



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Road, Brgy. Sto. Nino, Sablayan, Occidental Mindoro
E-mail: cenrosablayan@denr.gov.ph

August 11, 2023

MEMORANDUM

FOR : **UNDERSECRETARY MARILOU G. ERNI**
DENR 8888 Citizen's Complaint Hotline

FROM : The CENR Officer

SUBJECT : **TICKET REFERENCE NO. W20230804-950-2**
RE: ALLEGED IRREGULARITIES OF DENR-CENRO
SABLAYAN, OCCIDENTAL MINDORO

The complaint (*attached*) against the undersigned regarding the "alleged irregularities of DENR-CENRO Sablayan, Occidental Mindoro" is purely hearsay and lacks merit as the anonymous sender has "no knowledge and is ignorant" of the procedures required under DENR Administrative Order 1997- 32 (DAO 97-32) also known as "1997 Rules for the Administrative Adjudication of Illegal Forest Products and the Machinery, Equipment, Tools and Conveyances Used in Connection therewith."

What was mentioned in the complaint that the undersigned discriminate the poor ("small time") from the rich ("big time") was not true and all destructible lies intended to destroy a good man's reputation. Since there were ongoing Administrative Adjudication Proceedings, the undersigned has denied the Motion for the Release of the Motor Vehicle (*attached*) manifested by the owner of the dump truck. Another is that the ignition key of the dump truck was lost which is why the owner was given time to locate the keys or have it duplicated. Finally, upon the determination of the undersigned, the said dump truck may be temporarily released under DAO – 97-32, to wit:

Section 9. Temporary Release of Conveyances — When a conveyance is apprehended by virtue hereof, and any time thereafter pending final disposition of the administrative case, and should available evidence establish to the satisfaction of the Hearing Officer that the conveyance may be used for lawful purposes, such as, but not limited to personal mode of transportation; commercial passenger transport; cargo hauling; or other similar legal use, temporary release thereof to the owner or claimant or other interested Party may be applied for, and release thereof to the Applicant pendente lite may be granted by the Hearing Officer upon compliance with the following requirements:

1. **DENR Confirmation** — Written confirmation in the records of the case is entered by the Hearing Officer declaring under oath: (a) that the official registration papers and supporting documents thereof are secured as and made an integral part of the records of the case, possession of which shall not be released unless ordered in the final decision of said case or by other competent authority; and (b) that the Applicant was not among those who were apprehended by virtue hereof and is not a respondent in the case by virtue of which the conveyance is being detained pendente lite; (c) the Applicant has not previously been held administratively or criminally liable for the violation of forestry laws, rules and regulations; and that (d) available evidence does not in any way indicate the complicity of the Applicant in the offense cited in the confiscation proceedings;

2. **Sworn Statement and Undertaking** — Submission by the Applicant of a Sworn Statement: (a) declaring the precise nature of his claim thereon; (b) declaring that he has not previously been held administratively or criminally liable for violation of forestry laws; (c) describing the precise lawful use(s) to which the conveyance shall/may be applied during the pendency of the case; (d) stating the replacement cost of the conveyance at the time the application is filed; and (e) an unconditional undertaking to return possession of the conveyance to the DENR as may be required for the final disposition of the case;

3. **Posting of Bond** — Upon approval of an Application for Temporary Release of Conveyance, and as a precondition to the actual pendente lite release thereof, the Applicant shall post a cash or surety bond to guarantee the prompt return of the conveyance to the DENR as may be required pursuant hereto. In no case shall a personal or private bond or guarantee or recognizance be admitted for this purpose.

The bond shall be equivalent to one-hundred-twenty-five percent (125%) of the replacement cost of the conveyance at the time the bond is submitted. A cash bond in favor of the DENR must be filed by the Applicant with the nearest DENR Regional, Provincial or Community Office; surety bonds in favor of the DENR must be from the GSIS or other government surety. Original documents evidencing the posting of the bond shall be submitted to the Hearing Officer and form part of the records of the case;

4. **Recall of Conveyance** — In case of misrepresentation in the Application for Temporary Release of Conveyance and/or any documents submitted in connection with or support thereof, or in case of failure to comply with any representations or undertakings made in connection therewith, the conveyance shall be ordered recalled by the Hearing Officer and the same shall forthwith be returned by the Applicant to the DENR. In case of failure to return the conveyance in compliance with a directive issued in the administrative case, the bond shall be called and forfeited in favor of the Government; and

5. **Return/Cancellation of Bond** — When the Decision in a case becomes final and executory as outlined above and administrative confiscation of the conveyance is not ordered by the Government,

immediate return thereof to the owner and cancellation/return of the bond filed in connection therewith shall be ordered. Unless expressly mandated in the body of the Decision of the case, the Hearing Officer shall forthwith issue an Order citing said Decision, a copy of which shall thereto be attached, mandating the immediate release of the conveyance to the owner thereof, together with an order for the cancellation of the surety bond or return of the cash bond submitted as hereinabove required.

Therefore, as explained above, the conveyance shall be safe keep in Sta. Cruz Municipal Police Station.

Regarding the discrimination between the rich and poor filing the case, what those critics are unaware of is that there were different cases in the field of law: Administrative cases, Criminal cases and Civil cases. The existence of an administrative case (DENR CENRO Sablayan vs. Macalintal and Alcantara) was already filed on June 21, 2023 sent to the DENR Regional Executive Director thru the PENR Officer.

Considering and waiting on DENR MIMAROPA Regional Executive Director's decision as well as exhaustively gathering pertinent pieces of evidence, the undersigned has pursued the filing of the criminal case against the said Macalintal and Alcantara on August 11, 2023. Further, the undersigned filed a criminal case versus Engr. Eric Christian D. Custodio, a known surveyor and former DENR employee on August 10, 2023 for both violations of the Forestry Reform Code of the Philippines.

Under the law, a complaint to prosper must be based on the weight of evidence presented. Since the complainant has no evidence and legal personality because it is anonymous in nature and all the allegations are mere lies and lack merit, the undersigned respectfully prays for the **DISMISSAL** of the said complaint.

Attached are copies of criminal complaints filed against the above-mentioned people and other pertinent enclosures.

For the illegal loggers: *"They cannot put a good man down."*

For your information, guidance and perusal.


FORESTER ANASTACIO A. SANTOS, MPA
CENR Officer

The Regional Executive Director
DENR MIMAROPA Region

The PENR Officer
Mamburao, Occidental Mindoro

Details:

Agency: DENR-CENRO ANASTACIO SANTOS

Location/Address: Sablayan, Occidental Mindoro

Sir,

Gusto ko lang ireklamo ang hindi pantay na pagpapatupad ng DENR-CENRO Sablayan, Occidental Mindoro, tungkol sa panghuhuli ng kahoy. Bakit kaya kapag ang nahuhuli ay mga "small time" o ang mga naka traysikel lamang na may karga ng kahoy, kinakasuhan agad sa korte ng taga DENR Sablayan at impound agad sa DENR Sablayan ang sasakyan? Pero kapag "big time" kagaya ng isang dump truck na puno ng kahoy na nahuli mga ilang buwan na ang nakakalipas ay hindi madala-dala sa DENR Sablayan ang dump truck, iniwan lang ng taga DENR sa police station ng Sta. Cruz, Occidental Mindoro, hindi rin sinampahan ng kaso ng taga DENR, kunwari ang gustong pagsampahin ng taga DENR ay mga pulis, ayaw naman magsampa ng kaso ng mga pulis dahil DENR daw ang nakahuli kaya DENR daw dapat ang magsampa ng kaso. Ang ending, konting imbestigasyon lang sa opisina ng DENR, walang isinampang kaso at ang balita ngayon ay abswelto na at makukuha na ang dump truck, pinalamig lamig lamang daw pala ang isyu para hindi halata. Ganito ba talaga ang batas natin, pawang mahihirap lamang ang napaparusahan? O dahil sa mga namumuno na hindi tapat sa kanilang paglilingkod? Magkano kaya ang naging halaga ng kalayaan, balita po ay masyadong malaki.

Sana ay mapaimbestigahan ninyo agad ang kasong ito, habang hindi pa tuluyang naalis ang ebidensya at sana ay matanggal sa serbisyo at maparusahan ang mga namumuno sa DENR Sablayan na corrupt at hindi tapat sa kanilang tungkulin. Umaasa sa inyong agarang pag-akasyon. Mabuhay po ang 8888.

Note: This concern has been lodged through the 8888 Website.

Information contained in this communication is privileged, confidential and intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. If you are not the intended recipient, you must not disclose or use the information contained in it. If you have received this communication in error, please notify the 8888 Citizens' Complaint Center immediately and dispose this communication in accordance with the provision of Republic Act No. 10173, otherwise known as Data Privacy Act of 2012.

Please be reminded of Section 5 of EO No. 6, which states that "a citizen's concern lodged through any of the communication channels shall have a concrete and specific action within 72 hours from the receipt of the concern by the proper government agency or instrumentality".

Kindly send your reply directly to the concerned person/entity, copy furnished the 8888 Portal thru your agency 8888 Focal Team, citing the above ticket reference number. Thank you very much.

"Institutionalizing the 8888 Citizens' Complaint Hotline and Establishing the 8888 Citizens' Complaint Center", under the direction and supervision of the Office of the Executive Secretary.

***** This is an automatically generated email, please do not reply *****



Office of the President

REPUBLIC OF THE PHILIPPINES

8888 Citizens' Complaint Hotline

Ticket Reference Number : **W20230804-950-2**
Status: Ticket indorsed
Head of Agency : N/A
Agency : Department of Environment and Natural Resources
Agency Address : N/A
Attention (Focal Person) : USEC. Marilou G. Erni

Pursuant to Executive Order No. 6¹, s. 2016, may we respectfully transmit the following concern received through the 8888 Citizens' Complaint Hotline:

Date: 5 August 2023
Name of Client: N/A
Address: N/A
Contact Details: N/A
N/A
N/A
Nature of call: 2023 - Integrity - Process And Services
Subject: Alleged Irregularities of the Department of Environment and Natural Resources (DENR) - Community Environmental and Natural Resources Office (CENRO) Sablayan, Occidental Mindoro


referred to Sir Ayin
8-9-23

2nd copy



Department of Environment and Natural Resources
DENR CENRO Sablayan, Occidental Mindoro

CENRO DOCUMENT ACTION TRACKING SLIP

CENRO Doc. Number	2023-1993	Date Received	August 9, 2023
Originating Office	8888 Complaint hotline	ADMIN	
Sender	N/A		
Address	N/A		
Subject	8888 CITIZEN'S COMPLAINT HOTLINE WITH TICKET REFERENCE NO. W20230808-956-10 (NO NAME OF CLIENT)		
Addressee	CENRO SABLAYAN		
Document Type	8888 COMPLAINT		
Attachment(s)			
Route to/Date/Time Received	Released to/Date/Time Released	Action Required/Taken Remarks/Status	
8-9-23 11:48 am	EMS	for your immediate and appropriate action, pls. Thanks, 	

Department of Justice
NATIONAL PROSECUTION SERVICE
OFFICE OF THE PROVINCIAL PROSECUTOR
MAMBURAO OFFICE
MAMBURAO, OCCIDENTAL MINDORO

INVESTIGATION DATA FORM

Republic of the Philippines
Department of Justice
Office of the Provincial Prosecutor
Mamburao, Occidental Mindoro

To be accomplished by the Office:
NPS DOCKET NO.: IV-06a-INV-23H-00159

DATE RECEIVED:

(stamped and initialed):

Time Received:

Receiving Staff:

By:

Assigned to:

Date Assigned:

To be accomplished by complainant/counsel/law enforcer:
(Use back portion if space is not sufficient)

COMPLAINANT/s: Name, Sex, Age &

Address: ANASTACIO A. SANTOS

DENR - CENTRO SABLAYAN

Cell phone No.: 0917-938-7544

Email: denrcsbu.or@gmail.com

RESPONDENT/s: Name, Sex, Age & Address

ERIC CHRISTIAN D. CUSTODIO

@ ENGR. ERIC CHRISTIAN D. CUSTODIO

So. Poring Brgy. Pambujan Mamburao

Occidental Mindoro

OFFENSE/s COMMITTED / LAW/s VIOLATED

Violation of Section 77 of Presidential
Decree (PD) 705 also known as Forestry
Reform Code of the Philippines as
amended.

WITNESS/es: Name & Address

Jocinto F. Malano, Sitio Iganga Brgy. Tubiti
Forester Ariston ST. Ramon, EMS Chief
DENR - CENTRO SABLAYAN, Occidental Mindoro

Nod V. Salgado, Forest Ranger - DENR - CENTRO
SABLAYAN, Occidental Mindoro

PLACE of COMMISSION:

Sitio Iganga Brgy. Tubiti Pambujan
Occidental Mindoro

DATE & TIME of COMMISSION:

MAY 27, 2023 at 8:00 o'clock AM

1. Has a similar complaint been filed before any other office?*
2. Is this complaint in the nature of a counter-charge?*
3. Is this complaint related to another case before this office?*

YES ___ NO ☒

YES ___ NO ☒ If yes, indicate details below

YES ___ NO ☒ If yes, indicate details below:

I.S. / NPS Docket No.:

Handling Prosecutor:

CERTIFICATION*

I CERTIFY, under oath, that all the information on this sheet are true and correct to the best of my knowledge and belief, that I have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and that if I should thereafter learn that a similar action has been filed and/or is pending, I shall report that fact to this Honorable Office within five (5) days from knowledge thereof.

ANASTACIO A. SANTOS
(Signature over printed name)

SUBSCRIBED AND SWORN TO before me this 10th day of August, 2023, in Mamburao, Occidental Mindoro.

STEPHEN A. LAMANILAO
Associate Provincial Prosecutor

* 1, 2, 3 and CERTIFICATION need not be accomplished for inquest cases

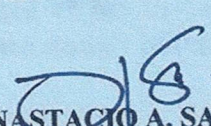
COMPLAINT AFFIDAVIT

The undersigned, CENR Officer of the Department of Environment and Natural Resources (DENR) - Community Environment and Natural Resources Office (CENRO) Sablayan, Occidental Mindoro, accuses Eric Christian D. Custodio @ Engr. Eric Christian D. Custodio, with address at Mamburao, Occidental Mindoro, of violation of Section 77 of Presidential Decree (PD) 705 also known as "Forestry Reform Code of the Philippines, as amended," committed as follows, to wit:

That on or about May 27, 2023, at about 8:00 o'clock in the morning, Sitio Igsusu, Brgy. Tubili, Municipality of Paluan, Occidental Mindoro, Philippines, the said accused Eric Christian D. Custodio, with intent to gain, did then and there willfully, unlawfully, and feloniously have in his possession, custody and control two (2) pieces of special cut and design of lumber breakdown and classified as one (1) Dungon lumber (10 in" x 9 in" x 52 ft") and one (1) Guijo lumber (8 in" x 9 in" x 52 ft") (dipterocarp species) with an appropriate volume of more or less Seven Hundred Two (702) board feet amounting to Two Hundred Thousand Pesos (P200,000.00) without any permit, authority and legal documents from the Department of Environment and Natural Resources (DENR), violating Section 77 of Presidential Decree (PD) 705 also known as "Forestry Reform Code of the Philippines, as amended."

The undersigned executed this affidavit to attest the truthfulness of the foregoing facts and to support the filing of a Criminal Case against Eric Christian D. Custodio for violation of Section 77 of Presidential Decree (PD) 705 also known as "Forestry Reform Code of the Philippines, as amended.

Filed this _____ day of _____, 2023.

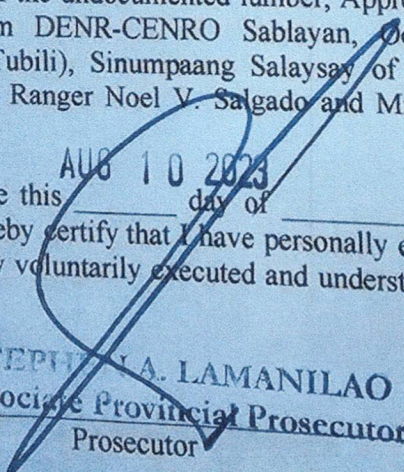

Forester ANASTACIO A. SANTOS, MPA
DENR-CENRO Sablayan, Occidental Mindoro
Offended Party (0917 838-7544)

WITNESSES:

Joenito F. Malayo, Sitio Igsusu, Brgy. Tubili, Paluan, Occidental Mindoro
Forester Ariston SJ. Ramos, EMS Chief - DENR-CENRO Sablayan, Occidental Mindoro
Noel V. Salgado, Forest Ranger - DENR-CENRO Sablayan, Occidental Mindoro.

Enclosures: Sinumpaang Salaysay of Joenito F. Malayo, Completed Staff Work (CSW) Report on the Undocumented Forest Products, Photograph of the undocumented lumber, Apprehension Receipt, Seizure Receipt/Order, Certification from DENR-CENRO Sablayan, Occidental Mindoro, Photocopy of Barangay Blotter (Brgy. Tubili), Sinumpaang Salaysay of Forester Ariston SJ. Ramos, Sinumpaang Salaysay of Forest Ranger Noel V. Salgado and Minutes of Administrative Adjudication Proceedings.

SUBSCRIBED AND SWORN to before me this AUG 10 2023 day of _____, 2023 at _____. I hereby certify that I have personally examined the herein offended party and I am satisfied that they voluntarily executed and understood their given affidavit.


STEPHEN A. LAMANILAO
Associate Provincial Prosecutor
Prosecutor

Republic of the Philippines
Department of Justice
NATIONAL PROSECUTION SERVICE
OFFICE OF THE PROVINCIAL PROSECUTOR
MAMBURAO OFFICE
MAMBURAO, OCCIDENTAL MINDORO

INVESTIGATION DATA FORM

DATE RECEIVED Aug 11 2023 2:10 PM
(stamped and initialed):
Time Received: 2:10 PM
Receiving Staff: [Signature]

To be accomplished by the Office:
NPS DOCKET NO.: IV-06a-INV-23H-00160

Assigned to: _____
Date Assigned: _____

To be accomplished by complainant/counsel/law enforcer:
(Use back portion if space is not sufficient)

COMPLAINANT/s: Name, Sex, Age &

Address: Arnesto A. Santos, Male, 60
Subayan, Occ. Mindoro

Cell phone No.: 09178237544

RESPONDENT/s: Name, Sex, Age & Address

Proceso B. Alcantara, Male, 60y, Alcantara, Str.
Nancy Alcantara, Female, 60y, Occ. Mindoro

OFFENSE/s COMMITTED / LAW/s VIOLATED

Violation of Sec. 77 of PD 705

WITNESS/es: Name & Address

Arnel V. Solgado - 80y, 2, Mamburao, Occ. Mind.
Arnel S. Caporal - Subayan, Occ. Mind.
Margaret Yuluc - 80y, Kuringaran, Sta. Cruz, Occ. Mind.

PLACE of COMMISSION:

80y, Kuringaran, Sta. Cruz, Occ. Mind.

DATE & TIME of COMMISSION:

Aug 4, 2023 3:00 PM

1. Has a similar complaint been filed before any other office?*
2. Is this complaint in the nature of a counter-charge?*
3. Is this complaint related to another case before this office?*

YES ☐ NO ☐

YES ☐ NO ☐ If yes, indicate details below

YES ☐ NO ☐ If yes, indicate details below:

I.S. / NPS Docket No.: _____

Handling Prosecutor: _____

CERTIFICATION*

I CERTIFY, under oath, that all the information on this sheet are true and correct to the best of my knowledge and belief, that I have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and that if I should thereafter learn that a similar action has been filed and/or is pending, I shall report that fact to this Honorable Office within five (5) days from knowledge thereof.

ARNESTO A. SANTOS

(Signature over printed name)

SUBSCRIBED AND SWORN TO before me this 11 day of August, 2023, in Mamburao, Occidental Mindoro.

STEPHEN

Republic of the Philippines)
Occidental Mindoro) s.s.

X-----X

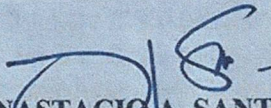
COMPLAINT AFFIDAVIT

The undersigned, CENR Officer of the Department of Environment and Natural Resources (DENR) - Community Environment and Natural Resources Office (CENRO) Sablayan, Occidental Mindoro, accuses Proceso B. Macalintal with address at Brgy. 9, Mamburao, Occidental Mindoro and Nancy Alcantara, with address at Brgy. Alacaak, Sta. Cruz Occidental Mindoro, of violation of Section 77 of Presidential Decree (PD) 705 also known as "Forestry Reform Code of the Philippines, as amended," committed as follows, to wit:

That on or about May 6, 2023, at about 4:00 o'clock in the afternoon, Sitio Tilago, Brgy. Kurtinganan, Municipality of Sta. Cruz, Occidental Mindoro, Philippines, both accused Proceso B. Macalintal and Nancy Alcantara with intent to gain, did then and there willfully, unlawfully, and feloniously have in their possession and transported lumber by means of dump truck, 142 pieces of Gmelina lumber with an appropriate volume of 2,561.89 board feet amounting to One Hundred Twenty-Seven Thousand Four Hundred Sixty-Four and 58/100 (P127,464.58) without any permit, authority and legal document from the Department of Environment and Natural Resources (DENR) violating Section 77 of Presidential Decree (PD) 705 also known as "Forestry Reform Code of the Philippines, as amended."

The undersigned executed this affidavit to attest the truthfulness of the foregoing facts and to support the filing of a Criminal Case against Proceso B. Macalintal and Nancy Alcantara for violation of Section 77 of Presidential Decree (PD) 705 also known as "Forestry Reform Code of the Philippines, as amended."

Filed this _____ day of _____, 2023.

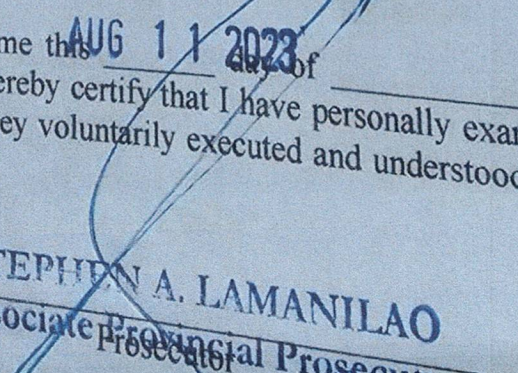

Forester **ANASTACIO A. SANTOS, MPA**
DENR-CENRO Sablayan, Occidental Mindoro
Offended Party (0917 838-7544)

WITNESSES:

Noel V. Salgado, Forest Ranger - DENR-CENRO Sablayan, Occidental Mindoro
Sherwin Jed V. David, Forest Ranger - DENR-CENRO Sablayan, Occidental Mindoro
Rodel S. Capiral, Forest Technician - DENR-CENRO Sablayan, Occidental Mindoro
Margaret P. Yutuc, Land Management Officer - DENR-CENRO Sablayan, Occidental Mindoro
Patrolman Christian V. Manayam, Investigator - Sta. Cruz Municipal Police Station

Enclosures: Apprehension Receipt, Seizure Receipt/Order, Sinumpaang Salaysay of Forest Ranger Noel V. Salgado, Completed Staff Work (CSW) Report on the Undocumented Forest Products, Sinumpaang Salaysay of Forest Technician Rodel S. Capiral, Photographs of the undocumented lumber and the dump truck, Sinumpaang Salaysay of Forester Margaret P. Yutuc, and Minutes of Administrative Adjudication Proceedings

SUBSCRIBED AND SWORN to before me this AUG 11 2023 day of _____, 2023 at _____, I hereby certify that I have personally examined the herein offended party and I am satisfied that they voluntarily executed and understood their sworn affidavit.


STEPHEN A. LAMANILAO
Associate Provincial Prosecutor



June 13, 2023

MEMORANDUM

FOR : The Regional Executive Director
1515 DENR by the Bay Bldg., Roxas Blvd.,
Barangay 668, Ermita, Manila

THRU : The PENR Officer
DENR-PENRO Mamburao, Occidental Mindoro

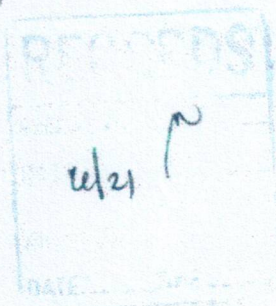
FROM : The CENR Officer

SUBJECT : SUBMISSION OF APPREHENSION REPORT ON THE
APPREHENDED ONE (1) UNIT OF FUSO DUMP TRUCK
LOADED WITH UNDOCUMENTED GMELENA SQUARE LOGS
AT BRGY. KURTINGANAN, STA. CRUZ, OCCIDENTAL
MINDORO

Respectfully submitted herewith is the detailed report on the apprehended one (1) unit of FUSO Dump Truck loaded with 142 pieces of assorted sizes of undocumented Gmelina square logs with a total volume of **2,561.89 board feet** and an estimated value of **₱127,464.58 pesos** at Brgy. Kurtinganan, Sta Cruz, Occidental Mindoro.

The hot lumbers and the conveyance is still under the temporary custody of Sta. Cruz Municipal Police Station until the procedure for the duplication of the lost ignition key is finished. Presently, the adjudication proceedings were already terminated. Attached are the following documents:

1. Completed Staff Work (CSW) Report
2. Conducted Administrative Hearings
 - a. *Proceso B. Macalintal (Truck Driver/Violator)*
 - b. *Nancy Alcantara (Owner of Undocumented Logs/Violator)*
 - c. *Alvin F. Alcaide (Truck Owner)*
3. Narrative Report of Forest Ranger Sherwin Jed David (Apprehending Officer)
4. Sinumpaang Salaysay of Forest Technician Noel Salgado (Apprehending Officer)
5. Sinumpaang Salaysay of Forest Technician Rodel S. Capiral (Witness)
6. Sinumpaang Salaysay of Forest Technician LMOI/Administrative Officer Margaret P. Yutuc (Witness)
7. Apprehension Receipt
8. Notice of Apprehension
9. Seizure Receipt





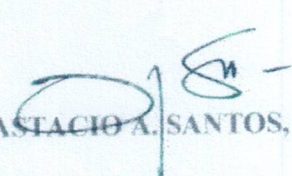
Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

10. Photograph of the Dump Truck and the Undocumented Logs
11. Sta. Cruz MPS Police Officer/Investigator Christian V. Manayam (Witness)
12. Motion for Release of Motor Vehicle of Alvin F. Alcaide
13. Answer of the CENRO to the Motion for Release of Motor Vehicle of Alvin F. Alcaide

Based on the evidences on hand and considering that the "hot lumbers" were transported without legal documents obtained from this office. We would like to inform that a criminal case will be filed against Mr. Proceso B. Macalintal (Driver) and Ms. Nancy Alcantara (transporter) for violations of Section 77 of PD 705 or known as Revised Forestry Code of the Philippines as amended by EO 277.

Further, the forest product (Gmelina) is hereby recommended for confiscation of said product in favor of the government while the vehicle/conveyance used in the transport be kept by this office while the case is being heard in court and can be only released once an order is issued.

For your perusal and judgement


FOR. ANASTACIO A. SANTOS, MPA

**COMPLETED STAFF WORK (CSW) REPORT ON THE APPREHENDED
UNDOCUMENTED FOREST PRODUCTS, IN VIOLATION OF
SECTION 77 OF PD 705 AS AMENDED**

I. HISTORY

The case was filed against **Mr. Proceso B. Macalintal** and **Ms. Nancy Alcantara** residents of Brgy. 9, Mamburao, Occidental Mindoro and Brgy. Alacaac, Sta. Cruz, Occidental Mindoro, respectively, for violation of Section 77 Presidential Decree No. 705 otherwise known as the Revised Forestry Code of the Philippines as amended, to wit:

SECTION 77. Cutting, Gathering and/or collecting Timber, or Other Forest Products Without License. – Any person who shall cut, gather, collect, removed 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: Provided, That in the case of partnerships, associations, or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

The court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found.

On May 6, 2023, at around 4:00 o'clock in the afternoon, in response to the information from a "concerned citizen" received by DENR-CENRO-Sablayan Forest Technician-I Rodel S. Capiral (*submitted his Sinumpaang Salaysay*) regarding the alleged illegal cutting of lumber at So, Tilago, Brgy. Kuntinganan, Sta. Cruz, Occidental Mindoro. Since Mr. Capiral was alone during that time, instead of going to the place where the loading of illegal lumber is happening, he waited for the truck to transport the alleged illegal lumber to another place.

He waited for the truck to pass by in front of his house for him to execute the plan to apprehend the illegal forest products. FT Capiral shouted on the street caught the attention of LMO1 Margaret Yutuc (*submitted her Sinumpaang Salaysay*) who was then taking a rest with her parents and a helper. LMO1 Yutuc went out of the house and assisted FT Capiral. The truck was flagged down and the latter noticed the back of the truck was covered with canvas but some of the lumbers are visible to the human eye.

When the driver of the truck, Proceso B. Macalintal was asked about the legal permits from DENR particularly the "permit to transport" said Mr. Macalintal failed to present any legal documents. FT Capiral called Enforcement and Monitoring Section (EMS) personnel headed by Forest Ranger Noel V. Salgado (*submitted his Sinumpaang Salaysay*) together with Forest Ranger Sherwin Jed V. David and responded to the incident. FR Salgado verified the necessary legal documents from DENR but nothing can be shown.

CENR Officer, Forester Anastacio A. Santos, MPA ordered to bring the truck to Sta. Cruz, Municipal Police Station (MPS) for temporary custody and for appropriate legal action. A certain Nancy Alcantara claimed that the "illegal lumbers" was her property. She has only a Barangay Certification on her hand.

On May 9, 2023, thru the supervision of CENRO Santos, EMS personnel went to Sta. Cruz MPS for additional documentation and the proper scaling of the "hot lumber." The activity was done in the presence of Sta. Cruz MPS Investigator Patrolman Christian V. Manayam as a witness. The undocumented lumbers consisted of 142 pieces of assorted sizes of Gmelina square log with a total volume of **2,561.89 board feet** with an estimated **value of P127,464.58**.

On May 10, 2023, Mr. Alvin F. Alcaide, filed a Motion for Release of Motor Vehicle and was acted upon on May 26, 2023. The truck was registered under the name Alvin F. Alcaide and the truck's description is:

Model: Fuso Fighter Dump Truck
Plate No. 030103

Chassis No. FK71GC-766536
Engine No. 6M61-075324

On May 12, 2023, the administrative hearing of the apprehended illegal forest products was held at the DENR-CENRO, Sablayan. Mr. Proceso B. Macalintal (*refused to sign*) and Ms. Nancy Alcantara (*refused to sign*) showed up. Mr. Angelito Desembrana, partner of Nancy Alcantara failed to appear. Mr. Alcaide told in the hearing that he left the key of the truck attached to the ignition switch. Miss Alcantara when asked, the only document she presented was the Barangay Certificate. Legal Researcher Julius R. Pastrana, facilitated the administrative adjudication and was assisted by Forester-I Mary Grace Robles. Mr. Macalintal told in the hearing that the owner of the truck is Mr. Alvin Alcaide. Also, both the accused were given the chance to explain their side.

On May 19, 2023, the administrative adjudication of Mr. Angelito Desembrana proceeded followed by Mr. Alvin F. Alcaide.

On May 26, 2023, another administrative adjudication was held for Nancy Alcantara and Alvin F. Alcaide. Parties were given the chance again to explain their side for the last time. According to Miss Alcantara, she is admitting that she is the owner of the illegal lumbers for personal use and the only document she had was the Barangay Certificate. On the other hand, Mr. Alcaide still wanted the release of his truck.

OBSERVATION/FACTS:

1. There was information from a "concerned citizen" regarding the alleged transportation of undocumented forest products at Sitio Tilago, Brgy. Kuntinganan, Sablayan, Occidental Mindoro;
2. During the verification, the DENR-CENRO Sablayan personnel apprehended Mr. Proceso B. Macalintal driving a dump truck, loaded with undocumented forest products of Gmelina square log with a total volume of 2,561.89 board feet with an estimated value of P127,464.58; and
3. That Mr. Proceso B. Macalintal was apprehended and mentioned that the owner of the illegal forest products was Nancy Alcantara.

II. SUMMARY OF ADMINISTRATIVE PROCEEDINGS


Accused Proceso B. Macalintal was apprehended by the persons in authority of DENR-CENRO Sablayan, Occidental Mindoro and its Enforcement and Monitoring Team. He was caught transporting undocumented forest products violating Section 77 of P.D. 705. Section 77 clearly states that *"transporting forest products without proper documents or permits from the proper authority is a violation of the Revised Forestry Code of the Philippines, as amended."*

Also, in the case of Nancy Alcantara, it is clear that she violated the same due to her possession of timber or forest products without the legal documents as required under existing forest laws and regulations.

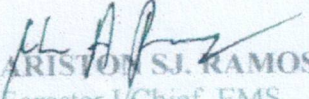
III. RECOMMENDATION

It is hereby recommended that a criminal case be filed against Proceso B. Macalintal and Nancy Alcantara. Further, the subject conveyance of the case is advised for temporary possession of DENR while the case is on-going (*As in the case of Calub, et. al. versus CA, G.R. No. 115634 April 27, 2000*). This administrative case is being filed for the forfeiture of illegally transported forest products in favor of the government.

Prepared by:


MARY GRACE C. ROBLES
Forester I

Noted by:


ARISTON S.J. RAMOS
Forester I/Chief, EMS