



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: Jay Syuler* 11/30/23  
ALAN L. VALLE



DENR PENRO 231100043

PENRO Tracking No.: 2311000726  
FN: TSD/MES/Rick

Ilang-ilang St., Sitio II, Suqui, Calapan City, Oriental Mindoro  
DENR Contact Nos. (043) 288-3017, tel. fax. 288-3006



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: cenoroxas\_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

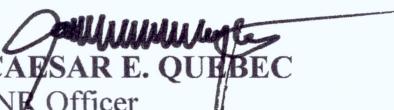
DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENRO TRACKING NO:	
RECEIVED BY:	
NOEMIE P. ALCANCIA	
DATE:	NOV 23 2023
TIME:	1:26 PM

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
<b>TOTAL-----</b>				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

Environment and Natural Resources  
MIMAROPA Region

**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.

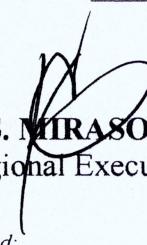
A Certification dated September 14, 2023 was issued by Michelle B. Tuyan, OIC-Chief, Records Section, DENR-MIMAROPA, stating that no Motion for Reconsideration or Notice of Appeal was filed against the Order, thus, pursuant to Section 7, No. 6 of DAO 97-32, the Order dated September 7, 2021 is deemed 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 Committee<sup>1</sup> 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 of the hearing officer that the

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.

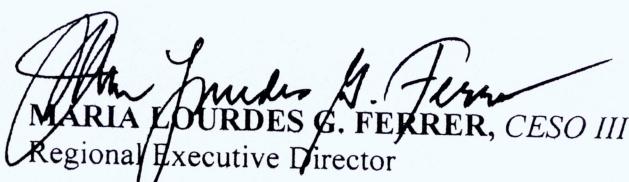
The CENRO is directed to:

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

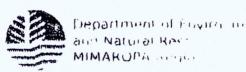
*Copy furnished:*

PENRO Oriental Mindoro

CENRO Roxas, Oriental Mindoro

PNP Bongabong Municipal Police Station

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



Doc ID: 44604



23/11  
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 Committee<sup>1</sup> 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. Pablio Mativo  
Brgy. Calingag, Pinamalayan,  
Oriental Mindoro*

*The Chief, Administrative Division*

*The Chief, Finance Division*

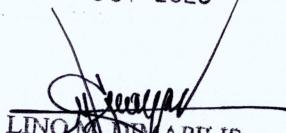
*PENRO Oriental Mindoro*

*CENRO Roxas*

*ED/MMM/9-29-23*



Doc ID: 116151

*CERTIFIED TRUE COPY  
OF THE ORIGINAL*  
**16 OCT 2023**  
  
**LINO M. DIMALPILIS**  
Chief, Enforcement Division  
**DENR Region IV, MIMAROPA**

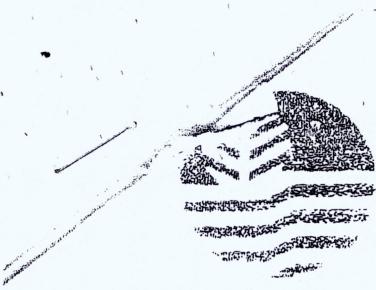
<sup>1</sup> DAO 2022-10- Manual of Authorities on Technical Matters

ARD-TS/ED

1515 DENR By the Bay Building, Roxas Boulevard, Brgy. 668, Ermita, Manila

Telephone Number: (632) 84050046

Website: <https://mimaropa.denr.gov.ph/>



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 :  
VAN BEARING PLATE NO. ZMF-246 LOADED WITH THIRTY FI  
(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*<sup>1</sup>:

**"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**

<sup>1</sup> 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".

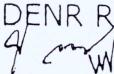
Perusal of the instant Motion show that the issues raised therein are the very same issues, which was ruled and passed upon in the assailed Confiscation Order dated December 28, 2015, and therefore, a mere rehash. This Office finds no ground or cogent reason to disturb and/or modify the Confiscation 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.<sup>2</sup>

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
CENRO Oriental Mindoro	Brgy. Suqui, Calapan City
CENRO Roxas	San Mariano, Roxas, Oriental Mindoro
PNP Roxas Municipal Police	Roxas, Oriental Mindoro



<sup>2</sup> PCIB vs. Escolin, 67 SCRA 202



59, 10/11  
10/11/2023  
Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA Region**

**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 Committee<sup>1</sup> 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

CERTIFIED TRUE COPY  
OF THE ORIGINAL

Date: 10 NOV 2023

The Chief, Administrative Division

The Chief, Finance Division

PENRO Oriental Mindoro

CENRO Roxas

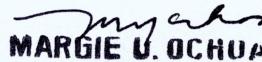
ED/MMM/9-15-23



Department of Environment  
and Natural Resources  
**MIMAROPA Region**



Doc ID: 116076

  
**MARGIE U. OCHUA**  
FORESTER/ENFORCEMENT DIVISION

<sup>1</sup> 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**

**O R D E R**

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.*)

ARD-MS/LD

, 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.

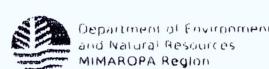
  
MARIA LOURDES G. FERRER, CESO III  
Regional Executive Director

*Copy furnished:*

PENRO Oriental Mindoro

CENRO Roxas, Oriental Mindoro

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



Doc ID 40631



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

DENR-MIMAROPA REGION	
FINANCE DIVISION	
RECEIVED	10/19/23
10/19/23	

**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 (I-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 Committee<sup>1</sup> 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

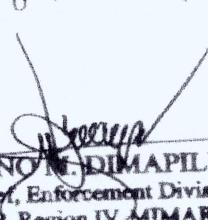
PENRO Oriental Mindoro

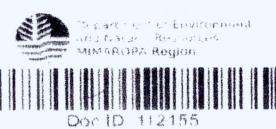
CENRO Roxas

ED-MMM-9-15-23

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENRO TRACKING NO.	
RECEIVED BY: 	
NOEME P. ALCANCIA	
DATE: OCT 20 2023	TIME: 11:30 AM

16 OCT 2023

  
**LINOY L. DIMAPILIS**  
Chief, Enforcement Division  
DENR-Region IV, MIMAROPA



Doc ID: 112155

<sup>1</sup> 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**

**O R D E R**

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:**

*m. ochoa*  
**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.**

18 DEC 2015  
Manila, Philippines,

*seal*  
OSCAR C. DOMINGUEZ  
Regional Director  
DENR Region IV-B

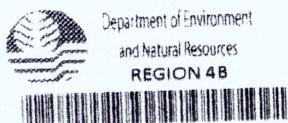
Cc:

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



CERTIFIED XEROX COPY

DATE: 18 DEC 2015

*margie ochoa*  
MARGIE U. OCHOA  
FORESTER/ENFORCEMENT DIVISION