



Republic of the Philippines
Department of Environment and Natural Resources
Region IV- MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Barangay III (Poblacion), Roxas, Palawan
Contact No. 09171606578 / 09175028647; Email address: cenroroxaspalawan@denr.gov.ph

November 19, 2021

MEMORANDUM

FOR : The Regional Director
DENR-MIMAROPA Region
1515 Roxas Blvd., Ermita, Manila

THRU : The Provincial Environment and Natural Resources Officer
Sta. Monica, Puerto Princesa City, Palawan

FROM : The OIC - Community Environment and Natural Resources Office

SUBJECT : **REPORT ON THE RECEIPT OF THE CONFISCATION ORDER FOR 110 PIECES UNDOCUMENTED MANGIUM LOGS, 1 UNIT OF MITSUBISHI FUSO FIGHTER TRUCK WITH PLATE NO. GCT916, AND 1 UNIT ISUZU FORWARD TRUCK WITH PLATE NO. GHC451, APPREHENDED IN SITIO TALAKAIGAN, BRGY. SAN JOSE, ROXAS, PALAWAN.**

Please be informed that this Office received a scanned copy of the Confiscation Order issued by the Regional Executive Director on November 9, 2021.

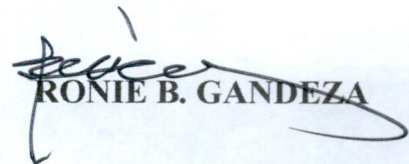
A *Manifestation with attached Confiscation Order* was submitted in the Municipal Circuit Trial Court (MCTC) for Roxas and Cagayancillo through personal service on November 10, 2021. The concerned counsels of the defendant and the Provincial Prosecutor's Office have also been furnished of a copy through electronic mail and postal service on the same date.


On November 16, 2021, this Office received a *Motion to Cite Complainants in Contempt of Court and Comment on the Manifestation* from Atty. Christopher Molato, counsel of Amelia Delos Angeles, and again on November 18, 2021, the undersigned received a *Subpoena* from MCTC, ordering to attend a hearing on the *Motion for Execution/Motion to Cite Complainants in Contempt of Court and Comment on the Manifestation* on November 23, 2021.

For information and record.

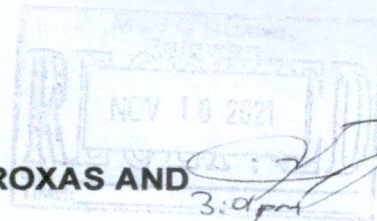
Attached are the following documents:

1. *Manifestation with attached Confiscation Order;*
2. *Motion to Cite Complainants in Contempt of Court and Comment on the Manifestation;* and
3. *Subpoena*


RONIE B. GANDEZA

DENR-CENRO ROXAS
RELEASED
DATE: NOV 19 2021
BY: 
DOC. NO. 21-11 14 10 1

Republic of the Philippines
**MUNICIPAL CIRCUIT TRIAL COURT FOR ROXAS AND
CAGAYANCILLO**
Roxas, Palawan



PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIMINAL CASE NO. 3697

for

-versus-

**Violation of Section 77
of PD 705, as amended**

**ROLLY OLETE, JOART SARMIENTO
AND LEO DELOS ANGELES,**
Accused.

X-----X

MANIFESTATION

The Department of Environment and Natural Resources – Community Environment and Natural Resources Office (CENRO) of Roxas, Palawan, unto this Honorable Court most respectfully manifests the following:

1. On November 10, 2021, we received an electronic copy of the Confiscation Order dated October 28, 2021 issued by the Regional Executive Director of DENR MIMAROPA Region, Maria Lourdes G. Ferrer. The dispositive portion of the Order states that:

"WHEREFORE, PREMISES CONSIDERED, the seized one hundred ten (110) pieces of undocumented Mangium lumber having a total volume of 11.24 cubic meters, with an estimated total fair market value of P 119,250.00, and two (2) six wheeler trucks, specifically, one (1) unit Mitsubishi Fuso Fighter Truck with Plate No. GCT916, and one (1) Isuzu Forward Truck with Plate No. GHC451, 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 furnish a copy of this Order to the court where the criminal case was filed for their information, consideration and reference, and submit reports to this Office for monitoring purposes.

SO ORDERED."

A handwritten signature in black ink.


2. That, the undersigned respectfully informs this Honorable Court of the said Confiscation Order. Hereto attached is the copy of the Confiscation Order marked as Annex "A".

3. That, once the Confiscation Order becomes FINAL and EXECUTORY, the said undocumented mangium lumber and conveyance will be disposed of pursuant to the provisions of DENR Administrative Order (DAO) No. 1997-32 in relation to Section 77-A of P.D. 705, as amended.

WHEREFORE premises considered, it is respectfully prayed of this Honorable Court that this manifestation be considered and made part of the record of the instant case.

RESPECTFULLY SUBMITTED.

Municipality of Roxas, November 10, 2021


RONIE GANDEZA
Community Environment and Natural
Resources Officer-Roxas, Palawan
Officer-In-Charge

Copy furnish:

Atty. Raymund U. Acosta
Counsel for the Accused
Email address: raymundacosta35@gmail.com

RE 412 143 223 22

Atty. Christopher Molato
Suite 888, Carlos Building, 271 Rizal
Avenue, Puerto Princesa City
Email address: christopher1289@yahoo

Provincial Prosecutor's Office
Justice Hall, Bgy. Sta. Monica,
Puerto Princesa City
Email address: provpros@gmail.com

ROXAS, PALAWAN
REGISTRY RECEIPT
RE 412 143 223 22
ROXAS, PALAWAN
REGISTRY RECEIPT
RE 412 143 237 22
ROXAS, PALAWAN
REGISTRY RECEIPT
RE 412 143 245 22
Post Office _____
Letter/Package No. _____
Posted on 11 10 21 20
Preserve this receipt for reference in case of inquiry
Postmaster/Teller _____



IN RE: CONFISCATION OF ONE HUNDRED TEN (110) PIECES OF UNDOCUMENTED MANGIUM LOGS WITH A TOTAL VOLUME OF 11.24 CUBIC METERS, ONE (1) UNIT MITSUBISHI FUSO FIGHTER TRUCK WITH PLATE NO. GCT916, AND ONE (1) UNIT ISUZU FORWARD TRUCK WITH PLATE NO. GHC451, APPREHENDED IN SITIO TALAKAIGAN, BRGY. SAN JOSE, ROXAS, PALAWAN

ORDER

Records show that on June 14, 2019, at around 10 in the morning, in Sitio Talakaigan, Brgy. San Jose, Roxas, Palawan, while the National Greening Program (NGP) team led by then CENRO Emer D. Garraez of the CENRO Roxas, Palawan were on their way to conduct NGP site visits, they were able to apprehend by chance one hundred ten (110) pieces of undocumented Mangium logs, having a total volume of 11.24 cubic meters, with an estimated total fair market value of PHP119,250.00, that were being loaded on board two (2) six-wheeler trucks, both of which were without plate number. Per verification conducted by the apprehending officers, they identified the owner of the trucks as Mr. Leo M. Delos Angeles and his wife, Amelia Delos Angeles. One of the drivers was Mr. Joart Sarmiento, and the claimant-owner of the Mangium logs was Mr. Rolly Olete. The items were placed under the custody of For. Vitaliano B. Maraňan at the CENRO Roxas compound. The Seizure Receipt dated June 28, 2019 was issued by For. Vitaliano B. Maraňan.

Criminal Case No. 3697 against Rolly Olete, Joart Sarmiento, and Leo Delos Angeles for Violation of Section 77 of PD 705, as amended, was dismissed by the Municipal Circuit Trial Court for Roxas and Cagayancillo in an Order dated May 4, 2021.

Pursuant to Section 7 of DAO 97-32, an administrative hearing was conducted on July 5, 2019 at the CENRO Roxas, Palawan, presided by For. Vitaliano B. Maraňan.

During the hearing, Mr. Joart Sarmiento admitted that he was the one who decided to haul the Mangium logs because Mr. Rolly Olete asked him to and the latter presented a barangay certification for the logs. Mr. Olete admitted that he was the one who did the cutting of the Mangium trees, he said that he needed money and he and his siblings agreed that they will cut the Mangium trees, clean the area, and plant trees again. He also admitted that he sold the logs to Mr. Leo Delos Angeles.

Mr. Delos Angeles admitted that the Mangium logs were covered by a barangay certification only because he was not able to secure a Certificate of Verification. He stated that he has been transporting lumber for two (2) years and he thought that he only needed transport permits when transporting from the band-saw area to the place of delivery.

It was also during said hearing when Forester Marces C. Lasangen, Chief of the Forest Protection and Enforcement Unit, stated that one of the trucks of Mr. Delos Angeles was previously apprehended sometime in 2018 while on its way to Port Barton near Abaroa because the lumber on board was not covered by a Certificate of Verification.

In the *Simumpaang Salaysay ni Forest Technician I Nolly D. Billores* dated July 17, 2019, he narrated that while with then CENRO Emer D. Garraez and other team members on their way to NGP site visits, they chanced upon two (2) six-wheeler trucks that were being loaded with Mangium logs. They identified Rolly Olete and Joart Sarmiento who were hauling the logs and they asked them who owned the trucks. Joart Sarmiento stated that Leo Delos Angeles was the owner, but he was not present during the apprehension. They then asked for legal documents and permits but there was none presented, so they brought the items to the CENRO Roxas for safekeeping and custody.

In the Affidavit of Undertaking dated July 6, 2019 of Mr. Delos Angeles, he described the trucks as one (1) unit Mitsubishi Fuso Fighter Truck with Plate No. GCT916 and one (1) unit Isuzu Forward

Truck with Plate No. GHC451. Said affidavit, however, did not fully comply with the requirements of Section 9 of DAO 97-32, thus the conveyances were not temporarily released.

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. Rolly Olete, Mr. Joart Sarmiento, and Mr. Leo M. Delos Angeles 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 seized undocumented Mangium logs and the conveyances in favor of the government.

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. (c) Forest Products – Refer to timber including **lumber xxx**

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

(a) **ILLEGAL FOREST PRODUCTS** – Any forest product (s) defined in Section 1 (c) 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.*)

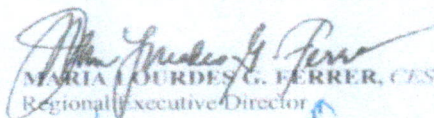
Further, the *Rules of Procedure for Environmental Cases (AM-09-6-8-SC)* recognizes under *Rule 12 Section 1* thereof that the custody and disposition of seized items shall be in accordance with the applicable laws or rules promulgated by the concerned government agency, hence, this confiscation.

WHEREFORE, PREMISES CONSIDERED, the seized one hundred ten (110) pieces of undocumented Mangium lumber having a total volume of 11.24 cubic meters, with an estimated total fair market value of P119,250.00, and two (2) six-wheeler trucks, specifically, one (1) unit Mitsubishi Fuso Fighter Truck with Plate No. GCT916, and one (1) unit Isuzu Forward Truck with Plate No. GHC451, 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 furnish a copy of this Order to the court where the criminal case was filed for their information, consideration, and reference, and submit reports to this Office for monitoring purposes.

SO ORDERED.

Manila, Philippines. OCT 28 2021


MARIA LOURDES G. FERRER, CESO III
Regional Executive Director

Copy furnished:

FENRO Palawan

CENRO/Rovos, Palawan

Mr. Leo Delos Angeles

Mr. Joart Sarmiento

Reg. Mariano Rosal, Palawan

Mr. Rolly Olete

Sta. Takdangyan, Brgy. San Jose

Rovos, Palawan



Doc ID: 60907

AJD:MS/LD

1515 L. & S. Building, Rovos Scoutland, Urdaneta, Marikina 1900
DENR VOP (632) 82483367/82483408/82493367 Fax: 2717 (Regional Executive Director), 2709 (Legal Division)
Direct Line: (632) 83050157
Website: <https://mainframe.denv.gov.ph>
Email: region1@denr.gov.ph; denr1legal@gmail.com

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Republic of the Philippines
4th Judicial Region
MUNICIPAL CIRCUIT TRIAL COURT
ROXAS-CAGAYANCILLO
Roxas, Palawan



PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case No. 3697

-versus-

For

ROLLY OLETE, et. al.,
Accused.

Violation of Sec. 77,
of PD705, as amended.

X-----X

**MOTION TO CITE COMPLAINANTS IN CONTEMPT OF COURT and COMMENT ON
THE MANIFESTATION**

HUMBLY COMES NOW, innocent third-party owner-movant AMELIA DE LOS ANGELES, thru undersigned counsel, unto this Honorable Court, most respectfully states that:

1. On September 8, 2021, the Honorable Court issued an Order granting the Motion to Release Impounded Vehicles filed by the herein innocent third-party owner-movant AMELIA DE LOS ANGELES. The Honorable Court ordered DENR CENRO OF ROXAS and/or its officer in custody of the trucks and the lumber loaded on the said trucks were ordered by Honorable Court to be IMMEDIATELY RELEASE to the owner Mrs. Amelia De Los Angeles.

2. On September 27, 2021, the undersigned received the said Order of the Honorable Court, and immediately inform the owner-movant Amelia of the same, and sent a picture copy of the same thru messenger of owner-movant Amelia for her to print and bring the same to the Office of DENR CENRO-Roxas, Palawan. Owner-movant did not waste time, and immediately went to them, and gave copy of the said Order to them so that custody of the vehicles be already release to her. However, despite of the Order of the Honorable Court, the Office of CENRO-Roxas, Palawan did not release the subject vehicles to owner-movant Amelia, and was instructed to write a letter first to DENR-Regional Office, which owner-movant Amelia heeded and sent letter to Regional Executive Director.

3. On November 10, 2021, DENR-CENRO-Roxas, Palawan sent an email copy furnished of a Manifestation wherein they attached a Confiscation Order dated October 28, 2021. Apparently, in the said Confiscation Order the Regional Executive Director forfeited in favor of the government the subject lumbers and vehicles of the above-captioned case. This, however, is without informing and giving notice to owner-movant of any administrative case being filed. Thus, effectively denying the owner-movant of due process and is in grave violation of the Constitutional right that there can be no taking of private property without due process of law. As such, the said Confiscation Order is null and void.

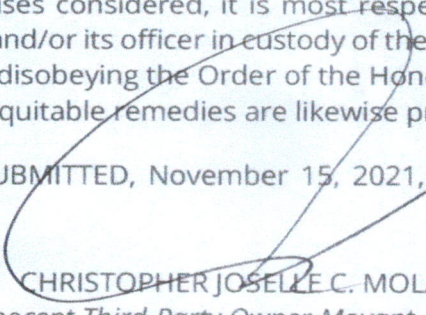
4. Further, owner-movant Amelia filed already a Motion for Execution. Moreover, despite of the lawful order of the Honorable Court, up to the present date, DENR CENRO-

Roxas, Palawan and/or its officer in custody have not heeded, followed, and have completely disobeyed the lawful order of the Honorable Court. Until now, the subject vehicles and lumbers have not been released to the owner-movant.

5. Owner-movant Amelia, through counsel, most respectfully prays that the DENR-CENRO-Roxas, Palawan and/or its officer in custody of the subject trucks and lumbers, and all other persons acting on its behalf be cited in indirect contempt for unlawfully and arbitrarily disobeying, disregarding, and defying the lawful Order of the Honorable Court.

WHEREFORE, premises considered, it is most respectfully prayed that the DENR-CENRO-Roxas, Palawan and/or its officer in custody of the subject trucks and lumbers be CITED in CONTEMPT for disobeying the Order of the Honorable Court dated September 8, 2021. Other just and equitable remedies are likewise prayed for.

MOST RESPECTFULLY SUBMITTED, November 15, 2021, from Puerto Princesa City to Roxas, Palawan.


CHRISTOPHER JOSELLE C. MOLATO

Counsel for Innocent Third-Party Owner-Movant Amelia Delos Angeles
Roll No. 70633

PTR No. 1521293 01/08/2021 PPC

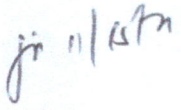
IBP O.R. No. 146860 02/18/2021 Pasig City

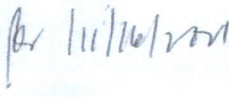
MCLE Compliance No. VI-0019714 valid until April 14, 2022

Suite 888, Carlos Building, 271 Rizal Avenue, Puerto Princesa City

Mobile No. 0917-148-8878 / christopher1289@yahoo.com

COPY FURNISHED:

PROVINCIAL PROSECUTOR'S OFFICE 
Sta. Monica, Puerto Princesa City

DENR-CENRO, Roxas, Palawan 
Brgy. III, Roxas, Palawan

NOTICE

CLERK OF COURT
MCTC-Roxas-Cagayancillo

Please submit the foregoing Motion for the consideration and approval of the Honorable Court immediately upon receipt hereof without further oral arguments, or, in case hearing be needed, at the convenient schedule for hearing of the Honorable Court based on its calendar, subject to availability of counsel, via videoconference hearing.


CHRISTOPHER JOSELLE C. MOLATO

Republic of the Philippines
**MUNICIPAL CIRCUIT TRIAL COURT FOR ROXAS
AND CAGAYANCILLO**
Roxas, Palawan

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIMINAL CASE NO. 3697

-versus-

for:

ROLLY OLETE, ET.AL
Accused.

Violation of Sec 77 of PD 705 as amd.

X----- x

SUBPOENA

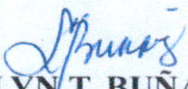
TO: CENRO RONIE GANDEZA
Officer-in-charge
DENR-CENRO
Roxas, Palawan

GREETINGS!

You are hereby ordered to attend on the scheduled hearing **via video conference** or to appear before this Honorable Court on **November 23, 2021 at 9:00 o'clock in the morning**, for the hearing on the *Motion for Execution/ Motion to Cite Complainants in Contempt of Court and Comment on the Manifestation* in the above-captioned case.

Fail not, under the penalty of the law.

WITNESS the HON. RONILO A. BERONIO, Presiding Judge of this Court,
this 16th day of November, 2021 at Roxas, Palawan.


LAILYN T. BUÑAG
Officer-in-Charge