



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
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MEMORANDUM

FOR : **The Regional Executive Director**
 DENR – Region IVB (MIMAROPA)
 1514, L and S Building, Roxas Boulevard, Manila

The Chief
 Legal Division, DENR – Region IVB (MIMAROPA)
 1514, L and S Building, Roxas Boulevard, Manila

The Chief
 Legal Research and Opinion Division
 Legal Affairs Service

THROUGH : **The Director**
 Legal Affairs Service

FROM : **The OIC, Chief**
 Litigation and Prosecution Division
 Legal Affairs Service

SUBJECT : **CASE BRIEFER FOR THE MEETING ON 06 OCTOBER 2021**
 REGARDING THE “PROPOSAL FOR PLEA BARGAINING”
 FILED BY THE ACCUSED PERSONS IN CRIMINAL CASE NO.
 4022 ENTITLED “PEOPLE OF THE PHILIPPINES VS. RYAN
 ABORATIGUE, ET AL.”

The Legal Affairs Service, through the Litigation and Prosecution Division (LPD), has been assisting in the prosecution of cases in Coron, Palawan. Consequently, it was observed that in illegal logging cases therein, plea bargaining is usually resorted to by defendants. However, there is absence of rules on plea bargaining, leaving the same within the broad discretion of the prosecutors.

The LPD, through the Office of the Director, thus initiates for the creation of a rules of procedure to be followed in plea bargaining cases, which includes the consultation with the principals. Thus, as an initial step, your presence is humbly requested in a meeting to be held on 06 October 2021, 9:00am, via zoom, to discuss the proposal for plea bargaining filed by accused Ryan Aboratigue and Marvin Aboratigue, in Criminal Case No. 4022, entitled “*People of the Philippines vs. Ryan Aboratigue, et al.*” for violation of Section 77 of Presidential Decree No. 705, as amended.

In order to guide you during the discussion, attached hereto is the Briefer on Criminal Case No. 4022, entitled “*People of the Philippines vs. Ryan Aboratigue, et al.*”


ATTY. KARREN CECIL PANOPIO-LOFRANCO

BRIEFER:
Criminal Case No. 4022,
"People of the Philippines vs. Ryan Aboratigue, et al."

1. On 19 November 2018, Accused Ryan Aboratigue and Marvin Aboratigue, along with Accused Formencio Aboratigue and Roger Ramos, were charged with violation of Section 77 of Presidential Decree No. (PD) 705, as amended. The were apprehended for illegally cutting and possessing one (1) piece of naturally grown Malaruhut species with a total volume of 843.76 bd.ft. having an approximate **market value of PhP 46,406.80**, with the **total damages amounting to PhP 518,036.80**.
2. On 18 November 2019, Pormencio Aboratigue was arraigned and pleaded not guilty to the charges filed against him. Marvin Aboratigue was arraigned on 17 February 2020, and pleaded not guilty to the charges against him. Ryan Aboratigue was arraigned on 26 February 2021, and pleaded not guilty to the charges against him.
3. On 20 August 2021, counsel for the accused stated that they intend to submit a plea bargaining proposal to the prosecution within ten (10) days. The undersigned DENR Special Prosecutor stated that she will wait for the proposal, but it will be subject to the consent and approval of the appropriate authority in accordance with existing laws, rules, and regulations. The Presiding Judge directed both counsels to reach an agreement on plea bargaining terms before the **next scheduled hearing on 18 October 2021**.
4. On 03 September 2021, their counsel filed a Plea Bargaining Proposal on behalf of Accused Ryan Aboratigue and Marvin Aboratigue, which proposes the following:
 3. To abbreviate the proceedings accused would like to withdraw their previous plea of not guilty, and instead prays to enter a plea of guilty to the offense of violating Sec 77 of PD 705, as amended, for illegally cutting a timber with **estimated market value of between five thousand pesos (P5,000) to twenty thousand pesos (P20,000)**;
 4. Further, all the accused pray that the **environmental damages** amounting to Five Hundred Eighteen Thousand Thirty Six and 80/100 pesos (P 518,036.80) be **compensated by them by planting certain number of trees within a specified area** to be determined by the DENR under the direct control and supervision of the CENR officer concern until they have fully compensated by planting the entire value of damages;
5. On 13 September 2021, the undersigned DENR Special Prosecutor filed a Manifestation dated 12 September 2021, stating that the prosecution needed more time to submit comments on the Proposal for Plea Bargaining filed by the accused.

Documents and Evidence on Hand

The following are the documents forwarded by Community Environment and Natural Resources (CENR) Office – Coron, Palawan:

- A. Apprehension Receipt
 - a. Issued to Formencio R. Aboratigue, Marvin R. Aboratigue, Roger Ramos, and Ryan Aboratigue
 - b. Forest Product: One (1) 5x5x12 Malaruhat Lumber
 - c. Animal: Two (2) Black Female Carabaos
 - d. Implements: Two (2) Chainsaws, operating within Timberland
 - e. Apprehending Officers: Elizalde Segundo, Dennis Jagmis, Michael Polido and Harlan Ilovino of the DENR, and PO1 Patrick Gallos and PO1 Ralph Bryan Mendoza of PNP Maritime Group
 - f. Witness: Brgy. Kapitan Jerson Elbat
- B. Seizure Order dated 15 October 2018 for items seized on 12 October 2018 at 5:30 in the afternoon:
 - a. One (1) Malaruhat Lumber – 25 bd. ft.
 - b. Two (2) Chainsaws
- C. Report on the Apprehension Intercept during LAWIN Patrolling along Sitio Palayag, Brgy. San Nicolas, Coron, Palawan;
- D. Photos taken during the Apprehension on 12 October 2018:
 - a. Site of poaching activities within BPR;
 - b. Apprehended Chainsaw, Lumber and Carabao; and
 - c. Trees Illegally Sawn at Sitio Palayag, Barangay San Nicolas, Coron, Palawan.
- E. Statement of Forest Charges, Surcharges and Environmental Damages of Illegally Cut One (1) Malaruhat Tree by a Certain Ryan Aboratigue, et al. at So. Palayag, Brgy. San Nicolas, Coron, Palawan:

No. of Pieces	Species	Volume cu.m / bd.ft	Market Value	Environmental Damages (10x market value)	Forest Charges	Surcharge (300% of Forest Charges)	Total Damages (PhP)
1	Malaruhat	1.99 / 843.76	46,406.80	464,068.00	1,890.50	5,671.50	518,036.80

Basic information:

- A. Name of Species Malaruhat = Length of Log = 6 meters, Big end diameter 70 cm., Small end diameter = 60 cm.
- B. No. of Pieces One (1)
- C. Species Group Furniture/Construction Hardwood
- D. Forest Charges P 950.00
- E. Total Volume 843.76 bd. ft.
- F. Market Value of Lumber P 46,406.80
- G. Total Damages P 518,036.80

- F. *Sinumpaang Salaysay* ni Forest Ranger Michael G. Polido of DENR – CENR Office Coron, Palawan;

- G. *Sinumpaang Salaysay* ni Forest Ranger Harlan A. Ilovino of DENR – CENR Office Coron, Palawan;
- H. Letter-Notice for Administrative Hearing on 09 November 2018 addressed to (1) PO1 Patrick Gallos and PO1 Ralph Bryan Mendoza of PNP Maritime Group; (2) Brgy. Captain Jerson L. Elbat of Brgy. San Nicolas, Coron, Palawan; (3) Ryan Aboratigue; (4) Formencio R. Aboratigue, Marvin R. Aboratigue and Roger Ramos;
- I. Letter-Notice for Administrative Hearing on 16 November 2018 addressed to (1) PO1 Patrick Gallos and PO1 Ralph Bryan Mendoza of PNP Maritime Group; (2) Ryan Aboratigue;
- J. Notice of Apprehension
- a. Dated 16 October 2018
 - b. Dated 23 October 2018
- K. Notice of Administrative Hearing
- a. For 09 November 2018 at 10:00 in the morning
 - b. For 16 November 2018 at 10:00 in the morning
 - c. For 23 November 2018 at 10:00 in the morning
- L. Transcript of Administrative Hearing and Attendance Sheet for the Administrative Hearing held on 09 November 2018;
- M. Transcript of Administrative Hearing and Attendance Sheet for the Administrative Hearing held on 16 November 2018;
- N. Investigation Data Form dated 21 February 2019 signed by CENRO Eriberto B. Saños; and
- O. Complaint dated 21 February 2019 filed by CENRO Eriberto B. Saños

Pertinent Provisions Under Existing Laws

Section 77 of PD 705, as amended, penalizes any person who illegally cut, gather, collect, remove or possess timber or other forest products, thus:

Section 77. Cutting, Gathering and/or Collecting Timber, or Other Forest Products without License. – Any person who shall cut, gather, collect, remove timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code x x x

A violation of Section 77 of PD 705, as amended, is punishable by the penalties set out in Articles 309 and 310 of the Revised Penal Code (RPC), as amended by RA 10951.

VALUE OF THE TIMBER/FOREST PRODUCTS	PENALTIES FOR THEFT	PENALTIES FOR QUALIFIED THEFT
if the value of the thing stolen is more than One million two hundred thousand pesos (P1,200,000) but does not exceed Two million two hundred thousand pesos (P2,200,000);	prisión mayor in its minimum and medium periods	Reclusion Temporal Medium to Reclusion Temporal Maximum
if the value of the thing stolen is more than Six hundred thousand pesos (P600,000)	The penalty of prisión correccional in its medium and maximum periods	Prison Mayor Maximum to Reclusion Temporal Minimum
if the value of the property stolen is more than Twenty thousand pesos (P20,000) but does not exceed Six hundred thousand pesos (P600,000).	The penalty of prisión correccional in its minimum and medium periods	Prison Mayor Medium to Prison Mayor Maximum
if the value of the property stolen is over Five thousand pesos (P5,000) but does not exceed Twenty thousand pesos (P20,000).	Arresto mayor in its medium period to prisión correccional in its minimum period,	
if such value is over Five hundred pesos (P500) but does not exceed Five thousand pesos (P5,000).	Arresto mayor to its full extent	
if such value does not exceed Five hundred pesos (P500).	Arresto mayor in its minimum and medium periods,	

Prepared by:



ATTY. MARIA EMMA GILLE A. MERCADO, MPM