

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
1515 L&S Bldg., Roxas Boulevard, Ermita, Manila

CENRO Control No.:

E-FMS No:



NOTICE OF ISSUANCE OF ORDER

**IN RE : CONFISCATION OF TEN (10) PIECES OF DOOR JAMBS OF APITONG SPECIES
APPREHENDED IN BARANGAY ALFONSO XIII, QUEZON, PALAWAN**

TO

OFFICE OF THE PROVINCIAL GOVERNOR OF PALAWAN
Puerto Princesa City, Palawan

Greetings!

Please be informed that a Confiscation Order dated June 03, 2022 was issued by this Office on the above-entitled subject, copy of which is enclosed. The original copy is on file in this Office.

Kindly inform this Office of the date of your receipt of this Order, for record purposes.

Date: 05 JUL 2022


Atty. GANDHI GAGNI-FLORES
Chief, Legal Division



IN RE: CONFISCATION OF TEN (10) PIECES OF DOORJAMBS OF APITONG SPECIES APPREHENDED IN BARANGAY ALFONSO XIII, QUEZON, PALAWAN

ORDER

Records show that on July 23, 2020 at 6:50 in the morning in Brgy. Alfonso XIII, Quezon, Palawan, CENRO Quezon personnel apprehended ten (10) pieces of doorjambs of Apitong species, with an estimated fair market value of PHP15,000.00. Per verification conducted by the apprehending officers, the doorjambs were loaded on a boom truck owned by the provincial government of Palawan, and the driver was identified as Mr. Jackaria Didik Ismail from the Provincial Equipment Pool Office (PEPO). The apprehended items were brought to the CENRO Quezon compound for safekeeping and custody. A Seizure Order and Seizure Receipt, both dated July 28, 2020, were issued by Forester Ma. Teresa V. Ayson.

Pursuant to Sec. 7 of DAO 97-32, administrative hearings were conducted on August 6 and 28, 2020 at CENRO Quezon presided by For. Ayson.

During the August 6, 2020 hearing, Mr. Ismail disclosed that somebody called him up the night before to load the doorjambs, which he was supposed to pick up from the furniture shop of Fred Liaga in Brgy Punta Baja, Rizal, Palawan to be brought to Reservation, Alfonso XIII, Quezon, Palawan. He stated that he sought permission from his immediate supervisor, Mr. Razel Zapanta, to load the doorjambs. He further claimed that he has no idea that transporting of forest products without legal documents is a violation of the law.

On the part of the apprehending officers, ECOMS II Michael V. Joven narrated that on July 23, 2020, he was informed that a truck of the provincial government loaded with doorjambs passed by the Forest Products Monitoring Station. They chased after the truck and caught up with it near the elementary school of Alfonso XIII, Quezon. He asked the driver if the doorjambs were covered with a permit from the DENR, but there was none, hence, apprehension was effected. During the course of the apprehension, Mr. Ismail called Mrs. Ma. Gracia Zapanta. He talked to Mrs. Zapanta who admitted that she gave instructions to Mr. Ismail to load the doorjambs.

However, ECOMS II Joven admitted that they did not apprehend the truck considering that it was loaded with other items, stating that: *Binigyan namin ng copy ng apprehension receipt at dinala namin dito sa office iyong hamba at iyong truck ay inirelease po namin dahil may iba pang karga.*

During the August 28, 2020 hearing, Mr. Zapanta admitted that Mr. Ismail is his subordinate and the driver of the truck. He added that the truck usually transports fuel, agricultural, and medical supplies for the government. He admitted that Mr. Ismail texted him the night before transporting the forest products and asked permission from him. He assumed that because the doorjambs were for the hospital he did not question if the finished products were supported with legal documents.

Mrs. Zapanta, wife of Mr. Zapanta and a Sangguniang Bayan member of Rizal, Palawan, stated that she knew about Mr. Ismail asking permission from her husband to load and transport the doorjambs from a furniture shop in their place. She was also the one who answered Mr. Ismail's call in the morning of the apprehension and talked to apprehending officer ECOMS II Michael Joven. She denied that she ordered Mr. Ismail to load the doorjambs.

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. Jackaria Didik Ismail 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 forest products in favor of the government.

Section 77-A of PD 705, as amended, provides for the authority of the Department Head or his authorized representative to order confiscation, thus, pursuant to **Sections 1 and 2 of DAO No. 97-32**, the following items shall be confiscated:

Section 1. (e) **Forest Products** – Refer to timber including **lumber** xxx

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

(a) **ILLEGAL FOREST PRODUCTS** – Any **forest product(s)** defined in Section 1 (e) above that are removed, cut, collected, **processed** and/or **transported**: (a) **without the requisite authorization or permit** xxx (*Emphasis ours.*)

Further, pursuant to Sec. 6(2)(a) last paragraph, a government vehicle shall be immediately released to the highest regional official of the office who owned the same, upon acknowledging that the conveyance has been used in violation of existing forestry laws, rules and regulations. Considering the inapplicability of this provision in the instant case, and the fact that the conveyance was not apprehended and seized, the Office of the Provincial Governor of Palawan shall be furnished a copy of this Order for his information as to the involvement of the conveyance in the commission of the violation.

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

WHEREFORE, PREMISES CONSIDERED, the apprehended ten (10) pieces of doorjambs of Apitong species, with an estimated fair market value of PHP15,000.00, 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 concerned is directed to file a criminal complaint against Mr. Jackaria D. Ismail for violation of Sec. 77 of P.D. 705, as amended, and submit status reports to this Office for monitoring purposes.

SO ORDERED.

City of Manila, Philippines, JUN 3 2022


LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Copy furnished:

PENRO Palawan

CENRO Quezon, Palawan

Office of the Provincial Governor of Palawan
Puerto Princesa City

Mr. Jackaria D. Ismail
So. Balete, Brgy. Punta Baja
Rizal, Palawan

ARD-MS/LD

CERTIFIED XEROX COPY
DATE: 03 JUN 2022


MARGIE U. OCHOA
DEPUTY REGIONAL ENFORCEMENT DIVISION