


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 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



May 30, 2023

MEMORANDUM

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

THRU : The OIC – PENR Officer
Occidental Mindoro

FROM : The CENR Officer
Sablayan, Occidental Mindoro

SUBJECT : **REPORT ON THE APPREHENDED
UNDOCUMENTED LUMBER AT SITO IGSUSO,
BARANGAY TUBILI, PALUAN, OCCIDENTAL
MINDORO**

Respectfully forwarded herewith is the memorandum dated May, 2023 from the Chief, Enforcement and Monitoring Section (EMS), Forester Ariston SJ Ramos relative to the above mentioned subject.

Please be informed that due to the sizes of the lumbers, the apprehended undocumented lumbers are put under the temporary custody of the Barangay Official of Barangay Tubili, Paluan, Occidental Mindoro.

For information and record.


FOR. ANASTACIO A. SANTOS, MPA



Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office

May 29, 2023

MEMORANDUM

FOR : The CENR Officer
Sablayan, Occidental Mindoro

FROM : The Chief, Enforcement and Monitoring Section (EMS)
CENRO Sablayan, Occidental Mindoro

SUBJECT : **REPORT ON THE APPREHENDED
UNDOCUMENTED LUMBER AT SITO IGSUSO,
BARANGAY TUBILI, PALUAN, OCCIDENTAL
MINDORO**

Respectfully submitted herewith is the report concerning on the apprehended 2 pieces of undocumented lumbers with a total volume of 702 board feet at Sitio Igsuso, Barangay Tubili, Paluan, Occidental Mindoro.

Attached are narrative report, photo documentation and apprehension receipt regarding on the above mentioned subject.

For information and record.


ARISTON S.J. RAMOS



NARRATIVE REPORT

Department of Environment and Natural Resource (DENR) is the primary agency responsible for the protection of the Countries Environment and Natural Resources. Law enforcement and other forest protection activity is given to Enforcement and Monitoring Section (EMS) of DENR-CENR Offices.

On May 26, 2023, while conducting patrolling at Sitio San Pablo, Barangay Alipaoy, Paluan Occidental Mindoro, the undersigned received a call from the CENR Officer Anastacio A. Santos regarding on the information about an allegedly undocumented lumbers somewhere at Sitio Igsuso, Barangay Tubili of the said Municipality. With the direct instruction of the CENR Officer, the EMS personnel immediately proceeded to the subject area.

On or around 4 o' clock in the afternoon, the team arrived at Sitio, Igsuso. The searching team was divided into two, while the rest of the EMS personnel are waiting outside the area. The first team was consisted of Forest Rangers (FR) Noel V. Salgado and Allan Calanao, while the second was the undersigned and FPO Arman Villas. The team searched on opposite side of the area. At around 5:30 pm, the undersigned received a radio call from FR Salgado and says, a fensed area with a newly posted "No Trespassing" signage caught his attention and suspected that that lumbers were looking might be inside the fenced area.

The team immediately responded and went right through were FR Salgado and FR Callanao is. The team looked for possible owner of the said property and come to know that the owner of the subject matter was a certain Jeonito malayo.

The undersigned call the attention of the concerned Barangay and informed them about the situation and ask for assistance as well. the Barangay Captain invite Mr. Jeonito Malayo for verification of the information. While waiting for the presence of Mr. Jeonito Malayo, the undersigned call the CENR Officer to report the situation and consultation as well. CENRO Santos instructed the undersigned to make thorough investigation and file case if necessary.

When Mr. Jeonito Malayo arrived, the undersigned immediately introduced himself and explained why he is being invited. Mr. Malayo verified the private property with "No Trespassing" signed was titled to them. Upon hearing the statement, the undersigned ask permission from Mr. Malayo to enter his premises to pursue the reason of our presence in the area.

Mr. Malayo interpose no objection in the request of the undersigned so that, the team, accompanied by barangay police proceeded to the private property owned by Mr. Malayo to continue the searching activity. FR Salgado noticed a strange thing covered by blue canvas cloth with a several cut Tree branches on top. When we remove the said canvas blue cloth, two (2) pieces of large lumbers painted by white color are lying therein.

Considering the time and the condition of the people, the undersigned decided to temporary stop the operation and will continue the following day. On May 27, selected EMS personnel headed by the undersigned, together with the Barangay Captain himself and Barangay Officials, went back to the private property of Mr. Jeonito Malayo to apply necessary procedure and apprehension protocol on the lumbers found therein.

National Road, Barangay Sto. Niño, Sablayan, Occidental Mindoro
Email: denrcsby02@gmail.com



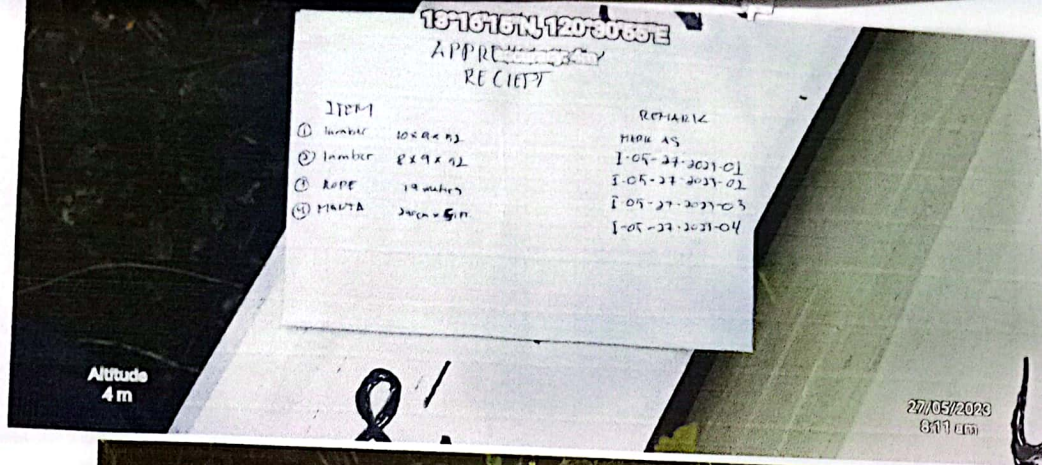
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
MIMAROPA REGION
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office

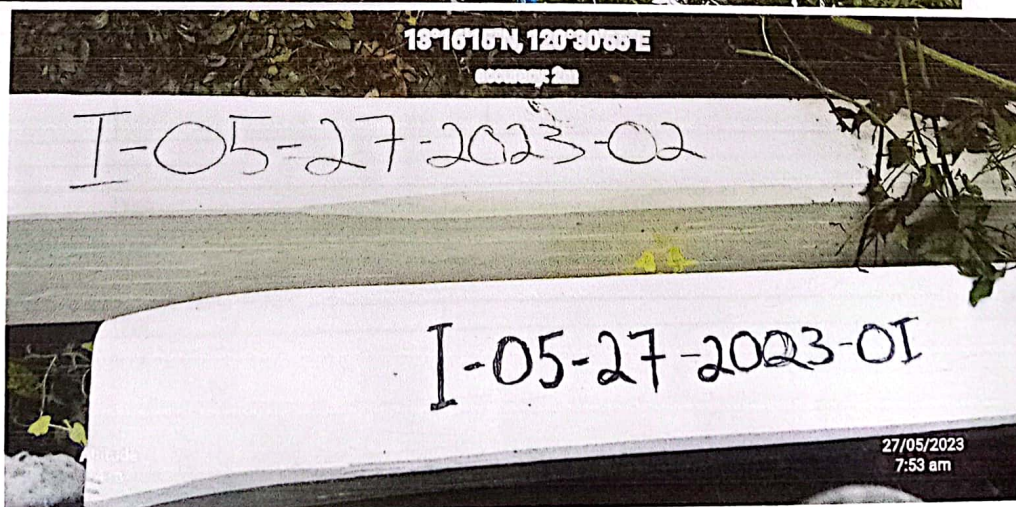
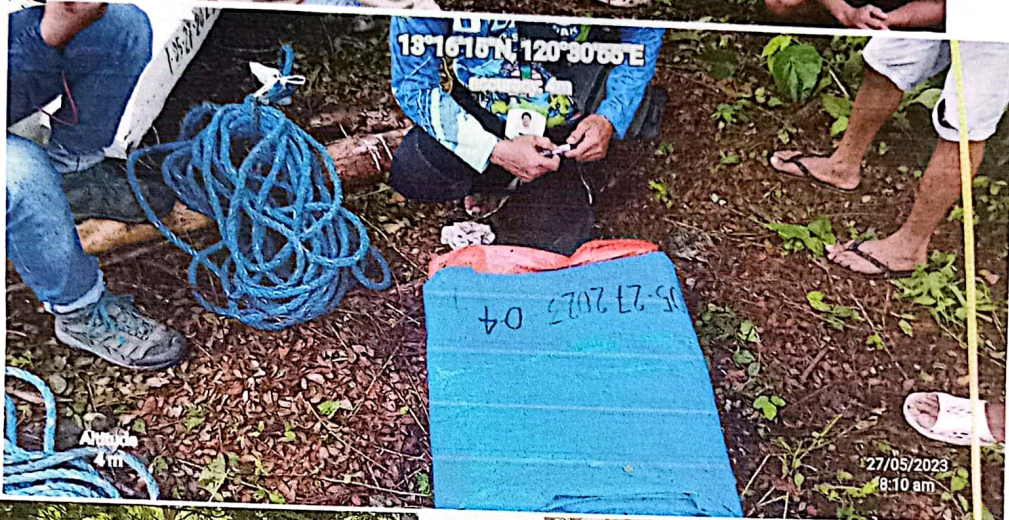
Mr. Malayo denied the ownership of the undocumented lumbers found in his private property. He stated that a group of several people came to him and ask for help, a temporary storage for the said lumbers to prevent it from deterioration. With consideration, knowing that in simple way he can help others who is in need, Mr. Malayo allowed the said people to do so. Unfortunately, Mr. Malayo failed to identify the said group of several people.

Considering the sizes of the apprehended undocumented lumbers, the said was put under temporary custody of the Barangay Official of Barangay Tubili, Paluan, Occidental Mindoro.

Prepared by:


ARISTON SJ RAMOS
Forester II / Chief, EMS





APPREHENSION RECEIPT

CENRO Control No.: 2023-17509-F379
E-FMS No.:

This APPREHENSION RECEIPT is issued to -

Name	Address	Civil Status	Date of Birth	Age	Participation	Status of the Person
Jeonito F. Malayo	Sitio Igsuso, Brgy. Tubili, Paluan, Occ. Mindoro	Married		58	Owner of the private property	In good condition

Pursuant to the provision of P.D. 705 as amended by E.O. No. 277 and DENR Administrative Order No. 97 - 32 Series of 1997 for the following Forest Products, Conveyances, Machinery / equipment, tools and Implements that have been apprehended, to wit:

1. Forest Products:

MAJOR FOREST PRODUCTS

Kind	Item	Source/ Origin of Forest Products	Species Grouping	Species	Pcs.	Estimated Volume or BD.FT.						Estimated Value	Impounding Area	Custodian
GOOD LUMBER	1	Barangay Tubili, Paluan, Occidental Mindoro		Dungon	1	10	X	9	X	52	390.00 Bd.Ft.	₱ 100, 000. 00	DENR PENRO Copound located at Mamburao, Occidental Mindoro	CENR Officer
	2			Guijo	1	8	X	9	X	52	312.00 Bd.Ft.	₱ 100, 000. 00		
XX														
TOTAL					2						702.00 Bd.Ft	₱ 200, 000. 00		

Minor Forest Products

Minor Forest Products				
Kind	Unit of Measurement	No. of Units	Estimated Value	Custodian
N/A	N/A	N/A	N/A	N/A

Conveyance involved

[illegible]

If Animal

If Animal	Quantity	Gender	Color
Kind			
N/A	N/A	N/A	N/A

Equipment Involved

Equipment Involved	
Type	
N/A	N/A

Implementation Involved

Implementation Involved	Type	N/A
	N/A	

APPREHENSION	Place of Apprehension				Apprehending Officer	Factual Legal Basis for Apprehension
	Date and Time of Apprehension	Province	City/ Municipality	Barangay	Sitio	
	May 27, 2023 / 8:12 am	Occidental Mindoro	Paluan	Tubili	Igsuso	Forester II Ariston SJ. Ramos / EMS personnel
						Violation of Sec 77 of PD 705


Is/ are hereby declaring under apprehension on the following FACTUAL reasons:
 Violation of Section 77 of PD 705

The subject forest products, conveyances, machinery/equipment, tool and implements and others apprehended should be kept and protected from defacement in any manner, destruction or loss and should not be altered or removed until otherwise ordered by the Secretary of the Department of Environment and Natural Resources or his duly authorized representative.


Done this 27th day of May year 2023 at Mamburao, Occidental Mindoro.

APPREHENDING OFFICERS


(Signature over Printed Name)

1. 
 Position: Chief, EMS / Forester II
 Address: DENR-CENRO Sablayan

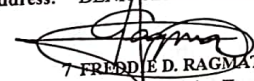
2. NOEL V. SALGADO
 Position: Forest Ranger
 Address: DENR-CENRO Sablayan

3. 
 Position: Forest Ranger
 Address: DENR-CENRO Sablayan

4. CARL EMMANUEL URIETA
 Position: Forest Ranger
 Address: DENR-CENRO Sablayan

5. 
 Position: Forest Ranger
 Address: DENR-CENRO Sablayan

6. 
 Position: Forest Ranger
 Address: DENR-CENRO Sablayan

7. 
 Position: Forest Technician II
 Address: DENR-CENRO Sablayan

OWNER/CLAIMANT/REPRESENTATIVE/DRIVER

(Signature over Printed Name)

1. Jeonito Malayo
 Owner of the private property
 Address: Sitio Igsuso, Brgy. Tubili, Paluan, Occidental Mindoro

WITNESSES

(Signature over Printed Name)

1
 Position:
 Address:

2
 Position:
 Address:


 Signature over Printed Name

Signature over Printed Name

Remarks:

NOTICE OF APPREHENSION

MAJOR FOREST PRODUCTS												
Kind	Item	Source/ Origin of Forest Products	Species Grouping	Species	Pieces	Estimated Volume or BD.FT.						Estimated Value
GOOD LUMBER	1	Barangay Tubili, Paluan, Occidental Mindoro		Dungon	1	10	X	9	X	52	390.00 bd.ft.	₱ 100, 000.00
	2			Guijo	1	8	X	9	X	52	312.00 bd.ft.	₱ 100, 000.00
xxx												
<div style="border: 1px solid black; height: 150px; width: 100%;"></div>												
TOTAL					2	702.00 bd.ft.						₱ 200, 000.00

The subject forest products/equipment/conveyance will be turn-over/submitted immediately to ANASTACIO A. SANTOS at DENR-CENRO Sablayan, Occidental Mindoro.



IN RE: _____

CENRO Control No.: C.S.27 - 05 - 27 - 2023

FACTS

MAJOR FOREST PRODUCTS

Minor Forest Products

Conveyance involved

If Animal

Equipment Involved

Type	
N/A	N/A

Implementation Involved	
Type	
N/A	N/A

2. The subject Forest Products and other items have undergone the following Apprehension proceedings.

APPREHENSION						
Date and Time of Apprehension	Place of Apprehension				Apprehending Officer	Factual Legal Basis for Apprehension
	Province	City/ Municipality	Barangay	Sitio		
May 27, 2023 / 8:12 am	Occidental Mindoro	Paluan	Tubili	Igsuso	Chief, EMS / Forester Ariston SJ. Ramos/ EMS personnel	Violation of Sec 77 of PD 705

The subject Forest Products and items were apprehended while under the possession/ control/ ownership of.


Name	Address	Civil Status	Age	Participation	Status of the Person
N/A	N/A	N/A	N/A	N/A	N/A

After thorough evaluation of the Apprehension Report dated May 27, 2023 Submitted by For-II/Chief. MES, ARISTO SJ. RAMOS and after examining personally the apprehending officers and witnesses of the apprehension about the violation committed, it was determined that there is prima facie evidence that existing DENR laws and regulations have been violated and that the offender is probably guilty of violating PD 705.

The specific violations committed are as follows:

- Violation of section 77 of PD 705

So ordered this 27th day of May, year 2023 at Mamburao, Occidental Mindoro.


ANASTACIO A. SANTOS
CENR OFFICER
SEIZURE OFFICER

Copy furnished: _____

C. EQUIPMENT AND OTHER IMOLEMENTS (Briefly describe the physical appearance and
These items are apprehended at Barangay Tubili, Paluan, Occ. Mindoro on May 27, 2023.

Republika ng Pilipinas
Lalawigan ng Occidental Mindoro
Bayan ng Paluan
BARANGAY TUBILI

5/26/23
5:00 PM

TANGAPAN NG PUNONG BARANGAY

BLOTTER

Ang Mga tauhan ng Department of Environment and Natural Resources (DENR) sa pangunguna ni G. Ariston Ramos at kanyang mga kasama ay nagsadya sa tanggapan ng Punong Barangay ng Barangay Tubili na mayroon silang natanggap na "info" na ang kahoy na kanilang hinahanap ay nasa lupa ni G. Dionito R. Malayo.

Kaya't agad namin siyang ipinatawag upang malaman at mayerify kung ito ay may katotohanan.

Hindi naman nag-atubili si G. Dionito Malayo na ipaalam sa amin na may mga tao na hindi niga kilala na nakinsap na kung maaari ay iwanan muna sa kanyang lupa na malilim ang ilang plaso ng kahoy upang hindi bumitak kung iwanan lang sa arawan. At si G. Dionito Malayo ay kusang-loob na pumayag na aming tingnan ang nasabing kahoy at kusang-loob din na pumayag kung ano ang dapat gawin sa naturang mga kahoy.

Kaya't ang mga myembro na ng DENR sa pangunguna.

Certified true copy

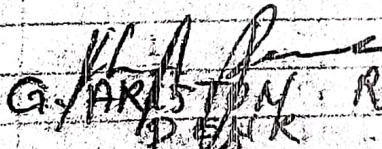
Makin Kilala G. Ariston Ramos


4. Ariston Ramos kasama ng aming mga myembro ng Bigy Tanod na siya G. Samuel Bantolo at G. Sunny Boy Faller ay agarang nagsadya sa naturang lugar at nakita nga doon ang dalawang (2) pirasa ng kahoy na hinihinalang kahoy na "Biho" na may sukat na:

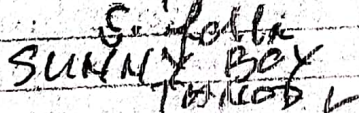
10 x 9 x 52 at 8 x 9 x 52.

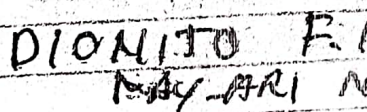
Dahil dito, kusang loob rin si G. Dionito Malayo na ipahayag sa amin na kunin ang nagsabing mga kahoy upang isarender sa kinautulan sa talong madaling panahon.

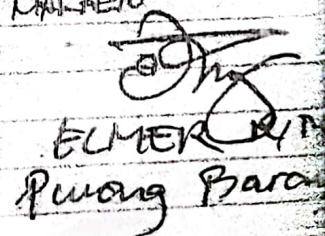
Pinatotohanan ngayong ika-26 ng Mayo, 2023 ganap na ika 6:00 ng hapon sa Tanggapan ng Pwang Barangay ng Barang Tubili sa presensya niyaman Operatiba ng DENR at Barangay.


ARISTON RAMOS
DENR


SAMUEL BANTOLO
DENR


SUNNY BOY FALLER
TANOD


DIONITO F. MALAYO
MAY-ARI NG LUPA


EUMER R. Pwang Bara

Certified true copy

MARKA R. BANTOLO
KALILIAN

May 27, 2020

Republika ng Pilipinas
Lalawigan ng Kanlurang Mindanao
Bayan ng Palawan
Barangay IX - Tula

Tanggapan ng Punong Barangay

Pansamantalang pinalang (pangangalakal)
sa Tanggapan ng Punong Barangay ang nabiling
kahoy dalawang (2) piassa na may sukat
na 10x9x52 at 8x9x52 ng mga ahensya
ng DENR ngayong Ika-27 ng Mayo 2020
sa gamp na Ika-10:28 ng umaga.

Certified
True Copy
MARIA ROSARIO B. RAMOS
Kasabina

ALFRED J. RAMOS
CHIEF ENFORCEMENT AND MAINTENANCE
Section
CEUNO SABLAYAN

Samuel M. Bantola
Chief Tamed