



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, 1100 Quezon City
Tel. Nos. (632) 8929-6626 to 29; (632) 8929-6633; to 35
Email: web@denr.gov.ph Website: www.denr.gov.ph



MEMORANDUM FROM THE SECERETARY

TO : THE REGIONAL EXECUTIVE DIRECTOR
DENR MIMAROPA Region

SUBJECT : REQUEST FOR DISPOSITION OF CONFISCATED
CONVEYANCES


DATE : NOV 10 2021

Authority to dispose the following conveyances confiscated in favor of the government is hereby granted to the DENR MIMAROPA:

Description of Conveyance	Date of Confiscation Order	Date of Order of Finality
One (1) six-wheeler topdown jeepney with plate no. VRA 871	Ordered confiscated and forfeited in favor of the government by Regional Director Oscar Dominguez in 22 October 2015	Order dated 22 October 2015 became final and executory per Order of Finality dated 12 September 2019 issued by RED Henry Adornado
One (1) eight-wheeler truck (close van bearing plate no. RJV 348)	Ordered Confiscated and forfeited in favor of the government by Regional Executive Director Edgardo Galeon in 03 September 2012	Order dated 03 September 2012 became final and executory per Order of Finality dated 27 June 2017 issued by Regional Director Natividad Bernardino
Fuso jeep with plate no. DZM 842, Rusi topdown tricycle	Ordered Confiscated and forfeited in favor of the government by Regional Director Oscar Dominguez in 03 August 2015	Order dated 03 August 2015 became final and executory per Order of Finality dated 22 October 2018 issued by RED Henry Adornado
One (1) unit motorcycle with side car bearing plate no. VF 8873	Ordered Confiscated and forfeited in favor of the government by Regional Director Natividad Bernardino in 27 June 2017	Order dated 27 June 2017 became final and executory per Order of Finality dated 28 March 2019 issued by RED Henry Adornado
One (1) unit motor launch (M/L ANNALIZA)	Ordered Confiscated and forfeited in favor of the government by Regional Director Oscar Dominguez in 28 October 2013	Order dated 28 October 2013 became final and executory per order of Finality dated 10 June 2019 issued by RED Henry Adornado

The Regional Executive Director is hereby instructed to comply with applicable laws, rules and regulations in the disposition of such conveyances.

FOR STRICT COMPLIANCE.


ROY A. CIMATU



SENRO61184

Let's Go Green!



Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

Document No: DENRCO - AS RMD-2021-024068 Print Date: Friday, October 22, 2021
Sender: MARCIAL C. AMARO JR
Address: DENR FMB
Subject: MEMO DTD 09/16/2021 REQUEST FOR DISPOSITION OF CONFISCATED CONVEYANCES (W/ ATTACHMENTS ENCLS)
Addressee(s): Office of the Undersecretary for Field Operations and Environment (OUFOE)
CC Addressee(s):
Date/Time Received: 09/19/2021 03:57:00 PM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	09/19/2021 03:56:54 PM	DENRCO - AS RMD		
DENRCO - AS RMD	09/22/2021 02:28:52 PM	OUFOE	09/19/2021 03:56:58 PM	Sir RSB: For instructions po. Thank you! FMB Date: 09/24/2021 10:27:50 AM To: From: Pagaduan, Jerry B. Message: For. Eyala, please draft indorsement memo thank you. -Rommel 09/23/2021 Date: 09/29/2021 01:07:34 PM To: From: Plopino, Irene N. Message: SIGNED MEMO FOR THE SECRETARY (FMB-238-29)
OUFOE	10/01/2021 01:52:40 PM	DENRCO - OSEC	09/29/2021 01:12:51 PM	Na/fore Date: 10/12/2021 04:16:50 PM To: From: Maderazo, Carol A. Message: NA TO FMB Date: 10/12/2021 04:56:11 PM To: From: Maderazo, Carol A. Message: * Date: 10/22/2021 05:43:50 PM To: From: Flaviano, Farida F. Message: NA, BACK FR FMB W/ REVISION AS OCOS REQUESTED

NA 10/22/21

And KC 11/7/21

FOREST MANAGEMENT BUREAU
RECEIVED
NAME: [Signature]
DATE: 11-10-21
TIME: 4:44 PM
RECORDS UNIT

11-3-21

11/04/2021

For: URCOS

Sir

For consideration, please

Thank you,

Chito 11/9/21

NA 11/10/21

Kindly release
to FMB.

Harlyn

Encoder: Zipagan, Meligyn A.



NOV 04 2021

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

MEMORANDUM FOR THE SECRETARY

FROM : The Undersecretary & Chief of Staff

SUBJECT : **REQUEST FOR DISPOSITION OF CONFISCATED CONVEYANCES IN DENR MIMAROPA**

This refers to the Memorandum from the Undersecretary for Field Operations and Environment dated September 29, 2021 endorsing the Memorandum from the Assistant Secretary for Policy, Planning and FASPS & Concurrent Forest Management Bureau Director re abovementioned subject.

BACKGROUND

Conveyance	Date of Confiscation Order	Approved by	Date of Order of Finality	Issued by
One (1) unit six-wheeler top-down Jeepney with Plate No. VRA 871	October 22, 2015	Regional Director Oscar Dominguez	September 12, 2019	Regional Executive Director Henry Adornado
One (1) unit eight-wheeler truck (close van bearing Plate No. RJV 348)	September 3, 2012	Regional Executive Director Edgardo Galeon	June 27, 2017	Regional Director Natividad Bernardino
<ul style="list-style-type: none">One (1) unit Fuso jeep with plate no. DZM 842Rusi top-down tricycle	August 3, 2015	Regional Director Oscar Dominguez	October 22, 2018	Regional Executive Director Henry Adornado
One (1) unit motorcycle with side car bearing Plate No. VF 8873	June 27, 2017	Regional Director Natividad Bernardino	March 28, 2019	Regional Executive Director Henry Adornado
One (1) unit motor launch (M/L ANNALIZA)	October 28, 2013	Regional Director Oscar Dominguez	June 10, 2019	Regional Executive Director Henry Adornado

Pursuant to DAO No. 2016 – 07 dated May 19, 2016, Manual of Authorities on Technical Matters, the **approving authority for the disposition of confiscated apprehended vehicles is vested upon the DENR Secretary.**

Assistant Secretary Marcial C. Amaro, Jr. has affixed his initials while Undersecretary Juan Miguel T. Cuna has endorsed the Memorandum affirming the cancellation order.

ACTION REQUESTED

Requesting the Secretary's signature on the Memorandum for the Regional Executive Director, DENR MIMAROPA, authorizing the same to dispose the abovementioned conveyances.


RODOLFO C. GARCIA



Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

Document No: DENRCO - AS RMD-2021-024068
Sender: MARCIAL C. AMARO JR
Address: DENR FMB
Subject: MEMO DTD 09/16/2021 REQUEST FOR DISPOSITION OF CONFISCATED CONVEYANCES (W/ ATTACHMENTS ENCLS)

Print Date: Monday, September 20, 2021

ns and Environment (OUFOE)

Rare
FMS

Please take note of the
instruction from OLOS.

Thanks,

PCS A

10/13/21

TION INFORMATION

CEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS

Hello.

10/12/21

21

Requesting clarification on the
attached documents re Disposition of
Confiscated Conveyances.

As per review of the attached, please
be informed that you may have
overlooked the inclusion of tools/
implements for disposition.

Kindly rectify the action document(s).

Please return rectified docs to the OLOS
as soon as you have corrected them.

Thank you,

OLOS ..

draft inconsistent memo, thank you.

Revised 10/23/21

TMB-238-29



Republic of the Philippines
Department of Environment and Natural Resources
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MEMORANDUM FOR THE SECRETARY

THRU : **The Undersecretary and Chief of Staff**

FROM : **The Undersecretary**
Field Operations and Environment

SUBJECT : **REQUEST FOR DISPOSITION OF CONFISCATED
CONVEYANCES AT DENR REGION IV-B (MIMAROPA)**

DATE : **SEP 29 2021**

Respectfully endorsed herewith is the Memorandum dated September 16, 2021 from Assistant Secretary Marcial C. Amaro, Jr., *CESO III*, regarding the above-mentioned subject.

The draft Memorandum shall authorize the field offices to dispose the six (6) conveyances confiscated in favor of the government, to wit:

Description of Conveyance	Date of Confiscation Order	Date of Order of Finality
1. One (1) six-wheeler topdown jeepney with plate no. VRA 871	Ordered confiscated and forfeited in favor of the government by Regional Director Oscar Dominguez in October 22, 2015	Order dated October 22, 2015 became final and executor per Order of Finality dated September 12, 2019 issued by RED Henry Adornado
2. One (1) eight-wheeler truck (close van bearing plate no. RJV 348)	Ordered Confiscated and forfeited in favor of the government by Regional Executive Director Edgardo Galeon in September 3, 2012	Order dated August 03, 2015 became final and executor per Order of Finality dated June 27, 2017 issued by Regional Director Natividad Bernardino
3. Fuso jeep with plate no. DZM 842, one (1) Rusi topdown tricycle, a capacitor saws and an engine pump	Ordered confiscated and forfeited in favor of the government by Regional Director Oscar Dominguez in August 3, 2015	Order dated October 22, 2015 became final and executor per Order of Finality dated October 22, 2019 issued by RED Henry Adornado
4. One (1) unit motorcycle with side car bearing plate no. VF 8873	Ordered Confiscated and forfeited in favor of the government by Regional Director Natividad Bernanardino June 27, 2012	Order dated June 27, 2017 became final and executor per Order of Finality dated March 28, 2019 issued by RED Henry Adornado
5. One (1) unit nmotor lunch (M/L ANNALIZA	Ordered confiscated and forfeited in favor of the government by Regional Director Oscar Dominguez in October 28, 2013	Order dated June 28, 2013 became final and executor per Order of Finality dated June 10, 2019 issued by RED Henry Adornado

Let's Go Green

This Office concurs with the recommendation of the Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects, and Director of Forest Management Bureau, in concurrent capacity, for the approval and signature of the attached draft Memorandum.

For the Honorable Secretary's consideration.



ATTY. JUAN MIGUEL T. CUNA, *CESO I*

Cc: **The Assistant Secretary**
Policy, Planning and Foreign Assisted and Special
Projects, and Director of Forest Management Bureau

Encl: a/s



3677

24068

Republic of the Philippines
Department of Environment and Natural Resources
FOREST MANAGEMENT BUREAU
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Tel. No.: (632) 8925-2141 / (632) 8927-4788
E-mail Address: fmb@denr.gov.ph Website: <https://www.forestry.denr.gov.ph>



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
RECORDS MANAGEMENT DIVISION



MEMORANDUM FOR THE SECRETARY

THRU : The Undersecretary for Field Operations and Environment

FROM : The Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects and, Director, in concurrent capacity

SUBJECT : **REQUEST FOR DISPOSITION OF CONFISCATED CONVEYANCES**

DOCUMENTS ATTACHED : SIX (6) CONFISCATION ORDERS WITH ORDER OF FINALITY

DATE : **SEP 16 2021**

Background

This has reference to the Memorandum from the Regional Executive Director of DENR MIMAROPA requesting for clearance for the disposition of confiscated conveyances pursuant to Department Administrative Order No. 2016-07 or the DENR Manual of Authorities.

On 05 February 2020, a Memorandum for the Secretary was sent by the Regional Executive Director of DENR MIMAROPA requesting for clearance for the disposition of confiscated conveyances pursuant to the existing DENR Manual of Authorities.

On 26 February 2020, the said Memorandum was forwarded to the Forest Management Bureau by the then Undersecretary for Enforcement and Muslim Affairs, Usec. Jim Sampulna, for evaluation and/or further appropriate action.

On 16 March 2020, an Internal Memorandum for the Chief of the FMB-FRCD was sent by then Legal Officer of the FMB on the above-mentioned request. This Memorandum from the FMB Legal Officer was inadvertently misplaced during the chaos brought about by the Covid-19 when its first locked-down was imposed in the NCR and the neighboring provinces under an Enhanced Community Quarantine (ECQ). Based on the Memorandum, considering that the Confiscation Orders are already Final and Executory, the request must be forwarded to the Office of the Secretary for clearance pursuant to the DENR Manual of Authorities vis-à-vis Joint DENR-DOTr Administrative Order No. 2018-01.

Recommendation

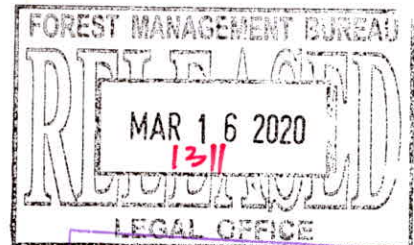
In view of the foregoing, please be informed that this Office is concurring to the request of DENR MIMAROPA for the disposition of the conveyances. Hence, we are respectfully indorsing the request of DENR MIMAROPA for clearance for the disposition of confiscated conveyances pursuant to the DENR Manual of Authorities.

FOR YOUR CONSIDERATION, PLEASE.


MARCIAL C. AMARO, JR., CESO III

**INTERNAL MEMORANDUM
FOREST MANAGEMENT BUREAU**

FOR : THE CHIEF, FRCD
FROM : THE LEGAL OFFICER
SUBJECT : REQUEST FOR DISPOSITION OF CONFISCATED CONVEYANCES
DATE : MAR 16 2020



Kindly refer to the above subject. The matter was referred to the undersigned in an Internal Memorandum dated March 06, 2020.

Review of the documents attached to the Memorandum dated February 05, 2020 from the Regional Executive Director of MIMAROPA reveals that:

Description of Conveyance	Date of Confiscation Order	Date of Order of Finality
One (1) six-wheeler topdown jeepney with plate no. VRA 871	Ordered Confiscated and forfeited in favor of the government by Regional Director Oscar Dominguez in 22 October 2015	Order dated 22 October 2015 become final and executory per Order of Finality dated 12 September 2019 issued by RED Henry A. Adornado
One (1) Unit eight wheeler truck (close van) bearing plate no. RJV 348	Ordered Confiscated and forfeited in favor of the government by Regional Executive Director Edgardo O. Galeon in 03 September 2012	Order dated 03 September 2012 become final and executory per Order of Finality dated 27 June 2017 issued by Regional Director Natividad Y. Bernardino
Fuso jeep with plate no. DZM 842, Rusi topdown tricycle, a capacitor starter motor, 4 circular saws and an engine pump	Ordered Confiscated and forfeited in favour of the government by Regional Director Oscar Dominguez in 03 August 2015	Order dated 03 August 2015 become final and executory per Order of Finality dated 22 October 2018 issued by RED Henry A. Adornado
One (1) unit motorcycle with sidecar bearing plate no. VF 8873	Ordered Confiscated and forfeited in favor of the government by Regional Director Natividad Y. Bernardino in 27 June 2017	Order dated 27 June 2017 become final and executory per Order of Finality dated 28 March 2019 issued by RED Henry A. Adornado
One (1) unit motor launch (M/L ANNALIZA)	Ordered Confiscated and forfeited in favor of the government by Regional Director Oscar C. Domiguez in 28 October 2013	Order dated 28 October 2013 become final and executory per Order of Finality dated 10 June 2019 issued by RED Henry A. Adornado

In view of the fact that the above mentioned confiscation order(s) is/are already final and executory, the undersigned suggest and as recommended by the concerned Regional Executive Director, that we forward this together with a Complete Staff Work to the Office of the Secretary for clearance pursuant to DAO 2016-07 also known as the (Manual of Authority) allowing its disposition vis-à-vis Joint DENR-DOTr Administrative Order No. 2018-01 entitled "Guidelines On the Registration Of Land Conveyances Confiscated pursuant to Section 77-A of Presidential Decree No. 705 as Amended.

For information, record and consideration.


ATTY. CLAIRE L. JAMERO

47

FOREST MANAGEMENT BUREAU
RECEIVED
MAR 10 2020
1311
INTERIM LEGAL OFFICE

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVE	FOR/TO	TIME RELEASED	ACCEPTANCE REMARKS/ACTION REMARKS
Records	3/2/2020	OD	3/3/2020 9:45 am	
<p>FOREST MANAGEMENT BUREAU RECEIVED MAR 03 2020 11:30 OFFICE OF THE DIRECTOR</p> <p> RECEIVED MAR 04 2020 1:66 #10 FOREST RESOURCES CONSERVATION DIVISION</p>		<p>FRCO</p> <p>FPS</p>	<p>03/03/2020 3:23</p>	<p>For info / review and appropriate action, please. Thank you. 3/03</p> <p> Marge, As per the letter to FMB dated 2/26/2020, please provide a response to the letter by 3/10/2020. Thank you, Paul</p> <p> Please refer to FMB Legal for legal opinion - Thank you, Paul</p>

FOREST MANAGEMENT BUREAU
MAR 16 2020
LEGAL OFFICE

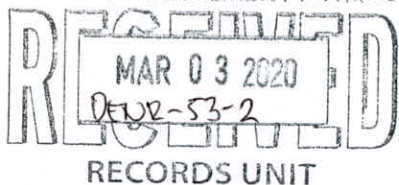


Republic of the Philippines
Department of Environment and Natural Resources
Document Action Tracking System
Document Routing Slip

Document No: DENRCO-AS RMD-2020-005050 Print Date: Tuesday, February 18, 2020
Sender: HENRY A. ADORNADO
Address: DENR REGION MIMAROPA
Subject: MEMO DTD 02/05/2020 REQUEST FOR DISPOSITION OF CONFISCATED CONVEYANCES
Addressee(s): Office of the Undersecretary for Enforcement and Muslim Affairs (DENRCO-QUEMA)
CC Addressee(s):
Date/Time Received: 02/18/2020 09:41:00 AM

ROUTING AND ACTION INFORMATION				
FROM	DATE/TIME RECEIVED	FOR/TO	DATE/TIME RELEASED	ACCEPTANCE REMARKS/ACTION REQUIRED/TAKEN REMARKS/STATUS
	02/18/2020 09:38:39 AM	DENRCO-AS RMD		
DENRCO-AS RMD	2/18/2020	DENRCO- QUEMA	02/18/2020 09:38:41 AM	R 4-B

FOREST MANAGEMENT BUREAU



2-26-2020

Office of the Director
Forest Management Bureau (FMB)

MAM,

Respectfully referred is the memorandum of the PED, R-4B regarding their request for disposition of confiscated conveyances with Order of Finality.

For information, evaluation and/or further appropriate action, please.

Thank you,

for Roberto J. Divines
JIM O. SAMPULNA
Undersecretary
Field Operations
Enforcement and Muslim Affairs

21 475 08661

Entz 270



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

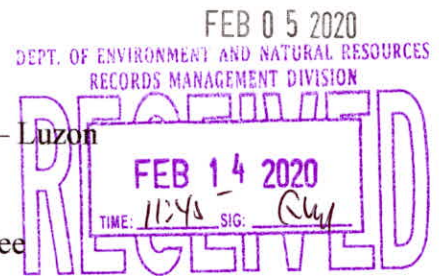
MEMORANDUM FOR THE SECRETARY

THRU : The Undersecretary for Field Operations – Luzon

ATTENTION : The Chairman
DENR Central Office Appraisal Committee

FROM : The Regional Executive Director

SUBJECT : **REQUEST FOR DISPOSITION OF CONFISCATED CONVEYANCES**



Respectfully provided are the copies of Confiscation Order and Order of Finality issued by this Office, pursuant to DAO 97-32, to wit:

- a. Confiscation of one (1) six-wheeler topdown jeepney with plate no. VRA 871 and one hundred forty-five (145) pieces of lumber of Gmelina species having an aggregate volume of 3,499 cubic meters (1,483.7 board feet) apprehended in Brgy. San Mariano, Roxas, Oriental Mindoro dated October 22, 2015 and with issued Order of Finality dated September 12, 2019;
- b. Confiscation of one (1) unit eight (8)-wheeler truck (close van) bearing plate no. RJV 348 loaded with 500 sacks of illegally-sourced wood charcoal apprehended at Brgy. San Antonio, Calapan City, Oriental Mindoro dated September 03, 2012 and with issued Order of Finality dated June 27, 2017;
- c. Confiscation of 1,040 pieces (10,897.48 board feet) of mixed Mahogany, Akleng Parang, (Anapla), Gmelina, Ipil-Ipil lumber/logs and 7 pieces of furniture, Fuso jeep with plate no. DZM 842, a Rusi topdown tricycle, a capacitor starter motor, 4 circular saws, and an engine pump apprehended in Brgy. Labangan, San Jose, Occidental Mindoro dated August 03, 2015 with issued Order of Finality dated October 22, 2018;
- d. Confiscation of one (1) unit motorcycle with sidecar bearing plate no. VF 8873 and seven (7) sacks of wood charcoal apprehended in Brgy. Rizal, Odiongan, Romblon dated July 27, 2017 with issued Order of Finality dated March 26, 2019; and
- e. Confiscation of one (1) unit motor launch (M/L ANNALIZA) loaded with one hundred forty (140) pieces of assorted species of lumber/flitches having a total volume of about 23.622 cu.m. (10,015.63 bd.ft.) apprehended offshore of Brgy. Malitub, Bataraza, Palawan dated October 28, 2013 with issued Order of Finality dated June 10, 2019.

Please be informed that the above conveyances were requested by the field offices for disposition wherein the authority to dispose confiscated conveyances is within the DENR Secretary pursuant to Department Administrative Order 2016-07 (Manual of Authorities). Hence, we concurred with the request of the field offices as per evaluation made by this Office and found to be meritorious to save its economic value, likewise, respectfully recommended for the disposition of the above conveyances.

For information and consideration.


HENRY A. ADORNADO, Ph.D.

Cc: PENRO Oriental Mindoro
PENRO Occidental Mindoro
PENRO Romblon



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 26796



DENR - CENRO
SAN MARIANO ROXAS
ORIENTAL MINDORO
RECEIVED
BY: duch
DATE: 11-18-19

SEP 12 2019

IN RE: **CONFISCATION OF ONE (1) UNIT SIX-WHEELER TOPDOWN JEEPNEY WITH PLATE NO. VRA-871 AND ONE HUNDRED FORTY-FIVE (145) PIECES OF LUMBER OF GMELINA SPECIES HAVING AN AGGREGATE VOLUME OF 3.499 CU. M. (1,483.7 BD. FT.) APPREHENDED IN BARANGAY SAN MARIANO, ROXAS, ORIENTAL MINDORO**

ORDER OF FINALITY

An Order was issued on October 22, 2015 signed by then Regional Director Oscar C. Dominguez confiscating a six-wheeler top down jeepney with plate number VRA-871 and 145 pieces of lumber of Gmelina species with an aggregate volume of 3,499 cu. m. (1,483.7 bd. ft.) apprehended in Brgy. San Mariano, Roxas, Oriental Mindoro.

On February 05, 2016, a Motion for Reconsideration was filed by Samuel Fernandez and Ruben Cabase. Said motion was denied by then Regional Director Oscar C. Dominguez on June 08, 2016 for being filed out of time.

A Certification dated September 30, 2018 was issued by then Chief, Records Section in Concurrent Capacity Dennis B. Valdez, Supervising Administrative Officer of DENR-MIMAROPA Regional Office stating that no Notice of Appeal was filed on the denial of the Motion for Reconsideration, thus, pursuant to Section 7, No. 6 of DAO 97-32, the Orders dated June 27, 2017 and December 14, 2017 are deemed final and executory.

WHEREFORE, premises considered, the Orders dated October 22, 2015 and June 08, 2016 are 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 PENRO Oriental Mindoro, the following are hereby **ORDERED**:

1. A copy of this Order shall be **FORWARDED** to the Office of the Secretary for the **DISPOSITION** of the confiscated one (1) unit top down jeepney with plate no. VRA-871, pursuant to Page 37, No. 3 of DAO 2016-17 or the *DENR Manual of Authorities on Technical Matters*, in relation to Section 12 of DAO 97-32; and
2. The PENRO is directed to **DISPOSE** of the 145 pieces of lumber of Gmelina species with an aggregate volume of 3.499 cu. m. (1,483.7 bd. ft.) pursuant to Page 37, No. 1 or No. 2, as the case may be, of DAO 2016-17 or the *DENR Manual of Authorities on Technical Matters*, in relation to Section 12 of DAO 97-32.

CERTIFIED XEROX COPY
DATE: 12 SEP 2019


MARGIE U. OCHDA
FORESTER/ENFORCEMENT DIVISION

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 2483367/2483468 local 2700/1
Direct Line: (632) 4050157; Facsimile: (632) 4050046
Email: denr.rdmimaropa@gmail.com

9

SO ORDERED

Manila, Philippines, 12 SEP 2019


HENRY A. ADORNADO, Ph.D.
Regional Executive Director
MIMAROPA Region

Cc:

Mr. Efren R. Gado
Mr. Ruben Cabase
Brgy. Lisap, Bongabong,
Oriental Mindoro

Mr. Samuel Fernandez
Brgy. San Mariano, Roxas,
Oriental Mindoro

PNP Municipal Police Station
Roxas, Oriental Mindoro

PENRO Oriental Mindoro
Brgy. Suqui, Calapan City,
Oriental Mindoro

CENRO Roxas
Brgy. San Mariano, Roxas,
Oriental Mindoro

Finance Division, Regional Office

Administrative Division,
Regional Office

Resident COA Auditor

CERTIFIED XEROX COPY
DATE: 12 SEP 2019


MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 12663

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 2483367/2483468 local 2700/1
Direct Line: (632) 4050157; Facsimile: (632) 4050046
Email: denr.rdmimaropa@gmail.com

IN RE:

CONFISCATION OF ONE (1) SIX-WHEELER TOPDOWN JEEPNEY WITH PLATE NO. VRA 871 AND ONE HUNDRED FORTY-FIVE (145) PIECES OF LUMBER OF GMELINA SPECIES HAVING AN AGGREGATE VOLUME OF 3.499 CUBIC METERS (1,483.7 BOARD FEET) APPREHENDED IN BARANGAY SAN MARIANO, ROXAS, ORIENTAL MINDORO

ORDER

Records show that on July 1, 2015 at around 10:30 in the evening, elements of the Philippine National Police (PNP) Roxas Municipal Police apprehended one (1) six-wheeler topdown jeepney with Plate No. VRA 871 loaded with one hundred forty-five (145) pcs. of lumber of Gmelina species having an aggregate volume of about 3.499 cu.m. (1,483.7 bd.ft.), with an estimated fair market value of Php 66,771.00, in Barangay San Mariano, Roxas, Oriental Mindoro. The driver of the conveyance was identified as Mr. Efren R. Gado and its companion as Mr. Ruben Cabase, both residents of Brgy. Lisap, Bongabong, Oriental Mindoro. Said apprehended items were hauled and impounded at DENR-CENRO Roxas, Oriental Mindoro under the custody of Property Custodian Elegio C. Hio for safekeeping. A Seizure Receipt dated July 3, 2015 and a Seizure Order dated July 6, 2015 were issued by CENRO Isagani V. Manalili.

Pursuant to Section 7 of DAO 97-32, an Administrative Hearing was conducted on July 7, 2015 at around 9 o'clock in the morning, which was presided by Forester Ebenezer C. Palmejar, at CENRO Roxas, Oriental Mindoro.

During the hearing, Mr. Efren R. Gado admitted that he was the driver and owner of the conveyance used to transport the forest products, while Mr. Ruben Cabase claimed that he was the recipient of the forest products in behalf of the owner, Mr. Samuel Fernandez who was in Cavite at the time of apprehension. They both claimed that they were intercepted as they were heading to the house of Mr. Samuel Fernandez in Barangay San Mariano, Roxas, Oriental Mindoro. Accordingly, the forest products originated from Brgy. Bulalacao, Roxas, Oriental Mindoro.

Per Affidavit dated July 3, 2015 of Apprehending Officer PO3 Arnel R. Vicente, duly subscribed by Police Senior Inspector Joel Paningbatan of Roxas Municipal Police Station (MPS), he stated that on July 1, 2015, they were patrolling, together with Barangay Captain Ramil Emono, along the National Highway of San Mariano, Roxas, Oriental Mindoro. That on or about 10:30 in the evening, they intercepted a public utility Jeep with Plate No. VRA-871 loaded with sawn lumber and asked the driver to present any permit or clearance to support the transportation of said forest products. The driver failed to present any document for the transport thereof.

Per Joint Affidavit of Witnesses dated July 8, 2015 of Reynaldo Pudiquet and Aniceto Abalos, duly certified by CENRO Isagani V. Manalili, they stated that they received a call from PSI Paningbatan, Chief of Police of MPS Roxas informing them of an apprehension of one (1) unit of public utility Jeep with Plate No. VRA-871 loaded with illegally transported forest products. That on July 3, 2015 at about 5:00 in the afternoon, the said conveyance and forest products were brought to DENR-CENRO Roxas for turn-over by the apprehending officers to CENRO Manalili. The affiants scaled and documented the said forest products and per initial investigation they identified the driver and helper/recipient as Messrs. Efren Gado and Ruben Cabase, respectively, both residents of Brgy. Lisap, Bongabong, Oriental Mindoro.

It was officially reported to this Office that the same conveyance, the six-wheeler topdown jeep with Plate No. VRA 871, has been previously apprehended and Mr. Gado was also a respondent in Criminal Case No. 2174 before the Regional Trial Court Branch 43, Roxas, Oriental Mindoro.

CERTIFIED XEROX COPY

DATE:

22 OCT 2015



However, the conveyance was released on August 9, 2014 by the PNP in compliance to a court order issued by the Judge-Designate.

After a careful review of the submitted documents, there is an existence of a prima facie case that warrants the filing of a Criminal Complaint against Messrs. Efren R. Gado, Ruben Cabase and Samuel Fernandez, driver, helper and owner of forest products, respectively; including the registered owner of the subject topdown jeepney, Mr. Nolito D. Maning for violation of Sec. 77 of PD 705, as amended. This Office concurs with the recommendation of the Hearing Officer for the confiscation of the apprehended items in favor of the government.


WHEREFORE, FOREGOING PREMISES CONSIDERED, the apprehended One hundred forty-five (145) pcs. of lumber of Gmelina species having an aggregate volume of 3.499 cu.m. (1,483.7 bd.ft.) with an estimated fair market value of PhP 66,771.00 and one (1) unit six-wheeler topdown jeepney bearing Plate No. VRA 871, are hereby **ORDERED CONFISCATED** in favor of the government to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter. The CENRO concerned is directed to submit regular updates as to the progress of the court case.

SO ORDERED.

Manila, Philippines,

22 OCT 2015

22 OCT 2015


OSCAR C. DOMINGUEZ
Regional Director
DENR Region IV-B

Cc: Mr. Efren R. Gado
Brgy. Lisap, Bongabong
Oriental Mindoro

Mr. Ruben Cabase
Brgy. Lisap, Bongabong
Oriental Mindoro

Mr. Samuel Fernandez
Brgy. San Mariano, Roxas
Oriental Mindoro

PSI Joel Paningbatan
Chief of Police
Municipal Police Station
Roxas, Oriental Mindoro

Mr. Nolito D. Maning

PCSupt. Dennis J. Peña
Regional Director
Police Regional Office MIMAROPA
Camp Efigenio C. Navarro, Brgy. Suqui,
Calapan City, Oriental Mindoro

Lt. Gen. Ricardo R. Visaya
South Luzon Command
Camp Guillermo Nakar
Lucena City, Quezon

Vice Admiral Alexander S. Lopez
Western Command
Camp General Artemio G. Ricarte
Puerto Princesa City, Palawan

Col. Rhoderick M. Parayno
Commander, 201st "Kabalikat" Infantry Brigade
Camp General Mateo Capinpin
Tanay, Rizal

Col. Gavin D. Edjawan
Commander, 203rd Infantry Brigade (Bantay Kapayapaan)
Headquarters, Brgy. Pug-asa
Bansud, Oriental Mindoro



Department of Environment
and Natural Resources
REGION 4B

CERTIFIED XEROX COPY

DATE: 27 OCT 2015



IN RE: ORDER OF FINALITY ON THE CONFISCATED ONE (1) UNIT EIGHT (8) WHEELER TRUCK (CLOSED VAN) BEARING PLATE NO. RJV - 348 LOADED WITH 500 SACKS OF ILLEGALLY-SOURCED WOOD CHARCOAL APPREHENDED IN BRGY. SAN ANTONIO, CALAPAN CITY, ORIENTAL MINDORO

ORDER

Before this Office is the Motion for Reconsideration dated October 09, 2012 filed by Mr. William Lim, owner, Sam Lim Corporation, through counsel, over the Decision dated September 03, 2012 rendered by this Office on the apprehended one (1) unit eight (8) Wheeler Truck (Closed Van) bearing Plate No. RJV-348, loaded with 500 sacks of illegally sourced Wood Charcoal apprehended in Brgy. San Antonio, Calapan City, Oriental Mindoro. The dispositive portion of which is hereunder quoted:

"WHEREFORE, premises considered, the apprehended one (1) Unit Eight Wheeler Isuzu Truck with Plate No. RJV-348 loaded with undocumented Five Hundred (500) sacks of Wood Charcoal with estimated fair market value of Php 250,000.00 and 100,000.00 respectively, apprehended at Brgy. San Antonio, Calapan City, Oriental Mindoro are hereby ORDERED CONFISCATED/FORFIETED in favor of the government.

SO ORDERED.

Manila, Philippines, September 03, 2012."


The Motion for Reconsideration was denied by then Regional Executive Director Edgardo O. Galeon on July 09, 2013 for lack of merit. An appeal was filed by Sam Lim Corporation before the DENR Central Office over the denial of the motion which was dismissed by the DENR Central Office on August 01, 2014.

Further, in a Memorandum dated August 30, 2016 of the Director, Legal Service and Concurrent Chairman DENR Appraisal Committee, this Office was given a clearance to issue an Order of Finality in view of the issuance of Certificate of No Motion for Reconsideration/Notice of Appeal dated September 29, 2014 by the Chief, Records Management Division.

WHEREFORE, the Order dated September 03, 2012, issued by this Office in the above entitled case is declared **FINAL AND EXECUTORY**. The PENRO concerned is directed to execute the said Order.

SO ORDERED.

Manila, Philippines, JUN 27 2017.


NATIVIDAD Y. BERNARDINO, CESE
OIC, Regional Director
MIMAROPA Region



Department of Environment
and Natural Resources
REGION 4B



cc:

*PENRO Oriental Mindoro
Brgy. Suqui, Calapan City,
Oriental Mindoro*

*SAM LIM CORPORATION
#8, Furong St., Punturin,
Valenzuela City, Metro Manila*

*SANGUYO LAW OFFICE
2nd Floor Capri Bldg., Kilometer 14,
Mac Arthur Highway, Malinta, Valenzuela City*

CERTIFIED XEROX COPY
DATE: 27 JUN 2017

MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION



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/FORFEITURE OF ONE (1) UNIT EIGHT (8)-
WHEELER TRUCK (CLOSE VAN) BEARING PLATE NO. RJV-348
LOADED WITH 500 SACKS OF ILLEGALLY-SOURCED WOOD
CHARCOAL APPREHENDED AT BARANGAY SAN ANTONIO
CALAPAN CITY, ORIENTAL MINDORO**

ORDER

Records show that on April 5, 2012 at about 8:45 in the morning, the Composite team of CENRO Calapan City headed by Forester II Teodoro S. Dobles, and elements of Highway Patrol Group, led by PO1 Edgardo M. Habana, apprehended One (1) Unit Eight (8)-Wheeler Truck (Close Van) bearing Plate No. RJV-348 loaded with Five Hundred (500) sacks of illegally-sourced Wood Charcoal with an estimated fair market value of Php 250,000.00 and Php 100,000.00, respectively, at Barangay San Antonio, Calapan City, Oriental Mindoro. The said items were hauled and presently deposited at the PENRO Office Compound, Brgy. Suqui, Calapan City for custody and safekeeping.

Per record, Forest Ranger Ruel A. Magboo has received a text-message from a Military Official on April 5, 2012, that there was a shipment of wood charcoal from Mansalay, Oriental Mindoro under the jurisdiction of DENR-CENRO Roxas. He immediately asked the assistance of Forester II Teodoro S. Dobles, Forest Ranger Virgilio G. Mantuano and PO1 Edgardo Habana of the PHPU-4B-PNP based at Barangay Suqui, Calapan City. They immediately proceeded to the CENRO established Checkpoint at Brgy. San Antonio, Calapan City, to check the veracity of the report. FR Ruel Magboo, sighted the reported vehicle before approaching the Checkpoint, they stopped and requested to open the said truck for the necessary inspection. The truck was found to be loaded with Five Hundred (500) sacks of undocumented Wood Charcoal, hence, the apprehension.

Pursuant to Section 07 of DAO 97-32, an Administrative Hearing was conducted on April 13, 2012 at 10 A.M. at CENRO Office Calapan City, Oriental Mindoro. The Hearing was presided over by Chief FMS Dante A. Madriaga and attended by all concerned parties.

During the Administrative Hearing, Christopher Palacpac admitted that he was the driver of the apprehended conveyance with Plate No. RJV-348. He also mentioned that Mr. Ruel de Villa of San Aquilino Roxas, Oriental Mindoro, was the Shipper and owner of the Five Hundred (500) sacks of illegally-sourced Wood Charcoal. Accordingly, Mr. Ruel de Villa requested him to load the said minor forest products from Mansalay, Oriental Mindoro to Metro Manila, without any legal documents from DENR. Likewise, he stated that his Company (W.L. Food Products/Sam Lim Corporation) is innocent of the loading of the said wood charcoal.

Evaluation of the Affidavit executed by Mr. Charlie J. Romano, Liaison Officer and duly authorized representative of W.L. Food Products/Sam Lim Corporation, disclosed that their Company is engaged only in manufacturing and sales of food items (snack).

Mr. Romano narrated that on April 5, 2012, one of the Company driver, Christopher Palacpac was driving one of the Company's truck with Plate No. RJV-348 which was apprehended by the DENR authorities at Calapan, Oriental Mindoro, for carrying large quantities of wood charcoal (undocumented) on its way back to Manila.

Mr. Romano explained that it is not the Company's policy or business to transport Charcoal, it was only Mr. Palacpac who allowed the said wood charcoal to be loaded in the Company truck out of his own personal decision as a "sideline" having no knowledge that transporting of the said wood charcoal is prohibited.


After thorough evaluation and personal examination on the On-site report of the Apprehending Forest Officers and the Sworn Statement of the Driver and the Shipper of the Five Hundred (500) sacks of Wood Charcoal, it is clear that the One (1) Unit Eight (8)-Wheeler Truck (Close Van) bearing Plate No. RJV-348 loaded with Five Hundred (500) sacks of illegally-sourced Wood Charcoal was accessory to the crime committed, hence, the issuance of Confiscation/Forfeiture Order and filing of the Criminal charges against Christopher Palacpac and Ruel de Villa for violation of Section 77 (formerly Section 68) of PD 705 as amended by E.O. No. 277 and further by R.A. 7161 is hereby concurred.

WHEREFORE, FOREGOING PREMISES CONSIDERED, the apprehended One (1) Unit Eight (8)-Wheeler Isuzu Truck (Closed Van) with Plate No. RJV-348 loaded with undocumented Five Hundred (500) sacks of Wood Charcoal with estimated fair market value of Php 250,000.00 and Php 100,000.00 respectively, apprehended at Brgy. San Antonio, Calapan City, Oriental Mindoro are hereby **ORDERED CONFISCATED/FORFEITED** in favor of the government.

The CENRO concerned is hereby directed to file a Criminal Case against Messrs. Christopher Palacpac, driver of Isuzu Truck and Ruel de Villa, the Shipper of undocumented 500 sacks of Wood Charcoal, for violation of Section 77 (formerly Section 68) of PD 705 as amended by EO 277 and further by RA 7161.

SO ORDERED

Manila, Philippines, SEP 03 2012 2012


EDGARDO O. GALEON
OIC, Regional Executive Director



IN RE: CONFISCATION OF 1,040 PIECES (10,897.48 BOARD FEET) OF MIXED MAHOGANY, AKLENG PARANG (ANAPLA), GMELINA, IPIL-IPIL LUMBER/LOGS AND 7 PIECES OF FURNITURE, FUSO JEEP WITH PLATE NO. DZM 842, A RUSI TOPDOWN TRICYCLE, A CAPACITOR STARTER MOTOR, 4 CIRCULAR SAWS, AND AN ENGINE PUMP APPREHENDED IN BARANGAY LABANGAN, SAN JOSE, OCCIDENTAL MINDORO

ORDER OF FINALITY

An Order was issued on August 3, 2015 signed by then Regional Director Oscar C. Dominguez confiscating 1,040 pieces (10,897.48 board feet) of mixed Mahogany, Akleng Parang (Anapla), Gmelina, Ipil-ipil lumber/logs and 7 pieces of furniture, Fuso jeep with plate No. DZM 842, a RUSI top down tricycle, a capacitor starter motor, 4 circular saws, and an engine pump. The criminal complaint was dismissed by the Prosecutor's Office in a Resolution dated October 26, 2015. The Motion for Reconsideration was also denied in a Resolution dated March 17, 2016.

On the other hand, a Motion for Reconsideration dated April 4, 2016 on the Confiscation Order was denied in an Order April 5, 2017 signed by then Regional Director Natividad Y. Bernardino.

A Certification dated August 31, 2018 was issued by Records Officer III Raphael A. De Guzman stating that no Notice of Appeal was filed on the denial of the Motion for Reconsideration, thus, pursuant to Section 7, No. 6 of DAO 97-32, the Orders dated August 3, 2015 and April 5, 2017 are deemed final and executory.

WHEREFORE, premises considered, the Orders dated August 3, 2015 and April 5, 2017 are 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 Occidental Mindoro/CENRO San Jose, the following are hereby **ORDERED**:

1. A copy of this Order shall be **FORWARDED** to the Office of the Secretary for the **DISPOSITION** of the confiscated Fuso jeep with Plate No. DZM 842, and the RUSI top down tricycle, pursuant to Page 37, No. 3 of DAO 2016-17 or the *DENR Manual of Authorities on Technical Matters*, in relation to Section 12 of DAO 97-32; and,

CERTIFIED XEROX COPY
DATE: 22 OCT 2018

MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR YOIP (632) 7553300/30 local 2700/01
Direct Line: (632) 4050157; Telefax: (632) 4050046
Email: denr.rdmimaropa@gmail.com

Page 1 of 2

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MAR 11-13-2018
MARLENE M. BADILLA
Admin. Asst. III/ Records Officer-Designate
Legal Division, DENR MIMAROPA Region

2. The CENRO is directed to **DISPOSE** of the 1,040 pieces (10,897.48 board feet) of mixed Mahogany, Akleng Parang (Anapla), Gmelina, Ipil-ipil lumber/logs and 7 pieces of furniture, pursuant to Page 37, No. 1 or No. 2, as the case may be, of DAO 2016-17 or the *DENR Manual of Authorities on Technical Matters*, in relation to Section 12 of DAO 97-32.

SO ORDERED.

City of Manila. OCT 22 2018


HENRY A. ADORNADO, Ph.D.
Regional Executive Director

Copy furnished:

Laurito M. Zamora
The Chief, Finance Division
The Chief, Enforcement Division
Antonio G. Euinto, Jr.
PENRO/CENRO

Brgy Labangan, Poblacion, San Jose, Occidental Mindoro

Brgy Mapaya, San Jose, Occidental Mindoro

ARD-MS/LD

CERTIFIED XEROX COPY

DATE: **22 OCT 2018**

MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 9501

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MARLENE M. BADILLA
Admin. Asst. III/ Records Officer-Designate
Legal Division, DENR MIMAROPA Region



Republic of the Philippines
Department of Environment and Natural Resources
Region IV-B MIMAROPA
1515 Roxas Boulevard, Ermita, Manila 1000

IN RE: CONFISCATION OF 1,040 PIECES (10,897.48 BOARD FEET) OF MIXED MAHOGANY, AKLENG PARANG (ANAPLA), GMELINA, IPIL-IPIL LUMBER/LOGS AND 7 PIECES OF FURNITURE, FUSO JEEP WITH PLATE NO. DZM 842, A RUSI TOPDOWN TRICYCLE, A CAPACITOR STARTER MOTOR, 4 CIRCULAR SAWS, AND AN ENGINE PUMP APPREHENDED IN BARANGAY LABANGAN, SAN JOSE, OCCIDENTAL MINDORO

Records show that on May 29, 2015, a team from CENRO San Jose, Occidental Mindoro apprehended 1,040 pieces of mixed Mahogany, Akleng Parang (Anapla), Gmelina, Ipil-Ipil lumber/logs, and 7 pieces of furniture with an aggregate volume of 10,897.48 board feet from the coco lumber warehouse of Laureto Zamora in Barangay Labangan, San Jose, Occidental Mindoro. The subject forest products, including a Fuso jeep with Plate No. DZM 842, a RUSI topdown tricycle, a capacitor starter motor, 4 circular saws, and an engine pump were hauled and deposited at the CENRO San Jose Compound for safekeeping, under the custody of Forester Pedro Serquiña. A Seizure Receipt/Order dated May 30, 2015 was issued by Regional Director Oscar C. Dominguez.

Pursuant to DAO 97-32, an administrative hearing was conducted on June 3, 2015 at 9 o'clock in the morning at the CENRO San Jose Office, San Jose, Occidental Mindoro which was presided by Atty. Gandhi Gagni-Flores, OIC-Chief of the Legal Division, Regional Office.

Mr. Laureto Zamora was apprised of his right to counsel which he chose to avail of and to submit his Sworn Affidavit within a given period of ten (10) days. He was initially questioned as to what type of business he is into and he replied that he has a permit as a coco lumber dealer.

Mr. Zamora stated in his affidavit that on May 29, 2015 at 11 o'clock in the morning, Atty. Jennifer Garcia Laudencia, her two brothers, one of which is a police officer, and four other police officers came to his rented bodega and asked if he was the owner of the lumber found therein, to which he replied that he is not the only owner of all the lumber but they were owned by Mr. Antonio Guinto, Jr. who has a permit from the CENRO San Jose. That about thirty minutes thereafter, two of the police officers went to the CENRO San Jose to request for the scaling of the forest products while Atty. Laudencia called up Regional Director Oscar Dominguez requesting that the forest products be hauled to the CENRO compound to which the latter gave the go-signal and Forester Ernesto Tañada relayed the instruction. On May 30, 2015, For. Tañada and Atty. Laudencia also instructed that an electric motor, a 7F80 machine, circular saws, his jeep, tricycle and several furniture be hauled to the CENRO compound "for safekeeping." In support of his affidavit, Mr. Zamora submitted permits to transport in his name, that of Mr. Guinto, Mrs. Medelina Siodo, Mr. Reynaldo Benitez, Mr. Crisanto Arpa, Mr. Dominguito Guro, and Mr. Donald Rifareal, apparently covering the apprehended forest products.

However, upon verification from CENRO San Jose personnel, Mr. Zamora is not a CBFM holder, nor does he have a permit to cut, neither is he an authorized

agent of Mr. Guinto, the Chairman of the Kahuyang Guinto Community-Based Forest Management Association, Inc. (KGCBFMAI). The documents he presented also do not explain why akleng parang (anapla), a premium hardwood species, was being sold in his warehouse despite the fact that he is only a coco lumber dealer.

Mr. Antonio Guinto, who was also present during the hearing, stated that some of the apprehended lumber were planted trees transported from their CBFM area. He corroborated the statements of Mr. Zamora that he is the owner of the gmelina lumber that were part of those apprehended and that he took the lumber to Mr. Zamora's warehouse for safekeeping after rainwater seeped in their storage house. He, however, did not submit any documents to support his claim.

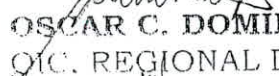
After thorough evaluation of the evidence and information gathered, this Office finds that a prima facie case exists that will warrant the filing of a criminal complaint against Mr. Laureto Zamora for violation of Section 77, P.D. 705, as amended. This Office concurs with the recommendation of the Hearing Officer for the confiscation of the forest products, as well as the recommendation that the vehicles and the implements be similarly confiscated in the presumption that they were used in maintaining temporary or permanent possession or control of the apprehended forest products.

WHEREFORE, FOREGOING PREMISES CONSIDERED, the apprehended 1,040 pieces of mixed Mahogany, Akleng Parang (Anapla), Gmelina, Ipil-Ipil lumber/logs, 7 pieces of furniture with an aggregate volume of 10,897.48 board feet, and the implements and vehicles are hereby **ORDERED CONFISCATED** in favor of the Government to be disposed of in accordance with existing laws, rules and regulations.

The CENRO concerned is directed to file the criminal complaint before the Prosecutor's Office against Mr. Laureto Zamora and regularly provide updates to this Office regarding the matter.

SO ORDERED.

Manila, Philippines, JG 2015


OSCAR C. DOMINGUEZ
OIC, REGIONAL DIRECTOR



Department of Environment
and Natural Resources
REGION 4B



Copy Furnished:

Mr. Laureto Zamora
Barangay Labangan, San Jose, Occidental Mindoro

Atty. Jennifer Garcia Laudencia
Brgy. Labangan, San Jose
Occidental Mindoro

CENRO San Jose, Occidental Mindoro
PENRO Occidental Mindoro



IN RE: CONFISCATION OF ONE (1) UNIT MOTORCYCLE WITH SIDECAR BEARING PLATE NO. VF-8873 AND SEVEN (7) SACKS OF WOOD CHARCOAL APPREHENDED IN BRGY. RIZAL, ODIONGAN, ROMBLON

ORDER OF FINALITY

An Order was issued on June 27, 2017 signed by then OIC, Regional Director Natividad Y. Bernardino confiscating one (1) unit motorcycle with sidecar bearing Plate No. VF-8873 and seven (7) sacks of wood charcoal apprehended in Brgy. Rizal, Odiongan, Romblon.

On August 28, 2017, a Motion for Reconsideration for the release of the one (1) unit motorcycle with sidecar was filed by Mr. Luis R. Guyo. However, said motion for reconsideration was denied by this Office through an order dated December 14, 2017 signed by then Regional Director Natividad Y. Bernardino.

A Certification dated December 12, 2018 was issued by the Chief, Records Management Division Chief Jane G. Bautista, of DENR Central Office stating that no Notice of Appeal was filed on the denial of the Motion for Reconsideration, thus, pursuant to Section 7, No. 6 of DAO 97-32, the Orders dated June 27, 2017 and December 14, 2017 are deemed final and executory.

WHEREFORE, premises considered, the Orders dated June 27, 2017 and December 14, 2017 are 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 PENRO Romblon, the following are hereby **ORDERED**:

1. A copy of this Order shall be **FORWARDED** to the Office of the Secretary for the **DISPOSITION** of the confiscated one (1) unit Motorcycle with Sidecar bearing Plate No. VF-8873, pursuant to Page 37, No. 3 of DAO 2016-17 or the *DENR Manual of Authorities on Technical Matters*, in relation to Section 12 of DAO 97-32; and
2. The PENRO is directed to **DISPOSE** of the seven (7) sacks of Wood Charcoal pursuant to Page 37, No. 1 or No. 2, as the case may be, of DAO 2016-17 or the *DENR Manual of Authorities on Technical Matters*, in relation to Section 12 of DAO 97-32.


CERTIFIED XEROX COPY
DATE: 26 MAR 2019

1515 L & S Building, Roxas Boulevard, Ermita, Manila 1000
DENR VOIP (632) 7553300/7553330 loc. 2700/2701
Direct Line: (632) 4050157; Facsimile : (632) 4050046

MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION

SO ORDERED

Manila, Philippines, MAR 23 2019


HENRY A. ADORNADO, Ph. D.
Regional Executive Director
MIMAROPA Region



Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 11893

Cc:

Mr. Luis R. Guyo
Administrative Division, Regional Office
Brgy Dapawan, Odiongan, Romblon

PENRO Romblon
Resident COA Auditor
Odiongan, Romblon

Finance Division, Regional Office

CERTIFIED XEROX COPY
DATE: 26 MAR 2019

MARGIE U. OCHDA
FORESTER/ENFORCEMENT DIVISION

IN RE: CONFISCATION OF ONE (1) UNIT MOTORCYCLE WITH SIDECAR BEARING PLATE NO. VF-8873 AND SEVEN (7) SACKS OF WOOD CHARCOAL APPREHENDED IN BRGY. RIZAL, ODIONGAN, ROMBLON

ORDER

Records show that on October 26, 2015, the DENR- Forest Officers of Odiongan, Romblon received information that there will be an illegal transport of charcoal in Brgy. Tugis, Odiongan, Romblon. They immediately proceeded to the area to verify the reported illegal activity. On their way to Brgy. Tugis, the team intercepted and apprehended a one (1) unit motorcycle with sidecar bearing Plate No. VF-8873 loaded with undocumented seven (7) sacks of wood charcoal in Brgy. Rizal, Odiongan, Romblon. The conveyance and its load were owned by Mr. Luis R. Guyo of Brgy. Dapawan, Odiongan, Romblon and was deposited at the PENR Office Compound in Odiongan, Romblon. An Apprehension Receipt, Seizure Receipt and Seizure Order all dated October 26, 2015 were issued by Gerardo B. Sabigan, Seizure Officer.

Pursuant to Section 7 of DAO 97-32, Administrative Hearings were conducted on November 20, 2015, December 08, 2015 and December 14, 2015 at the PENR Office, Odiongan, Romblon, presided by Gerardo B. Sabigan, Hearing Officer.

During the first two (2) hearings, Mr. Guyo refused to give his statement in the case. He stated that he will just submit his Sinumpaang Salaysay.

On the third hearing, Mr. Guyo finally admitted that on October 26, 2015, he transported seven (7) sacks of charcoal from Brgy. Dapawan to Brgy. Tulay, Odiongan, Romblon. When Mr. Guyo reached Brgy. Rizal, he was apprehended by Forest Officers of Odiongan. Mr. Guyo admitted that the shipment was not covered by any transport permit from the DENR. He further prayed that the motor vehicle be released in his favor, considering that it is only his source of income.

On February 22, 2016, Mr. Guyo sent a complaint addressed to Regional Director Oscar C. Dominguez, alleging that the OIC PENR Officer of Romblon, Maximo C. Landrito demanded an amount of PhP 7,500.00 in exchange for the release of the conveyance.

In a Joint Affidavit dated June 15, 2016, OIC PENRO Maximo C. Landrito and Hearing Officer Gerardo B. Sabigan denied said allegation. They alleged that the claims of Mr. Guyo is based on untruthful facts designed to malign and damage their records as government employees.

Based on the attending facts, circumstances, testimonies, and documents presented, it is clear that Mr. Guyo violated Sec. 77 of P.D. 705, as amended, for transporting seven (7) sacks of wood charcoal without any transport permit from the DENR.

FILED XEROX COPY
DATE: 27 JUN 2017

MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION

WHEREFORE, the apprehended one (1) unit tricycle bearing Plate No. VF-8873 and seven (7) sacks of wood charcoal, with a total estimated fair market value of Php 16,260.00 are **CONFISCATED** in favor of the government to be disposed of in accordance with the existing DENR laws, rules and regulations.

The CENRO concerned is directed to file a criminal complaint against Mr. Luis R. Guyo for violation of Sec.77 of P.D. 705, as amended, and to submit status reports to this Office for monitoring purposes.

SO ORDERED.

Manila, Philippines JUN 27 2017


NATIVIDAD Y. BERNARDINO, CESE
OIC, Regional Director
DENR MIMAROPA Region

Cc:

PENRO-Romblon
Odiongan, Romblon

Mr. Luis R. Guyo
Brgy. Dapawan, Odiongan, Romblon

4th Infantry Battalion, Brgy. Murtha, San Jose,
Occidental Mindoro
Member, RAILTF-MIMAROPA Region

The Commander Western Command
Camp General Artemio G. Ricarte
Puerto Princesa City, Palawan
Member, RAILTF-MIMAROPA Region

Commander, 203rd Infantry Brigade "Bantay Kapayapaan"
Headquarters, Brgy. Pag-Asa, Bansud, Oriental Mindoro
Member, RAILTF-MIMAROPA Region

CERTIFIED XEROX COPY
DATE: **27 JUN 2017**

MARGIE D. OCHOA
FORESTER/ENFORCEMENT DIVISION

-2-



Department of Environment
and Natural Resources
REGION 4B





IN RE: CONFISCATION/FORFEITURE OF ONE (1) UNIT MOTOR LAUNCH (M/L ANNALIZA) LOADED WITH 140 PIECES OF ASSORTED SPECIES OF LUMBER/FLITCHES HAVING A TOTAL VOLUME OF ABOUT 23,622 CU.M. (10,015.63 BOARD FEET) APPREHENDED OFFSHORE OF BARANGAY MALITUB, BATARAZA, PALAWAN

ORDER OF FINALITY

An Order was issued on October 28, 2013 signed by then Regional Executive Director Edgardo O. Galeon confiscating/forfeiting one (1) unit of Motor Launch (M/L Annaliza) loaded with 140 pieces of assorted species of lumber/flitches having a total volume of about 23,622 cu.m. (10,015.63 board feet) apprehended offshore of Barangay Malitub, Bataraza, Palawan.

On March 2, 2015, a Motion for Reconsideration with Motion to Reduce Value of Vessel and Motion to Release Vessel was filed by Murshid Suaib Alhadz, represented by Abdurasid I. Badidil, Jr. thru their counsel. However, said Motion was denied in an Order dated July 8, 2015 signed by then OIC, Regional Director Oscar C. Dominguez.

Certifications dated April 8, 2019 and April 4, 2019 were issued by the OIC-Chief, Records Management Section Virginia M. Regodon and Records Management Division Chief Jane G. Bautista, CPA, DPA, respectively, stating that no Notice of Appeal was filed on the denial of the Motion for Reconsideration, thus, pursuant to Section 7, No. 6 of DAO 97-32, the Orders dated October 28, 2013 and July 8, 2015 are deemed final and executory.

WHEREFORE, premises considered, the Orders dated October 28, 2013 and July 8, 2015 are 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 Palawan/CENRO Brooke's Point, the following are hereby **ORDERED**:

1. A copy of this Order shall be **FORWARDED** to the Office of the Secretary for the **DISPOSITION** of the confiscated/forfeited Motor Launch (M/L Annaliza), pursuant to Page 37, No. 3 of DAO 2016-17 or the *DENR Manual of Authorities on Technical Matters*, in relation to Section 12 of DAO 97-32; and,

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CERTIFIED XEROX COPY
DATE: 10 JUN 2019

MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION

2. The CENRO is directed to **DISPOSE** of the 140 pieces (10,015.63 board feet) of assorted species of lumber/flitches, pursuant to Page 37, No. 1 or No. 2, as the case may be, of DAO 2016-17 or the *DENR Manual of Authorities on Technical Matters*, in relation to Section 12 of DAO 97-32.

SO ORDERED.

Manila, Philippines, JUN 10 2019


HENRY A. ADORNADO, Ph.D.
Regional Executive Director

Copy furnished:

Murshid Suaib Alhadz,
Rep. by Abdurasid I. Badidil, Jr.
c/o Atty. Alexander A. Rivera
Rivera Law Office, Unit A, CBPP Bldg.
Manalo St., Puerto Princesa City

The Chief, Finance Division

The Chief, Enforcement Division

CENRO Brooke's Point, Palawan

PENRO Palawan

CERTIFIED XEROX COPY
DATE: 10 JUN 2019

ARD-MS/LD



Department of Environment
and Natural Resources
MIMAROPA Region



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CERTIFIED TRUE COPY

Shirley A. L. ...
JUN 10 2019

Atty. Alexander A. Rivera
Rivera Law Office, Unit A, CBPP Bldg.
Manalo St., Puerto Princesa City

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 MOTOR LAUNCH (M/L ANNALIZA) LOADED WITH (140) PIECES OF ASSORTED SPECIES OF LUMBER/FLITCHES HAVING A TOTAL VOLUME OF ABOUT 23.622 CU.M. (10,015.63 BD.FT.) APPREHENDED OFFSHORE OF BRGY. MALITUB, BATARAZA, PALAWAN

ORDER

For resolution is the Motion for Reconsideration dated March 2, 2015 filed by Murshid Suaib Alhadz, represented by his Attorney in-fact, Abdurasid T. Badidil, Jr. Records show that a Confiscation/Forfeiture Order over the subject conveyance (M/L ANNALIZA) was already issued by this Office on October 28, 2013. The said Order was received by the respondents on February 13, 2015.

"Sec. 7 (5) of DAO 97-32 Series of 1997 provides that a Motion for Reconsideration can only be filed once (1) within a non-extendible period of fifteen (15) calendar days from receipt of the Decision, containing a concise statement of the grounds relied upon for the purpose."

The said provision of law prompted the respondents to file the motion for reconsideration on March 02, 2015, considering that the Confiscation/Forfeiture Order was only received on February 13, 2015, thus within the fifteen (15) day period.

The issue to be settled in the instant Motion is the validity of the Confiscation/Forfeiture Order of M/L ANNALIZA on the ground that the disputable presumptions in Section 7 (3, a and b) of DAO 97-32 were not disputed.

"Disputable Presumptions (Section 7 (3), a and b of DAO 97-32) - In administrative proceedings conducted pursuant hereto, the following shall be considered presumptions of fact and or law and taken as part of the evidence unless specifically controverted and successfully overcome by a preponderance of evidence:

- (a) All those apprehended on-site for indirect participation in the commission of the offense(s) cited had full knowledge of and willingly participated therein;*
- (b) The registered owner and/or driver of a conveyance used in the commission of the offense had full knowledge and willingly participated therein by providing the conveyance for the illegal purpose to which said conveyance was applied. In case the registered owner of the conveyance is a partnership or corporation, the partners and/or officers thereof had full knowledge of, and granted authorization or issued instructions for the use or application of the conveyance in the commission of the offense."*

In the instant Motion, the counsel for the respondents erred in arguing that the main reason for the confiscation/forfeiture of the vessel is the absence of the registered owner in the administrative hearing. The subject vessel was confiscated due to the fact that it was loaded with undocumented forest products, which is a clear violation of Section 77 (formerly sec. 68) of P.D. 705 as amended by E.O.277 and further by R.A. 7161. Also, the argument that the true owner of the vessel was absent during the administrative hearing has no merit. Mr. Alhadz was duly represented by his Attorney-In-Fact Abdurasad "Jun" T. Badidil, Jr. thru a Special Power of Attorney and his then legal counsel, Atty. Rustico P. Cacal.

On the issue that the vessel owner and captain did not know that the forest products loaded therein were undocumented, the same cannot defeat the disputable presumption provided under Sec. 7, 3 (b) of DAO 97-32. The existence of the contract between Suaib Alhadz (vessel owner) and Muktar Gubat (owner of forest products) establishes the fact of personal knowledge and willful participation. Mere reliance on the contract itself which states that only lawfully acquired/produced goods will be loaded and transported is not sufficient enough to overcome the presumptions provided under DAO 97-32. The ship owner has the responsibility to verify the transport documents and the actual cargoes to be loaded on the vessel before voyage. In the instant case, Mr. Alhadz failed to instruct his boat captain or its crew members to verify the actual forest products to be loaded, which constitutes a gross negligence on his part. All conveyance used in the transport of any forest product obtained or gathered illegally whether or not covered with transport documents found spurious or irregular, shall be confiscated in favor of the government or disposed of in accordance with pertinent laws, regulations or policies on the matter (Sec. 68-A, PD 705 as amended).

"Section 26 of Rule 130 of the Rules of Court which provides that "the act, declaration or omission of the party as to a relevant fact may be given in evidence against him" is allowed only when given against a party making them. Said fact was not established by the respondents, hence their argument is considered as a mere hearsay.

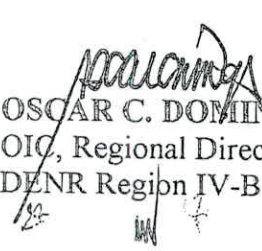
The Motion to reduce the value of the subject vessel in the amount of Php 100,000.00 considering the depreciation of the vessel while berthed and unattended for more than two (2) years in Puerto Princesa City Baywalk, is not tenable.

The submitted documents and inspection revealed that the value of the engine alone, which is a three-piston, 75-horse power Yanmar is more or less Php 300,000.00. The hull, body and frame which was newly repaired and made bigger as testified by the boat captain is estimated to amount to Php 1,000,000.00. The prayer to reduce its value to Php 100,000.00 is way below its estimated value.

WHEREFORE, FOREGOING PREMISES CONSIDERED, the herein Motion for Reconsideration with Motion to Reduce Value of Vessel and Motion to Release Vessel is hereby **DENIED** for the lack of merit, without prejudice to the adverse party is remedy to file an appeal before the Office of the Secretary within fifteen (15) days upon receipt hereof as provided under Sec. 7 (6) of DAO 97-32.

SO ORDERED.

Manila, Philippines 08 11 2015


OSCAR C. DOMINGUEZ
OIC, Regional Director
DENR Region IV-B

Cc; PENRO
Brgy. Sta. Monica;
Puerto Princesa City, Palawan

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