

15. At around 2:00 PM of March 22, 2022, personnel of this station request for verification if the abovementioned named offender has been issued any Special Use Permit from Palawan Council and Sustainable Development (PCSD), and furnish a copy of the Special Use Permit for our reference and filing complaint against the aforesaid offender.

16. At around 12:30 PM of March 23, 2022, personnel of this station requesting to the office of the DENR-CENRO Brooke's Point Palawan, and send any of their authorized representative personnel to conduct a detailed identification/valuation, and scaling in order for us to determine the exact volume, species, value and other relevant information of the said timber which is essential for filing of proper charges.

IV. DISCUSSION:

17. Indeed upon the statement of a certain VALONES PASCUAL y BACQUIAO claiming that the said abandoned chainsaw and rightful owner of the same without any pertinent documents or Special Use Permit from any Government Entities which a clear for violation of R.A 9175 "Chainsaw Act" and P.D 705 "Forestry Code of The Philippines" committed by NONOY ALITIIT (operator) VALONES PASCUAL y BACQUIAO (owner) based on the facts and documents presented. This was corroborated by the fact that the Operator were ran away to elude arrest knowingly that the operator and owner have not issued a SPECIAL USE PERMIT from PCSD, and PERMIT TO CUT From the Office of the DENR- CENRO, Brooke's Point, Palawan, in their conduct operation/activity.

18. R.A 9175 Section 7 Selling, Purchasing, Re-selling, Transferring, Distributing or Possessing a Chain Saw Without a Proper Permit. - Any person who sells, purchases, transfer the ownership, distributes or otherwise disposes or possesses a chain saw without first securing the necessary permit from the Department shall be punished with imprisonment of four (4) years, two (2) months and one (1) day to six (6) years or a fine of not less than Fifteen thousand pesos (P15,000.00) but not more Thirty thousand pesos (30,000.00) or both at the discretion of the court, and the chain saw/s confiscated in favor of the government.

19. Para 4 . Actual Unlawful Use of Chain Saw. - Any person who is found to be in possession of a chain saw and uses the same to cut trees and timber in forest land or elsewhere except as authorized by the Department shall be penalized with imprisonment of six (6) years and one (1) day to eight (8) years or a fine of not less that Thirty thousand pesos (P30,000.00) but not more than Fifty thousand pesos (P50,000.00) or both at the discretion of the court without prejudice to being prosecuted for a separate offense that may have been simultaneously committed. The chain saw unlawfully used shall be likewise confiscated in favor of the government.

20. P.D 705 Section 77. *Unlawful possession of implements and devices used by forest officers.* Imprisonment for a period of not less than (2) nor more than four (4) years and a fine of not less than one thousand pesos (P1,000.00), nor more than ten thousand (P10,000.00) pesos.