



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

November 29, 2023

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Regional

FROM : The OIC - PENRO
Oriental Mindoro

SUBJECT : **ACKNOWLEDGEMENT RECEIPT FOR THE NOTICE OF
ISSUANCE OF DECISION RELATIVE TO APPREHENDED
ILLEGALLY SOURCE FOREST PRODUCTS AND
CONVEYANCE**

Transmitted is the acknowledgement receipt of CENRO Roxas, Oriental Mindoro relative to the received notices of issuance of decision within area of jurisdiction.

For information and reference.

for: Roxas 11/30/23
ALAN L. VALLE





Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
Community Environment and Natural Resources Office
Camia St., San Mariano, Roxas, Oriental Mindoro
Contact No. : 0917 876 9985/ 0917 113 5572
VOP: (043) 289-7118
Email: cenroroxas_orientalmin@yahoo.com

MEMORANDUM

FOR : The Regional Executive Director
DENR MIMAROPA Region
1515 DENR by the Bay Building
Roxas Boulevard, Ermita Manila

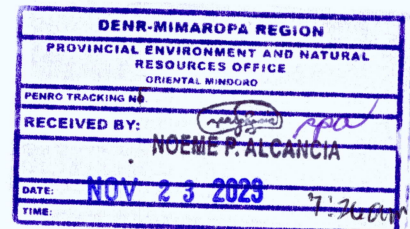
ATTN: The Chief Law Enforcement Division
The Chief Legal Division

THRU : The OIC, PENR Officer
Suqui, Calapan City
Oriental Mindoro

FROM : The CENR Officer
Roxas, Oriental Mindoro

SUBJECT : ACKNOWLEDGEMENT RECEIPT FOR ISSUANCE OF ORDER OF
FINALITY OF ILLEGALLY SOURCE FOREST PRODUCTS.

DATE : November 20, 2023

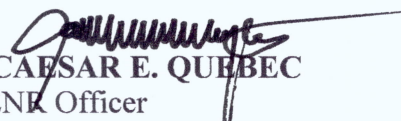


In compliance with the directive pertaining to the issued Order of Finality, this office acknowledged receipt dated November 09, 2023 of the hereunder tabulated apprehended vehicle and forest products to wit;

CONVEYANCE S/TOOLS	VOLUME/ NO. OF SACKS	PLACE APPREHENDED	CUSTODY/LOCA TION	TOTAL
1. One (1) unit Mitsubishi L 300 Van Plate No. UBD 535	Twenty Nine (29) sacks of wood charcoal.	Brgy. Malitbog, Bongabong, Or. Mdo.	DENR-CENRO Roxas, Or. Mdo.	Twenty Nine (29) sacks of wood charcoal.
2. One (1) unit Blue Nissan Urvan Plate No. ZMF 246	Thirty Five (35) sacks of wood charcoal	Brgy. Paclasan, Roxas, Or. Mdo.	DENR-CENRO Roxas, Or. Mdo.	Thirty Five (35) sacks of wood charcoal
3. One (1) unit Nissan Urvan Plate No. ZEY 778	Five (5) sacks of wood charcoal	Brgy. Dangay, Roxas, Or. Mdo.	DENR-CENRO Roxas, Or. Mdo.	Five (5) sacks of wood charcoal
4. One (1) UNIT Isuzu Multicab Plate No. YEK 892	Twenty seven (27) sacks of wood charcoal	Brgy. Poblacion, Mansalay, Or. Mdo.	DENR-CENRO Roxas, Or. Mdo	Twenty seven (27) sacks of wood charcoal
TOTAL -----				Ninety Six (96) sacks of wood charcoal

This office is now preparing documentation for the recording in the book of accounts.

For information and further instruction.


ENGR. CAESAR E. QUEBEC
CENR Officer

Cc: Accounting section

IN RE: CONFISCATION OF TWENTY-NINE (29) SACKS OF WOOD CHARCOAL AND ONE (1) UNIT OF MITSUBISHI L300 VAN BEARING PLATE NUMBER UBD 535, APPREHENDED AT SITIO CENTRO, BARANGAY MALITBOG, BONGABONG, ORIENTAL MINDORO (P-2023-112155)

ORDER OF FINALITY

An Order dated September 7, 2021 was issued by then Regional Executive Director Maria Lourdes G. Ferrer, *CESO III* confiscating twenty-nine (29) sacks of wood charcoal and one (1) unit of Mitsubishi L300 Van bearing Plate Number UBD-535, apprehended at Sitio Centro, Barangay Malitbog, Bongabong, Oriental Mindoro.

A Certification dated September 14, 2023 was issued by Michelle B. Tuyan, OIC-Chief, Records Section, DENR-MIMAROPA, stating that no Motion for Reconsideration or Notice of Appeal was filed against the Order, thus, pursuant to Section 7, No. 6 of DAO 97-32, the Order dated September 7, 2021 is deemed final and executory.

WHEREFORE, premises considered, the Order dated September 7, 2021 is declared **FINAL AND EXECUTORY**, the **CONFISCATED ITEMS** are deemed **PERMANENT PROPERTY** of the government, and after **ENTRY** of this Order into the books of account of the PENRO Oriental Mindoro, it is hereby **ORDERED**:

The Regional Bids and Awards Committee¹ shall facilitate the disposition of the one (1) unit Mitsubishi L300 Van bearing Plate No. UBD-535 while the twenty-nine (29) sacks of wood charcoal shall be disposed by CENRO Roxas pursuant to DAO 2022-10 – Manual of Authorities on Technical Matters; and other related ENR rules and regulations.

SO ORDERED.

City of Manila. OCT 16 2023

FELIX S. MIRASOL, JR., CESO IV
OIC, Regional Executive Director

Copy furnished:

Mr. Edwin Yara Olavidez
Brgy. Tambong, Gloria,
Oriental Mindoro

PNP Bongabong Municipal Police Station

The Chief, Administrative Division

The Chief, Finance Division

PENRO Oriental Mindoro

CENRO Roxas

FD/MMM/9-15-23

CERTIFIED TRUE COPY
OF THE ORIGINAL

2023

IN RE: CONFISCATION OF TWENTY NINE (29) SACKS OF WOOD CHARCOAL AND ONE (1) UNIT OF MITSUBISHI L300 VAN BEARING PLATE NUMBER UBD 535, APPREHENDED IN SITIO CENTRO, BARANGAY MALITBOG, BONGABONG, ORIENTAL MINDORO

ORDER

Records show that on March 22, 2021 at around 11:30 in the evening, the elements of the Philippine National Police (PNP) Bongabong Municipal Police Station apprehended twenty nine (29) sacks of wood charcoal and one (1) unit of Mitsubishi L300 van bearing Plate Number UBD 535, with an estimated fair market value of PHP4,350.00 and PHP80,000.00, respectively, in Sitio Centro, Brgy. Malitbog, Bongabong, Oriental Mindoro. The apprehended items were delivered to and deposited at the CENRO Roxas, Oriental Mindoro for safekeeping and custody. A Seizure Order dated March 23, 2021 was issued by OIC, CENR Officer Alma E. Gibe, Seizure Officer.

In the *Pinagsamang Sinumpaang Salaysay* dated March 23, 2021 of PSSg Ricky James Famillara Fallarcuna of PNP Bongabong Municipal Police Station, he narrated that at around 11:30 in the evening of March 22, 2021, they conducted a checkpoint along the Strong Republic National Highway at Sitio, Centro, Brgy. Malitbog, Bongabong, Oriental Mindoro. A Mitsubishi L300 van passed by the checkpoint and they signaled for the driver to stop the vehicle. The apprehending officer saw in plain view several sacks of charcoal from the windows of the van. They asked the consent of the driver, identified as Mr. Edwin Yara Olavidez, if he could open the back of the van. Upon Mr. Olavidez's consent, they examined the contents of the sacks and confirmed that it was wood charcoal. The apprehending officer asked Mr. Olavidez if he has the necessary permit, but there was none. After informing Mr. Olavidez of his violation and his rights, they brought him and the conveyance loaded with sacks of charcoal to the PNP Bongabong Municipal Police Station for further investigation.

Criminal Case No. CR21-11622A against Mr. Edwin Yara Olavidez for violation of Section 77 of P.D. 705, as amended, is now pending before the Regional Trial Court Branch 41, Pinamalayan, Oriental Mindoro.

Pursuant to Section 7 of DAO 97-32, an administrative hearing was conducted on April 7, 2021 at the CENRO Roxas, Oriental Mindoro, presided by Reynaldo D. Pudiquet, Hearing Officer.

During the hearing, Mr. Edwin Yara Olavidez admitted that he is the owner of the apprehended forest products and the driver of the conveyance. He stated that the conveyance is owned by his brother, Mr. Ronaldo Olavidez. He disclosed that he bought the sacks of charcoal from a stranger in Bulalacao. Mr. Olavidez further stated that he is a fish vendor and also an owner of a *lugawan* where he uses the charcoal.

Mr. Ronaldo Olavidez admitted that he is owner of the conveyance used in the transport of the apprehended forest products. He stated that he entrusted his vehicle to his brother because he does not drive. He disclosed that he was not aware that his brother used the vehicle to load illegal forest products.

After a thorough evaluation of the facts pertaining to the apprehension, seizure, and the conduct of administrative adjudication proceedings, this Office finds that there is substantial evidence against Mr. Edwin Yara Olavidez for violation of Section 77 of P.D. 705, as amended. This Office concurs with the recommendation of the Hearing Officer for the confiscation of the sacks of charcoal in favor of the government but disagrees in the recommendation for the seizure of the vehicle.

age and willingly participated therein by providing the conveyance for the illegal

Section 77-A of PD 705, as amended, provides for the authority of the Department Head or his duly authorized representative to order confiscation, thus, pursuant to **Section 1 and 2 of DAO No. 97-32**, the following items shall be confiscated:

Section 1. (e) Forest Products – Refer to timber including **charcoal xxx**

Section 2. Items Subject to Apprehension, Seizure, Confiscation and Forfeiture. –

(a) **ILLEGAL FOREST PRODUCTS – Any forest product (s)** defined in Section 1 (e) above that are removed, cut, collected, processed and/or **transported: (a) without the requisite authorization or permit xxx**

(b) xxx

(c) **CONVEYANCE – any mode or type or class of vehicle** or craft or any other means used for transportation either on land, water, air, or any combination thereof, whether motorized or not, **used for** or in taking and/or maintaining temporary or permanent possession or control, gathering, collecting, processing, disposing of, or otherwise **transporting, moving or transferring illegal forest products** (*Emphasis ours.*)

Furthermore, the *Rules of Procedure for Environmental Cases (AM-09-6-8-SC)* recognizes under *Rule 12 Section 1* thereof that the custody and disposition of seized items shall be in accordance with the applicable laws or rules promulgated by the concerned government agency, hence, this confiscation.

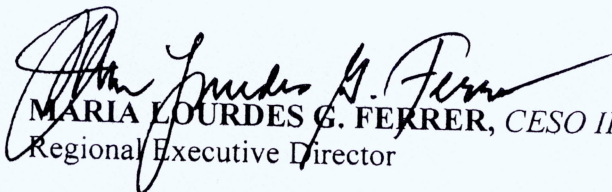
WHEREFORE, PREMISES CONSIDERED, the apprehended twenty nine (29) sacks of wood charcoal and one (1) unit of Mitsubishi L300 van bearing Plate No. UBD 535, with an estimated fair market value of PHP4,350.00 and PHP80,000.00, respectively, are hereby **CONFISCATED** in favor of the government, to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter.

The CENRO is directed to:

1. **FURNISH** a copy of this Order to the Court where the criminal case is pending for their consideration, record, and reference; and,
2. **SUBMIT** updates to this Office for monitoring purposes.

SO ORDERED.

Manila, Philippines. SEP 07 2021


MARIA LOURDES G. FERRER, CESO III
Regional Executive Director

Copy furnished:

PENRO Oriental Mindoro

CENRO Roxas, Oriental Mindoro

PNP Bongabong Municipal Police Station

Mr. Edwin Yara Olavidez
Brgy. Tambong, Gloria
Oriental Mindoro





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

IN RE: CONFISCATION OF ONE (1) UNIT OF BLUE NISSAN URVAN 2.7 VAN BEARING PLATE NO. ZMF-246 LOADED WITH THIRTY-FIVE (35) SACKS OF WOOD CHARCOAL APPREHENDED IN BRGY. PACLASAN, ROXAS, ORIENTAL MINDORO (I-2023-116151)

ORDER OF FINALITY

An Order dated December 28, 2015 was issued by then Regional Director Oscar C. Dominguez confiscating one (1) unit of blue Nissan Urvan 2.7 Van bearing Plate No. ZMF-246 loaded with thirty-five (35) sacks of wood charcoal apprehended in Brgy. Paclasan, Roxas, Oriental Mindoro.

A Certification dated September 14, 2023 was issued by Jocelyn B. De Layola, OIC-Chief, Records Management Division, DENR-Central Office, stating that no Notice of Appeal was filed against the Order, thus, pursuant to Section 7, No. 6 of DAO 97-32, the Order dated December 28, 2015 is deemed final and executory.

WHEREFORE, premises considered, the Order dated December 28, 2015 is declared **FINAL AND EXECUTORY**, the **CONFISCATED ITEMS** are deemed **PERMANENT PROPERTY** of the government, and after **ENTRY** of this Order into the books of account of the PENRO Oriental Mindoro, it is hereby **ORDERED**:

The Regional Bids and Awards Committee¹ shall facilitate the disposition of the one (1) unit blue Nissan Urvan 2.7 Van bearing Plate No. ZMF-246 while the thirty-five (35) sacks of wood charcoal shall be disposed by CENRO Roxas pursuant to DAO 2022-10 – Manual of Authorities on Technical Matters; and other related ENR rules and regulations.

SO ORDERED.

City of Manila. OCT 16 2023


FELIX S. MIRASOL, JR., CESO IV
OIC, Regional Executive Director

Copy furnished:

Mr. Pablo Matino
Brgy. Calingag, Pinamakayan,
Oriental Mindoro

The Chief, Administrative Division

The Chief, Finance Division

PENRO Oriental Mindoro

CENRO Roxas

ED/MMM/9-29-23



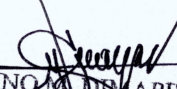
Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 116151

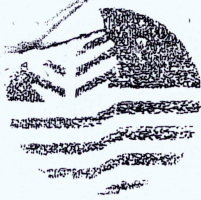
CERTIFIED TRUE COPY
OF THE ORIGINAL

Date: 17 OCT 2023


LINO M. DINAPILIS
Chief, Enforcement Division
DENR Region IV, MIMAROPA

¹ DAO 2022-10- Manual of Authorities on Technical Matters

ARD-TS/ED



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B MIMAROPA

DENR Case No. M-9-16-F

**IN RE : CONFISCATION OF ONE (1) UNIT OF BLUE NISSAN URVAN 2
VAN BEARING PLATE NO. ZMF-246 LOADED WITH THIRTY FIVE
(35) SACKS OF WOOD CHARCOAL APPREHENDED IN BRC
PACLASAN, ROXAS, ORIENTAL MINDORO**

X-----

ORDER

For resolution is the Motion for Reconsideration (and to Release Vehicle) dated May 8, 2016 submitted by Mr. Pablito Mativo requesting the following:

1. Recall of the Order of Confiscation dated December 28, 2015 which ordered the confiscation of one (1) unit of Blue Nissan Urvan with Plate No. ZMF 246;
2. Recall of the complaint lodged before the Office of the Provincial Prosecutor docketed as IS No. IV-07-INV-1B-00009 for violation of Sec. 77, PD 705; and
3. Disciplinary Action be filed against Mr. Reynaldo Pudiquet and any responsible officer of the DENR San Mariano, Roxas, Oriental Mindoro, if the facts in the Motion so warrants.

The jurisdiction over the confiscation of all conveyances is vested in the Department Environment and Natural Resources (DENR) secretary or a duly authorized representative held in *Department of Environment and Natural Resources (DENR), Region VIII, Tacloban City, Represented by Regional Executive Director Israel C. Gaddi, v. Gregorio Daram, Narciso Lucenecio and Hon. Clemente C. Rosales, Presiding Judge, Regional Trial Court Branch 32, Calbayog City*¹:

"xxx-xxx the original and exclusive jurisdiction over the confiscation of "all conveyances used either by land, water or air in the commission of the offense and to dispose of the same" is vested in the Department of Environment and Natural Resources (DENR) secretary or a duly authorized representative. The DENR secretary has supervision and control over the enforcement of forestry, reforestation, parks, game and wildlife laws, rules and regulations."

xxx-xxx

"The guilt or the innocence of the accused in the criminal case is immaterial, because what is punished under Section 68 is the transportation, movement or conveyance of forest products without legal documents. The DENR secretary or the authorized representatives do not possess criminal jurisdiction; thus, they are not capable of making such a ruling, which is properly a function of the courts. Even Section

¹ G R No 125797, February 15, 2002

68-A of PD 705, as amended, does not clothe petitioner with that authority.

Conversely, the same law takes out of the general jurisdiction of the regional trial courts the confiscation of conveyances used in violation of forestry laws. Hence, we cannot expect the DENR to rule on the criminal liability of the accused before it impounds such vehicles. Section 68-A covers only the movement of lumber or forest products without proper documents. Where the language of a statute is clear and unambiguous, the law is applied according to either an absurdity or an injustice".

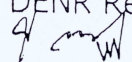
Perusal of the instant Motion show that the issues raised therein are the very same issues, which was ruled and passed upon in the assailed Confiscation Order dated December 28, 2015, and therefore, a mere rehash. This Office finds no ground or cogent reason to disturb and/or modify the Confiscation Order dated December 28, 2015. It is a settled rule that a motion for reconsideration which does not make out a new matter sufficiently persuasive to induce modification of judgment will be denied.²

With respect to the allegations of Mr. Mativo that his vehicle "*was being used for the personal use and benefit of the officials of DENR, San Mariano, Oriental Mindoro, bound to the direction of Mansalay, Oriental Mindoro*", Mr. Reynaldo Pudiquet and any responsible officer of the CENRO, Roxas, Oriental Mindoro are hereby given three (3) days from receipt hereof to **SUBMIT** their Counter-Affidavit/Comment under oath why no administrative charge should be filed against them.

WHEREFORE, premises considered, the Motion for Reconsideration (and to Release Vehicle) is hereby **DENIED** for lack of merit.

SO ORDERED.

Manila, Philippines. 06 MAY 2016.


OSCAR C. DOMINGUEZ
Regional Director
DENR Region IV-B 


cc:

Mr. Pablito Mativo

Brgy. Calingag, Pinamalayan, Oriental Mindoro

Mr. Reynaldo Pudiquet

c/o CENRO Roxas, Oriental Mindoro

PENRO Oriental Mindoro

Brgy. Suqui, Calapan City

CENRO Roxas

San Mariano, Roxas, Oriental Mindoro

PNP Roxas Municipal Police

Roxas, Oriental Mindoro



Department of Environment
and Natural Resources
REGION 4B



² *PCIB vs. Escolin*, 67 SCRA 202

IN RE: CONFISCATION OF FIVE (5) SACKS OF WOOD CHARCOAL AND ONE (1) UNIT OF NISSAN URVAN (RED COLOR) BEARING PLATE NUMBER ZEY 778, APPREHENDED IN BARANGAY DANGAY, ROXAS, ORIENTAL MINDORO (I-2023-116076)

ORDER OF FINALITY

An Order dated November 8, 2021 was issued by then Regional Executive Director Maria Lourdes G. Ferrer, *CESO III* confiscating five (5) sacks of wood charcoal and one (1) unit of Nissan Urvan (Red color) bearing Plate Number ZEY-778, apprehended in Barangay Dangay, Roxas, Oriental Mindoro.

A Certification dated September 14, 2023 was issued by Michelle B. Tuyan, OIC-Chief, Records Section, DENR-MIMAROPA, stating that no Motion for Reconsideration or Notice of Appeal was filed against the Order, thus, pursuant to Section 7, No. 6 of DAO 97-32, the Order dated November 8, 2021 is deemed final and executory.

WHEREFORE, premises considered, the Order dated November 8, 2021 is declared **FINAL AND EXECUTORY**, the **CONFISCATED ITEMS** are deemed **PERMANENT PROPERTY** of the government, and after **ENTRY** of this Order into the books of account of the PENRO Oriental Mindoro, it is hereby **ORDERED**:

The Regional Bids and Awards Committee¹ shall facilitate the disposition of the one (1) unit Nissan Urvan (red color) bearing Plate No. ZEY-778 while the five (5) sacks of wood charcoal shall be disposed by CENRO Roxas pursuant to DAO 2022-10 – Manual of Authorities on Technical Matters; and other related ENR rules and regulations.

SO ORDERED.

City of Manila. OCT 16 2023


FELIX S. MIRASOL, JR., CESO IV
OIC, Regional Executive Director

Copy furnished:

Mr. Lauro Laguras Bayungan
Brgy. Poblacion, Bulalacao,
Oriental Mindoro

The Chief, Administrative Division

The Chief, Finance Division

PENRO Oriental Mindoro

CENRO Roxas

ED/MMM/9-15-23

CERTIFIED TRUE COPY
OF THE ORIGINAL

Date: NOV 2023



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 116076


MARGIE U. OCHUA
FORESTER/ENFORCEMENT DIVISION

¹ DAO 2022-10- Manual of Authorities on Technical Matters
ARD-TS/ED

IN RE: CONFISCATION OF FIVE (5) SACKS OF WOOD CHARCOAL AND ONE (1) UNIT OF NISSAN URVAN (RED COLOR) BEARING PLATE NUMBER ZEY 778, APPREHENDED IN BARANGAY DANGAY, ROXAS, ORIENTAL MINDORO

ORDER

Records show that on December 10, 2020 at around 8:00 in the morning, the elements of the Oriental Mindoro Maritime Police Station Roxas, apprehended five (5) sacks of wood charcoal and one (1) unit of Nissan Urvan (Red Color) bearing Plate No. ZEY 778, with an estimated fair market value of PHP750.00 and PHP50,000.00, respectively, in Brgy. Dangay, Roxas, Oriental Mindoro. The apprehended items were delivered to and deposited at the CENRO Roxas, Oriental Mindoro for safekeeping and custody. A Seizure Order dated June 30, 2020 was issued by OIC, CENR Officer Alma E. Gibe, Seizure Officer.

A criminal case against Mr. Lauro Laguras Bayungan for violation of Section 77 of P.D. 705, as amended, is now pending before the Municipal Trial Court of Roxas, Oriental Mindoro docketed as Criminal Case No. 3302.

Pursuant to Section 7 of DAO 97-32, an administrative hearing was conducted on December 16, 2020 at the CENRO Roxas, Oriental Mindoro, presided by Reynaldo D. Pudiquet, Hearing Officer.

During the hearing, Mr. Lauro Laguras Bayungan admitted ownership of the sacks of charcoal and that he was also the driver of the conveyance. He disclosed that he bought the sacks of charcoal in Bulalacao from a *Mangyan* for his personal use. Mr. Bayungan stated that he was not aware that transporting of the apprehended forest products without the necessary permit is prohibited by law. Lastly, he stated that Mrs. Amily R. Manipon is the owner of the conveyance and that Mrs. Manipon is not aware that he used her vehicle to transport undocumented forest products.

After a thorough evaluation of the facts pertaining to the apprehension, seizure, and the conduct of administrative adjudication proceedings, this Office finds that there is substantial evidence against Mr. Lauro Laguras Bayungan for violation of Section 77 of P.D. 705, as amended. This Office concurs with the recommendation of the Hearing Officer for the confiscation of the sacks of charcoal but disagrees with the recommendation regarding the conveyance. In the absence of documents and other proof to specifically controvert the disputable presumption and overcome the same by a preponderance of evidence, the owner of the conveyance is presumed to have full knowledge and willingly participated therein by providing the conveyance for the illegal purpose.

Section 77-A of PD 705, as amended, provides for the authority of the Department Head or his duly authorized representative to order confiscation, thus, pursuant to Sections 1 and 2 of DAO No. 97-32, the following items shall be confiscated:

Section 1. (e) Forest Products – Refer to timber including **charcoal xxx**

Section 2. Items Subject to Apprehension, Seizure, Confiscation and Forfeiture. –

- (a) **ILLEGAL FOREST PRODUCTS** – Any forest product (s) defined in Section 1 (e) above that are removed, cut, collected, processed and/or transported: (a) **without the requisite authorization or permit xxx**
- (b) **xxx**
- (c) **CONVEYANCE** – any mode or type or class of vehicle or craft or any other means used for transportation either on land, water, air, or any combination thereof, whether motorized or not, used for or in taking and/or maintaining temporary or permanent possession or control, gathering, collecting, processing, disposing of, or otherwise transporting, moving or transferring illegal forest products (*Emphasis ours.*)

the Rules of Procedure for Environmental Cases (AM-09-6-8-SC) recognizes under Rule 12 Section 1 thereof that the custody and disposition of seized items shall be in accordance with the applicable laws or rules promulgated by the concerned government agency, hence, this confiscation.

WHEREFORE, PREMISES CONSIDERED, the seized five (5) sacks of wood charcoal and one (1) unit of Nissan Urvan (Red Color) bearing plate number ZEY 778, with an estimated fair market value of PHP750.00 and PHP50,000.00, respectively, are hereby **CONFISCATED** in favor of the government, to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter.

The CENRO is directed to:

1. **FURNISH** a copy of this Order to the Court where the criminal case is pending for their information, record, and reference; and,
2. **SUBMIT** updates on the criminal case to this Office for monitoring purposes.

SO ORDERED.

Manila, Philippines. NOV 08 2021.



MARIA LOURDES G. FERRER, CESO III
Regional Executive Director

Copy furnished:

PENRO Oriental Mindoro

CENRO Roxas, Oriental Mindoro

Mr. Lauro Laguras Bayungan
Brgy. Poblacion, Bulalacao
Oriental Mindoro

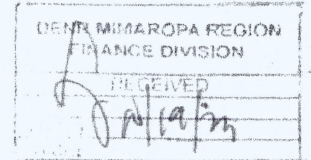
 Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID 40631



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



IN RE: CONFISCATION OF ONE (1) UNIT ISUZU MULTICAB BEARING PLATE NO. YEK-892 LOADED WITH TWENTY-SEVEN (27) SACKS OF WOOD CHARCOAL APPREHENDED IN BRGY. POBLACION, MANSALAY, ORIENTAL MINDORO (1-2023-116078)

ORDER OF FINALITY

An Order dated December 18, 2015 was issued by then Regional Director Oscar C. Dominguez confiscating one (1) unit of Isuzu Multicab bearing Plate No. YEK-892 and twenty-seven (27) sacks of wood charcoal, apprehended in Brgy. Poblacion, Mansalay, Oriental Mindoro.

A Certification dated September 14, 2023 was issued by Michelle B. Tuyan, OIC-Chief, Records Section, DENR-MIMAROPA, stating that no Motion for Reconsideration or Notice of Appeal was filed against the Order, thus, pursuant to Section 7, No. 6 of DAO 97-32, the Order dated December 18, 2015 is deemed final and executory.

WHEREFORE, premises considered, the Order dated December 18, 2015 is declared **FINAL AND EXECUTORY**, the **CONFISCATED ITEMS** are deemed **PERMANENT PROPERTY** of the government, and after **ENTRY** of this Order into the books of account of the PENRO Oriental Mindoro, it is hereby **ORDERED**:

The Regional Bids and Awards Committee¹ shall facilitate the disposition of the one (1) unit Isuzu Multicab bearing Plate No. YEK-892 while the twenty-seven (27) sacks of wood charcoal shall be disposed by CENRO Roxas pursuant to DAO 2022-10 – Manual of Authorities on Technical Matters; and other related ENR rules and regulations.

SO ORDERED.

City of Manila. **OCT 16 2023**

FELIX S. MIRASOL, JR., CESO IV
OIC, Regional Executive Director

Copy furnished.

Mr. Emerson M. Belino
Brgy. BB-2, Bongabong,
Oriental Mindoro

Mansalay, Municipal Police Station

The Chief, Administrative Division

The Chief, Finance Division

PENRO Oriental Mindoro

CENRO Roxas

ED/MMM/9-15-23

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENRO TRACKING NO.	
RECEIVED BY: <i>[Signature]</i>	
NOEME P. ALCANCIA	
DATE: OCT 20 2023	TIME: 11:32am

16 OCT 2023

LINO M. DIMAPILIS
Chief, Enforcement Division
DENR-Region IV, MIMAROPA



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 112155

¹ DAO 2022-10- Manual of Authorities on Technical Matters



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Regional Office IV-B MIMAROPA
1515 L&S Bldg., Roxas Boulevard, Ermita, Manila

IN RE: **CONFISCATION OF ONE (1) UNIT ISUZU MULTICAB BEARING
PLATE NO. YEK-892 LOADED WITH TWENTY SEVEN (27) SACKS
OF WOOD CHARCOAL APPREHENDED IN BRGY. POBLACION,
MANSALAY, ORIENTAL MINDORO**

ORDER

Records show that on January 10, 2015, at around 9:00 PM, the elements of Mansalay Municipal Police Station apprehended a One (1) Unit Isuzu Multicab bearing Plate No. YEK-892 loaded with twenty seven (27) sacks of wood charcoal with an estimated fair market value of Php 2,700.00 in Brgy. Poblacion, Mansalay, Oriental Mindoro. The undocumented minor forest products and conveyance were owned by a certain Emerson Magsino Belino, a resident of Brgy. BB-2, Bongabong, Oriental Mindoro. The apprehended sacks of wood charcoal and vehicle were turned over by the PNP Mansalay personnel to DENR CENRO-Roxas on January 11, 2015 and were deposited at the CENRO Compound Brgy. San Mariano, Roxas, Oriental Mindoro under the custody of Elegio C. Hio, Property Custodian.

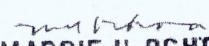
Pursuant to Sec. 7 of DAO 97-32, Notices of Administrative hearing dated March 31, 2015, April 22, 2015 and May 25, 2015 were sent to Mr. Emerson M. Belino in observance of his right to due process. However, despite said notices, the respondent failed to appear for unknown reasons.

In a Joint Affidavit of Arrest dated January 29, 2015 executed by SPO4 Ismael L. Historillo and SPO2 Arnold P. Villaluna, they narrated that on January 10, 2015, PSI Christian Palapuz Bermudez received a phone call from a reliable informant that there was an alleged loading of undocumented forest products in Brgy. Poblacion, Mansalay, Oriental Mindoro. Immediately, they conducted a spot checkpoint in front of their headquarters in Brgy. Poblacion. At around 9:00 o'clock in the evening, a white Isuzu Multicab bearing Plate No. YEK-892 loaded with twenty seven (27) sacks of wood charcoal was heading towards the checkpoint and was requested to stop for verification and inspection. The Police Officers found that the transported minor forest products were undocumented which prompted them to apprehend the said items.

In the Joint Affidavit dated January 11, 2015 executed by Forester Reynaldo Pudiquet and FR Peterson Fabellon, they stated that PNP-Mansalay personnel brought the apprehended conveyance and minor forest products to the CENRO-Roxas Office, San Mariano, Roxas, Oriental Mindoro on January 11, 2015 with an estimated fair market value of Php 2,700.00.

After thorough evaluation of the foregoing facts and circumstances, Mr. Emerson Magsino Belino violated Section 77 of PD 705, as amended, by transporting (27) sacks of wood charcoal without the required permit from DENR.

CERTIFIED XEROX COPY
DATE:



MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION

WHEREFORE, FOREGOING PREMISES CONSIDERED, the apprehended One (1) Unit Isuzu Multicab bearing Plate No YEK-892 and twenty seven (27) sacks of wood charcoal in Brgy. Poblacion, Mansalay, Oriental Mindoro are hereby **ORDERED CONFISCATED** in favor of the government to be disposed of in accordance with existing DENR laws, rules and regulations.

The CENRO concerned is directed to file the criminal complaint against Emerson Magsino Belino, for violation of Section 77 of PD 705, as amended.

SO ORDERED.

Manila, Philippines, 18 DEC 2015


OSCAR C. DOMINGUEZ
Regional Director
DENR Region IV-B

Cc:

PENRO- Oriental Mindoro
Calapan City,

CENRO-Roxas
San Mariano, Roxas,
Oriental Mindoro

MPS Police Station
Mansalay, Oriental Mindoro

Emerson M. Belino
Brgy BB-2, Bongabong,
Oriental Mindoro

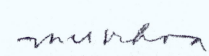


Department of Environment
and Natural Resources
REGION 4B



CERTIFIED XEROX COPY

DATE: 18 DEC 2015


MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION