bolstered by Rule XX, Section 1 of the Implementing Rules and Regulations (**IRR**) of Republic Act No. 9003, which provides for the purposes of citizen suits, one of which is to "ensure that government officials [ ] take the necessary and appropriate action to abate and/or control pollution."[80] This is a recognition on the part of the DENR, as the agency tasked to promulgate the IRR of Republic Act No. 9003,[81] of its primary responsibility to act on complaints by citizens, especially prior to the filing of citizen suits in court.

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78 *See Karen P. Ryan, Hallstrom v. Tillamook County: Interpreting the Notice Provisions of Environmental Statutes*, 8 PACE ENVTL. L. REV. 255, 276–277 (1990).

79 Executive Order No. 192 (1987), sec. 4. Reorganization Act of the Department of Environment and Natural Resources.

80 Implementing Rules and Regulations of Republic Act No. 9003 (2001), rule XX, sec. 1.

81 Republic Act No. 9003 (2001), sec. 59.

Similar to barangay mediation proceedings, which is a condition precedent in the filing of certain cases, non-compliance with the 30-day notice requirement has much the same effect produced by non-exhaustion of administrative remedies, i.e., the complaint becomes afflicted with the vice of prematurity and the controversy there alleged is not ripe for judicial determination.[82]

Article 151 of the Family Code provides that "no suit between members of the same family shall prosper" unless earnest efforts toward a compromise have been made.[83] The Court has long held this provision not as a jurisdictional requirement but a condition precedent prior to the filing of cases in court.[84] Analogously, the wording of the 30-day notice requirement under Section 52(c) of Republic Act No. 9003, i.e., that "no suit can be filed until after [30]-day notice has been given" tracks with the wording of Article 151.

Since the failure to comply with the 30-day notice requirement is not a jurisdictional defect, the Court cannot, at this stage of the proceeding, order the immediate dismissal of the criminal case against Hector. It is at best a condition precedent, which is subject to waiver for failure to raise at the earliest possible opportunity.[85]

This result is all the more logical in criminal prosecutions. While citizen suits are allowed to be filed with respect to criminal actions as explicitly provided for under Section 52 of Republic Act No. 9003, the application of such rule is limited only to the filing of the complaint before the appropriate prosecuting office. The wording of the provision—that the action may be filed in the "proper courts/bodies"—supports the view that citizen suits with respect to criminal cases are limited to the filing of the complaint with the "proper body."

Such conclusion is in line with the nature of criminal cases in the Philippines. *First*, Rule 110, Section 2 of the Rules of Court provides that an Information should be filed "in the name of the People of the Philippines."[86] *Second*, it has long been held that in criminal cases, the real party in interest is the People of the Philippines, and the interest of the private offended party is limited only to the civil liability.[87] Thus, in the prosecution of the offense,

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82 *Aquino v. Aure*, 569 Phil. 403, 416 (2008) [Per J. Chico-Nazario, Third Division].

83 FAMILY CODE, art. 151 states:

No suit between members of the same family shall prosper unless it should appear from the verified complaint or petition that earnest efforts toward a compromise have been made, but that the same have failed. If it is shown that no such efforts were in fact made, the case must be dismissed.

84 *Moreno v. Kahn*, 837 Phil. 337, 344 (2018) [Per J. Perlas-Bernabe, Second Division].

85 RULES OF COURT, rule 8, sec. 12(b) states:

Failure to raise the affirmative defenses at the earliest opportunity shall constitute a waiver thereof.

86 RULES OF COURT, rule 110, sec. 2 states:

The complaint or information shall be in writing, in the name of the People of the Philippines and against all persons who appear to be responsible for the offense involved.

87 *JCLV Realty & Development Corporation v. Mangali*, 880 Phil. 267, 276 (2020) [Per J. Lopez, First Division].

the private complainant's role is restricted to that as a witness for the prosecution.[88] *Third*, the complaint filed with the appropriate prosecuting body will be subjected to preliminary investigation, which is an executive and not a judicial function, and over which the Court has adopted a policy of non-interference.[89] This means that a criminal case, prior to its filing in court, would have to be examined first by the public prosecutor, and the latter's appreciation of the allegations and the evidence is necessary prior to the filing of the case in court. *Finally*, Rule 110, Section 5 of the Rules of Court[90] states that all criminal actions are prosecuted under the direction and control of the public prosecutor. This is also in line with Part IV, Rule 9, Section 2 of the Rules of Procedure for Environmental Cases,[91] which provides that an Information alleging a violation of environmental laws must be subscribed by the prosecutor. Thus, the commencement of a criminal case through the filing of the Information in court is under the discretion of the public prosecutor, not the private offended party.

In essence, Section 52 of Republic Act No. 9003 allows any citizen to file a criminal complaint before the appropriate prosecuting body for violation of Republic Act No. 9003. Such complaint is not limited by the standing of the private offended party. However, upon the completion of preliminary investigation and the filing of the Information in court, the character of the case is transformed as it becomes a suit brought by the State on behalf of the People and not merely on behalf of the private offended party. Therefore, the real party in interest is the People, and the standing of the private offended party—whether it was the person who was directly injured by the alleged violation or an any other citizen—becomes secondary or merely supportive.

In line with the discussion above, the Court agrees with the ruling of the CA that the 30-day notice requirement under Section 52(c) of Republic Act No. 9003 is not applicable in this case.

Assuming, for the sake of argument, that the 30-day notice requirement under Section 52(c) of Republic Act No. 9003 is applicable, the Court must still rule in favor of the prosecution.

Prior to the filing of his Complaint-Affidavit before the Office of the Ombudsman on May 21, 2012, Leo filed a complaint on April 3, 2012 with the DENR, the government agency granted with fact-finding powers to

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88 *Rodriguez v. Gadiane*, 527 Phil. 691, 698 (2006) [Per J. Tinga, Third Division].

89 *Re: Draft Department of Justice-National Prosecution Service's [DOJNPS] Rules on Preliminary Investigations and Inquest Proceedings*, A.M. No. 24-02-09-SC, May 28, 2024 [Per J. Zalameda, *En Banc*], pp. 5–6. This pinpoint citation refers to the copy of the Resolution uploaded to the Supreme Court website.

90 RULES OF COURT, rule 110, sec. 5, states:

All criminal actions commenced by a complaint or information shall be prosecuted under the direction and control of the prosecutor...

91 RULES OF PROCEDURE FOR ENV'T CASES, part IV, rule 9, sec. 2 states:

An information, charging a person with a violation of an environmental law and subscribed by the prosecutor, shall be filed with the court.

determine any violation of Republic Act No. 9003,[92] regarding the dumping activities in his property. From this complaint arose the ocular investigation conducted by Engr. Ricardo of the DENR. Hector has also admitted that he had known of the dumping operation allegedly conducted by the private company for three years already. The substantial compliance rule is defined as "compliance with the essential requirements, whether of a contract or of a statute."[93] Such rule may be applied at the discretion of the Court "where the purpose of the law has been satisfied."[94] Here, the purpose of the notice requirement has been satisfied because Hector has had prior knowledge of the use of the property as a dump site even before Leo complained with the DENR; he admittedly already had notice of the dumping operation being conducted in the subject property. Thus, having notified the alleged violator and the concerned government agency, there is substantial compliance with the 30-day notice requirement under Section 52(c) of Republic Act No. 9003.

The Court notes that in the Complaint-Affidavit that Hector filed before the Office of the Ombudsman, he averred that he and his mother are the owners of the property covered by TCT No. T-25456, and that a substantial portion of the said property is being used by Hector as a dump site without his consent, as confirmed by the inspection made by Engr. Ricardo.[95] This same narration of facts was testified to by Leo in his Judicial Affidavit presented before the MCTC.[96]

From these, Leo essentially alleged that he has suffered direct injury or the "illegal invasion of [his] legal right"[97] to use and enjoy his property without the hazards brought by its use as a dump site. Since Leo alleged suffering direct personal injury from the complained acts of Hector, the Complaint-Affidavit filed by Leo before the Ombudsman is not a citizen suit. Thus, Leo need not observe the 30-day notice requirement under Section 52(c) of Republic Act No. 9003.

Ownership of the property is not a valid defense for the crime of Violation of Section 48(9), in relation to Section 37, of Republic Act No. 9003

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92 Republic Act No. 9003 (2001), sec. 9 states:

The Department or its duly authorized representative shall have access to, and the right to copy therefrom, the records required to be maintained pursuant to the provisions of this Act. The Secretary or the duly authorized representative shall likewise have the right to enter the premises of any generator, recycler or manufacturer, or other facilities any time to question any employee or investigate any fact, condition or matter which may be necessary to determine any violation, or which may aid in the effective enforcement of this Act and its implementing rules and regulations. This Section shall not apply to private dwelling places unless the visitorial power is otherwise judicially authorized.

93 *Alvarez v. People*, 692 Phil. 89, 97 (2012) [Per J. Villarama, Jr., First Division].

94 *In the Matter of the Petition for the Probate of the Last Will and Testament of Cecilia Esguerra Cosico*, 902 Phil. 194, 211 (2021) [Per J. Lazaro-Javier, Second Division].

95 CA *rollo*, pp. 107–110.

96 *Id.* at 121–124.

97 *Spouses Custodio v. Court of Appeals*, 323 Phil. 575 (1996) [Per J. Regalado, Second Division].

Hector maintains that the property cannot be owned by Leo because ownership of Boracay remained with the State. Hector cites Proclamation No. 1801 issued by then President Ferdinand E. Marcos, which declared the island as a tourist zone and marine reserve under the jurisdiction of the then Philippine Tourism Authority.[98] He further cites Proclamation No. 1064 issued by then President Gloria Macapagal Arroyo, which declared certain portions of Boracay as forestland, and other portions as alienable and disposable agricultural land.[99] This latter Proclamation was upheld by the Court in *Secretary of the Department of Environment and Natural Resources v. Yap.*[100] Thus, Hector asserts that since the title held by Leo over the property originated from a title granted prior to Proclamation No. 1064, or prior to the opening up to disposition of certain parcels of land in Boracay, Leo could not be considered the valid legal owner of the property and as such he is not a private offended party.[101]

The OSG argues that the issue of ownership over the property is a factual matter that had been decided by the CA.[102] To recall, the CA held that it need not belabor on the issue of ownership of the property where the dump site is situated since Republic Act No. 9003 does not make any reference to such requirement.[103]

The Court finds the OSG's argument meritorious.

Section 48(9) of Republic Act No. 9003 reads as follows:

> SEC. 48. *Prohibited Acts.* – The following acts are prohibited:
>
> ....
>
> (9) Establishment or operation of open dumps as enjoined in this Act, or closure of said dumps in violation of Sec. 37;

In relation to the above provision, Section 37 of Republic Act No. 9003 provides:

> SEC. 37. *Prohibition Against the Use of Open Dumps for Solid Waste.* – No open dumps shall be established and operated, nor any practice or disposal of solid waste by any person, including LGUs, which constitutes the use of open dumps for solid waste, be allowed after the effectivity of

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98 Proclamation No. 1801 (1981). Declaring Certain Islands, Coves and Peninsulas in the Philippines as Tourist Zones and Marine Reserve under the Administration and Control of the Philippine Tourism Authority.

99 Proclamation No. 1064 (2006). Classifying Boracay Island Situated in the Municipality of Malay, Province of Aklan into Forestland (Protection Purposes) and into Agricultural Land (Alienable and Disposable) Pursuant to Presidential Decree No. 705 (Revised Forestry Reform Code of the Philippines).

100 589 Phil. 156 (2008) [Per J. R.T. Reyes, *En Banc*].

101 *Rollo*, pp. 18–20.

102 *Id.* at 109.

103 *Id.* at 47–48.

> this Act: *Provided*, That within three [] years after the effectivity of this Act, every LGU shall convert its open dumps into controlled dumps, in accordance with the guidelines set in Section 41 of this Act: *Provided, further*, That no controlled dumps shall be allowed five [] years following effectivity of this Act.

Section 48(9) of Republic Act No. 9003 is a straightforward penal provision that prohibits the following acts: (**a**) establishment of open dumps; (**b**) operation of open dumps; and (**c**) closure of open dumps in violation of Section 37. This latter provision specifically prohibits the establishment and operation of open dumps, including any practice or disposal of solid wastes by any person, including local government units, which constitutes the use of open dumps for solid waste. An "open dump" is a "disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards."[104]

A textual reading of Section 48(9) of Republic Act No. 9003 shows that ownership of the property being used as an open dump is not an element of the crime. More so, it is not a requirement for the filing of a criminal case in court. What the law simply prohibits is the establishment and operation of open dumps, and the closure of existing ones contrary to the timeline provided for in Section 37. The prosecution need only prove that the prohibited act has been committed by the alleged perpetrator for conviction to prosper.

At any rate, Section 48 of Presidential Decree No. 1529 or the Property Registration Decree[105] provides that a certificate of title cannot be the subject of a collateral attack. There is a collateral attack when "in an action to obtain a different relief and as an incident of the said action, an attack is made against the judgment granting the title."[106] A title issued under the Torrens system is generally conclusive evidence of ownership and enjoys a strong presumption that the title was regularly issued.[107]

Hector's asseverations on the invalidity of Leo's title is a collateral attack that the law prohibits. Hector only alleged the supposed spurious origin of Leo's title as he did not present any proof that Leo acquired the title fraudulently and that such title had been invalidated by competent authority. It is a basic rule that mere allegation is not equivalent to proof and is devoid of any evidentiary weight.[108] As such, the certificate of title enjoys the presumption of regularity and validity. Leo is, for the purpose of this case, considered the private offended party since he suffered direct injury from the use of his property as a dump site.

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104 Republic Act No. 9003 (2001), sec. 3(t).

105 Presidential Decree No. 1529 (1978), sec. 48 states:

> A certificate of title shall not be subject to collateral attack. It cannot be altered, modified, or canceled except in a direct proceeding in accordance with law.

106 *Cagatao v. Almonte*, 719 Phil. 241, 252 (2013) [Per J. Mendoza, Third Division].

107 *Sps. Yu v. Topacio, Jr.*, 863 Phil. 397, 407 (2019) [Per J. J. Reyes, Jr., Second Division].

108 *Menez v. Status Maritime Corporation*, 839 Phil. 360, 369 (2018) [Per J. Caguioa, Second Division].

The prosecution has proved all elements of the crime charged and Hector is guilty thereof beyond reasonable doubt

Hector contends that the prosecution failed to prove his guilt beyond reasonable doubt. Hector asserts that the filing of the criminal case, as well as the administrative case, against him was motivated by ill will, vengeance and hatred because Hector did not issue the Barangay fencing permit allegedly being sought by Leo over the property. He claims that there are material inconsistencies in the testimony of Leo, i.e., in the Complaint-Affidavit Leo filed with the Office of the Ombudsman, he stated that he personally inspected the property being used as a dump site but in his Judicial Affidavit before the MCTC, he stated that he sent a representative to check on the property. Lastly, Hector acknowledges that Section 10 of Republic Act No. 9003 provides that the Barangay shall be in charge of segregation and collection of solid wastes. However, he passes the buck to the DENR for its failure to supply the Barangay with equipment to control and manage solid wastes.[109]

The OSG maintains that all the elements of the crime have been proven by the prosecution. It contends that Hector, as the chief executive of the Barangay, allowed a private entity to use the property as an open dump site since the MRF of the Barangay was already full. He also knew that the private entity did not have the requisite permit to operate the dump site, which caused environmental damage and health hazards to inhabitants in the locality. The use of the area as a dump site was confirmed by the DENR personnel who conducted the ocular inspection. Thus, the prosecution clearly proved beyond reasonable doubt all elements of the crime charged. While it is true that the DENR is responsible for providing the necessary support to local government units to address solid waste in their respective areas, the fact remains that Hector was remiss in his duties to abide by the provisions of Republic Act No. 9003.[110]

The Court affirms the uniform rulings of the lower courts in finding Hector guilty beyond reasonable doubt of the crime charged.

As discussed, Section 48(9) of Republic Act No. 9003 clearly prohibits the establishment or operation of open dumps. It must be noted that at the time of the alleged commission of the crime in March 2012, the absolute prohibition on the establishment and operation of open dumps under Section 37 was already in full effect. Thus, to secure a conviction under Section 48(9), all the prosecution needed to prove was that the perpetrator established or operated an open dump.

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[109] *Rollo*, pp. 21–23.
[110] *Id.* at 104–110.

Rule 130, Section 27 of the Rules of Court[111] provides that the act or declaration of a party as to a relevant fact may be given in evidence against such party. Admissions against interest are based on the "notion that no person would make any declaration against himself or herself, unless it is true."[112] The Court has held that "a [person's] acts, conduct, and declaration, wherever made, if voluntary, are admissible against [them], for the reason that it is fair to presume that they correspond with the truth, and it is [their] fault if they do not."[113] To be admissible, an admission against interest must satisfy the following requisites: (**a**) involve matters of fact, and not of law; (**b**) be categorical and definite; (**c**) be knowingly and voluntarily made; and (**d**) be adverse to the admitter's interests, otherwise it would be self-serving and inadmissible.[114]

In his notarized Reply[115] to the Complaint-Affidavit filed by Leo before the Office of the Ombudsman, Hector readily admitted that the Barangay established and operated the dump site in Leo's property, notwithstanding that it was only a temporary arrangement. The pertinent portion of the Reply reads as follows:

> There [were] several complaints from tourist[s] and residents[,] and even hotel operators regarding the health and sanitary condition[s] due [to] uncollected garbage. The MRF was already full and at that time was not operational.
>
> The residents[,] especially the vulnerable group of [minors] and elderly suffered health problems, prompting the [Barangay] Council to look for an alternative temporary dumping site.
>
> They were able to locate one that is located in a less populated portion[] of [Barangay] Yapak.
>
> They approach[ed] the caretaker Otelo Casidsid and after a call with herein complainant [Leo], they were allowed to dump in the area. [...]
>
> ....
>
> To avert and arrest the proliferation of sickness of our constituents in Yapak, the [Barangay] Council was constrained to look for a suitable site far from the residents and the [h]otels in [Barangay] Yapak. After a suitable place was located[,] the [Barangay] Council sought the permission of the caretaker who in turn sought the permission of the alleged claimant of the area who also allowed its use.
>
> This was used as a temporary dumpsite until such time that the MRF is fully operational.[116]

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[111] RULES OF COURT, rule 130, sec. 27 states:
The act, declaration or omission of a party as to a relevant fact may be given in evidence against him or her.

[112] *People v. Catacutan*, 935 Phil. 1124, 1137 (2023) [Per J. Lazaro-Javier, Second Division].

[113] *Unchuan v. Lozada*, 603 Phil. 410, 425 (2009) [Per J. Quisumbing, Second Division].

[114] *Lacbayan v. Samoy, Jr.*, 661 Phil. 306, 318 (2011) [Per J. Villarama, Jr., Third Division].

[115] CA *rollo*, pp. 175–180.

[116] *Id.* at 178–180.

These statements made by Hector are clear admissions against his interest. *First*, they involve matters of fact regarding the circumstances on the temporary dumping arrangement in the subject property made through Otelo, the property's caretaker. *Second*, the statements are clear and categorical that dumping operations were conducted in the property by the Barangay. *Third*, the statements were knowingly and voluntarily made by Hector as they are contained in the notarized Reply filed with the Office of the Ombudsman. The *jurat* at the end of such instrument attests to the fact that Hector executed the same document before the named notary found therein.[117] *Lastly*, the statements made in the Reply are clearly adverse to Hector's interest, as he admitted that the Barangay Council, which he is a part of and serves as its presiding officer,[118] operated the dump site in the property.

A declarant may, of course, refute an admission made against his or her own interest. However, when the "admission against interest was made in a notarial document, thus enjoying the presumption of regularity, the evidence contradicting the facts in the notarial document must be clear and convincing."[119]

During trial, Hector would change his version of the facts and deny that he operated the dump site for the barangay. There, he forwarded the allegation that it is a private entity which contracted with the owner of the property regarding the dumping activities in the area. The cross-examination of Hector reveals the following:

> Q. - : Is it not that being a Barangay Captain, it is your utmost goal [to promote] the health [and] fitness of your constituents?
>
> A. - : Yes.
>
> Q. - : You said in your Judicial Affidavit that [the private entity] was the one who dumped the garbage?
>
> A. - : Yes, the [private entity].
>
> Q. - : So, being the Barangay Captain, did you take steps to issue [any] license [or] permit to dump in said property. Did you inquire, verify?
>
> A. - : No.
>
> Q. - : Why did you allow the [private entity] to dump in the property?

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[117] *Malvar v. Baleros*, 807 Phil. 16, 29 (2017) [Per J. Reyes, Third Division].

[118] LOCAL GOVERNMENT CODE, sec. 390 states:

> The sangguniang barangay, the legislative body of the barangay, shall be composed of the punong barangay as presiding officer, and the seven [] regular sangguniang barangay members elected at large and sangguniang kabataan chairman, as members.

[119] *Serrano v. Spouses Guzman*, 897 Phil. 767, 778 (2021) [Per J. Carandang, First Division].

A. - : Their area is inside [the property]. They were there for three [] years. They left the garbage and we [had to] sacrifice because of its foul odor and many tourists pass by.

Q. - : Did the [B]arangay [C]ouncil take action?

A. - : I was the one.

Q. - : So, did you not ask aid from [the] [B]arangay [C]ouncil, you addressed the situation to arrange and segregate the garbage dumped in the said property?

A. - : Yes.

Q. - : And you said [the private entity] had [a] contract with Roberto Tirol?

A. - : Yes.

Q. - : So what is your proof [the private entity had a] contract with Roberto Tirol?

A. - : [The private entity] told me there is a contract.

Q. - : So, you only [relied] on what was told to you?

A. - : Yes, but I did not ask for the contract.[120]

Aside from the testimony of Otelo supporting this theory that a private entity operated the dump site, Hector did not present any other evidence that would have supported his version of the facts. He failed to present a copy of the contract or the testimony of any responsible officer of the private entity. Otelo's testimony is likewise lacking in credibility considering that Otelo is Hector's uncle, who can hardly be considered a detached or disinterested witness. Without any proof of the alleged agreement between the owners of the property and the private entity, there is no clear and convincing proof that would properly refute the admission made by Hector in his Reply before the Office of the Ombudsman.

Hector's contention that Leo only initiated the criminal case out of malice and ill will deserves scant consideration.

A frivolous action is defined as a "groundless lawsuit with little prospect of success" and is "often brought merely to harass, annoy, and cast groundless suspicions on the integrity and reputation of the defendant."[121] Here, Hector did not offer any evidence to support this bare allegation. At any rate, this case does not appear to be groundless as to merely harass or annoy Hector as the Office of the Ombudsman found probable cause to indict

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[120] CA *rollo*, pp. 135–137.

[121] *Sian v. Spouses Somoso*, 869 Phil. 46, 55 (2020) [Per J. Carandang, Third Division].

him, the MCTC found him guilty of the crime, and the RTC and the CA affirmed such conviction.

Likewise, the Court finds no merit in Hector's claim that the inconsistencies in Leo's statements before the Office of the Ombudsman and his testimony in court are material as to affect the outcome of this case.

To engender reasonable doubt, inconsistencies in testimonial evidence must relate to *material* matters. A material fact "relates directly to a fact in issue; or to a fact to which, by the process of logic, an inference may be made as to the existence or non-existence of a fact in issue."[122] If the inconsistency refers merely to minor details and do not touch upon the basic aspects of the crime, the witness' credibility is not diminished.[123] On the contrary, minor inconsistencies are even recognized as a sign of candor and truthfulness which shows the witness' recollection of the events and not a rehearsed attempt to frame the accused.[124]

In the Complaint-Affidavit filed before the Office of the Ombudsman, Leo stated that he "made ocular inspections" of the property.[125] However, in his Judicial Affidavit filed with the MCTC, Leo testified that he sent one of his personnel to inspect the property and confirm the dumping activities there.[126] This is a minor inconsistency as the factual detail does not touch upon any of the elements of the crime. Whoever made the inspection of the property—be it Leo himself or his representative—the fact remains undisputed that an open dump had been established and operated within the property. This is confirmed by Engr. Ricardo of the DENR. Thus, Leo's testimony remains credible and may be accorded evidentiary weight.

Finally, Hector cannot simply shift blame to the DENR for his own failure to comply with the provisions of Republic Act No. 9003. While the Court commiserates with local government units, especially those without the capacity and wherewithal to implement effective solid waste management programs, lack of resources is not a valid excuse to avoid liability under the law. In fact, Hector's temerity to deflect responsibility is astounding considering his admission that he did not even request the assistance of the DENR to address the existence of the open dump in his locality.[127]

As aptly ruled by the CA, Hector was, as Barangay Chairperson, vested with the power and authority to properly implement Republic Act No. 9003. He could have taken appropriate action to close the dumpsite, but he clearly

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[122] *People v. Peralta*, 911 Phil. 393, 408 (2021) [Per J. Gaerlan, Second Division].
[123] *Id.* at 408–409.
[124] *Id.* at 409.
[125] CA *rollo*, p. 79.
[126] *Id.* at 122.
[127] *Id.* at 138.

did not. His silence and inaction may be properly treated as indicia that he allowed its establishment and operation.[128]

In sum, the Court finds no reason to disturb the findings of the lower courts in convicting Hector of the crime charged.

The MCTC imposed the appropriate penalty on Hector in accordance with Section 49(c) of Republic Act No. 9003

Section 49(c) of Republic Act No. 9003 reads as follows:

> SEC. 49. *Fines and Penalties.* – ...
>
> ....
>
> (c) Any person who violates Sec. 48 pars. (8), (9), (10) and (11) for the first time shall, upon conviction, pay a fine of [PHP 500,000.00] plus an amount not less than [5%] but not more than [10%] of his net annual income during the previous year.

The prosecution did not present proof of Hector's previous commission of the same offense. It also did not present any evidence of Hector's net annual income. Thus, the MCTC correctly imposed the principal penalty of payment of fine of PHP 500,000.00.

Pursuant to Section 46 of Republic Act No. 9003, the fine shall accrue to the Solid Waste Management Fund, a portion of which shall be allocated to Barangay Yapak to finance the latter's solid waste management program, based on a sharing scheme formulated by the National Solid Waste Management Commission, in accordance with Rule XV, Section 3 of the IRR of Republic Act No. 9003. The said Commission is directed to report to the Court the determined share for Barangay Yapak and its release to the latter within 90 days from receipt of this Decision.

Section 17(h)(3) of Republic Act No. 9003 provides that "[i]f an open dump site is existing within the city or municipality, the [local solid waste management] plan shall make provisions for its closure or eventual phase out within the period specified under the framework and pursuant to the provisions under Section 37[.]" The Municipality of Malay, Province of Aklan, as the local government unit in charge of implementing the local solid waste management plan that covers Barangay Yapak, shall be directed to conduct proper clean-up operations and permanently close the subject open dump site. Said local government unit is also directed to report to the Court compliance with this order within 90 days from receipt of this Decision.

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[128] *Rollo*, p. 47.

A final note

It has long been held that the people's "right to a balanced and healthful ecology in accord with the rhythm and harmony of nature"[129] is not just a hollow phrase or mere abstraction, but a concrete guarantee and enforceable right that imposes a correlative duty to refrain from impairing the environment.[130] It is in this light that the Court will not hesitate, nor will it waver, in the face of any act or omission that threatens this fundamental right. Particularly for Boracay, the Court must match the national government's efforts at rehabilitation and severely castigate those particularly in the local government who fail to protect it, because in doing so, we all protect "a piece of paradise."[131]

ACCORDINGLY, the Petition for Review on *Certiorari* is **DENIED** for lack of merit. The Decision, dated May 28, 2021, and the Resolution, dated December 15, 2021, of the Court of Appeals in CA-G.R. SP No. 13868, are **AFFIRMED**.

The National Solid Waste Management Commission is **DIRECTED** to report to the Court the determined share of Barangay Yapak from the Solid Waste Management Fund, and its release to the latter, within 90 days from receipt of this Decision.

The Municipality of Malay, Province of Aklan, is **ORDERED** to conduct clean-up operations and permanently close the subject dump site in accordance with the provisions of Republic Act No. 9003, and report to this Court compliance with the said directive, within 90 days from receipt of this Decision.

SO ORDERED.

MARIA FILOMENA D. SINGH
Associate Justice

WE CONCUR:

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[129] CONST., art. II, sec. 16.

[130] *Quezon for Environment v. Executive Secretary Medialdea*, 960 Phil. 253, 270 (2024) [Per J. Singh, *En Banc*], *citing Oposa v. Factoran*, 296 Phil. 694 (1993) [Per J. Davide, Jr., *En Banc*].

[131] *Zabal v. President Duterte*, 846 Phil. 743, 774 (2019) [Per J. Del Castillo, *En Banc*].

Dissent.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice