



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS NA YAMAN
MIMAROPA REGION
Provincial Environment and Natural Resources Office



July 31, 2024

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region

THRU : The Regional Director for MGB

FROM : The OIC, PENR Officer
Oriental Mindoro

SUBJECT : **TURN-OVER OF EQUIPMENT/OBJECT EVIDENCE FOR
PROPER DISPOSITION**

Please be informed that the Regional Trial Court - 4th Judicial Region of Oriental Mindoro, Branch 40 has turned-over apprehended equipment used as object of evidence for **Criminal Case No. CR-18-14, 295** for violation of RA 7942 otherwise known as the Philippine Mining Act of 1995 (Illegal Exploration).

Listed below are the equipment/objects of evidence turned-over to this Office and ordered confiscated in favor of the government to be disposed of in accordance with the law:

1. One (1) water pump;
2. Two (2) blowers;
3. One (1) pulley (double);
4. One (1) PVC pipe;
5. One (1) rope (40meters) more or less;
6. One (1) chisel
7. One (1) mallet
8. Six (6) circuit breakers;
9. Three (3) sets of electric wires;
10. One (1) improvised harness;
11. Two (2) improvised metal hooks

The above equipment together with the Court Decision issued by the Acting Presiding Judge Cefelene R. Goco were turned-over by the Clerk of Court V, Atty. Erick John Rae M. Laygo and Ms. Ms. Merla Guiray on July 31, 2024. Attached are photo documentation during the turn-over of the object evidence.

As such, may we request an instruction for the disposition of the above-items.

For information, record and reference.


ALAN L. VALLE

*Cc: Mines and Geosciences Bureau
RTC Branch 40, City of Calapan*

Atty. Erlinda A.I. Espiritu Street corner Gov. Arturo Ar
Doña Alicia Subd., Brgy. Suqui, Calapan City, Orien
Telephone No. (043)288-6006/ (043) 288-7
Email Address: penroor.mindoro@denr.gov.ph
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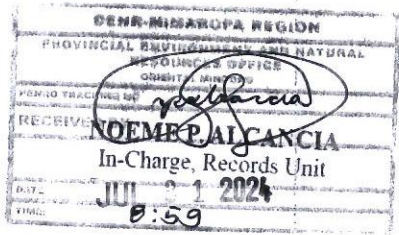




Turn over of object evidence RTC Branch 40

July 31, 2024

Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH 40
City of Calapan
rtc2cal040@judiciary.gov.ph
CP#09089164197
-oOo-



July 31, 2024

Engr. Alan L. Valle
OIC-PENR Officer
PENRO, Suqui, Calapan City
Oriental Mindoro

Sir:

Pursuant to the Orders of this Court in the following case, we are hereby turning over to your custody the following object evidence in said case for proper disposition.

Case No.	Title	Date of Order	Object evidence
Crim. Case No. CR-18-14,295	P. vs. Domingo Herrera y Masangkay, Wowie Valencia y de Guzman, Emar John Alcaria y Evangelista, Antonio Cruzado y Marcelino & Jesus Cruzado y Victoria for Viol. of R.A. 7942 (Illegal Exploration)	Decided as against all accused: May 23, 2019	One (1) water pump, two (2) blowers, one (1) pulley (double), one (1) PVC pipe, rope (40 meters, more or less), one (1) chisel, one (1) mallet, six (6) circuit breakers, three (3) sets of electric wires, one (1) improvised harness and two (2) improvised metal hooks

Very truly yours,


ATTY. ERICK JOHN RAE M. LAYGO

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Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH 40
Calapan City
-o0o-

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM. CASE NO. CR-18-14,295

- versus -

- for -

DOMINGO HERRERA Y MASANGKAY,
WOWIE VALENCIA y DE GUZMAN,
EMAR JOHN ALCARIA y EVANGELISTA,
ANTONIO CRUZADO y MARCELINO
And JESUS CRUZADO y VICTORIA,
Accused.

VIOLATION OF REPUBLIC
ACT NO. 7942
(ILLEGAL EXPLORATION)

X ----- X

DECISION

The accused Domingo Herrera y Masangkay, Wowie Valencia y De Guzman, Emar John Alcaria y Evangelista, Antonio Cruzado y Marcelino and Jesus Cruzado y Victoria stand charged of the crime of Illegal Exploration defined and penalized under Sec. 102 of Republic Act No. 7942, otherwise known as "Philippine Mining Act of 1995", in an Information which reads as follows:

"That in the afternoon of the 8th day of August 2018 and even sometime prior thereto, in the vacant lot located at Sitio Bonbon, Barangay San Rafael (Salong), City of Calapan, Philippines, and within the jurisdiction of this Honorable Court, all the above-named accused, in conspiracy with each other, with malice aforethought and intent to gain/profit therefrom, did then and there, willfully, knowingly and feloniously undertake exploration work by tunneling or any other means for the purpose of determining the existence, extent, quantity and quality of mineral resources, specifically gold, without the necessary exploration permit from the proper government agency which is the Mines and Geosciences Bureau of the DENR, to the damaged and prejudice of the Republic.

Contrary to Law".

On November 8, 2018, all the accused except Emar John Alcaria y Evangelista pleaded NOT GUILTY to the crime as charged.

On January 10, 2019, accused Emar John Alcaria y Evangelista also pleaded NOT GUILTY to the crime as charged.

On March 1, 2019, all the accused, through counsel, filed a Motion To Allow Accused to Enter Into Plea Bargaining Agreement of which a copy was furnished to the Criminal Investigation and Detection Group IV-B and the City Environment and

DECISION

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Crim. Case No. CR-18-14,295

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On March 13, 2019, a Manifestation was filed by the City Prosecutor Hon. Dorina H. Joya to the Motion to Plea Bargain praying that the said Motion be set for hearing to the earliest possible time.

When this case was called for hearing on the Motion to Allow Accused To Enter Into A Plea Bargaining Agreement, Assistant Provincial Prosecutor Jose Jay E. Dela Chica is attendant and gave his conformity to the Motion To Allow Accused To Enter Into A Plea Bargaining Agreement allowing all the accused to plead guilty to the lesser offense of "Other Violations" under Section 110 of R. A. 7942 where the imposable penalty is a fine not exceeding Php5,000.00 and recommended that the fine to be meted out by the Court is up to Php2,500.00.

The arresting officers, who are members of Criminal Investigation and Detection Group (CIDG), did not file any comment to the said Motion despite the opportunity given. Hence, the Court, considering the consent in open Court given by the prosecution granted the Motion To Allow Accused To Enter Into A Plea Bargaining Agreement and re-arraignment proceeded.

After all the accused have been informed as to the consequences of a plea of guilt to Section 110 of Republic Act 7942 and having understood the same, said accused moved that they be allowed to change their plea of "not guilty" to a plea of guilt to the lesser offense of Section 110 of R. A. 7942.

Upon re- arraignment, the accused, **Domingo Herrera y Masangkay, Wowie Valencia y De Guzman, Emar John Alcaria y Evangelista, Antonio Cruzado y Marcelino and Jesus Cruzado y Victoria**, with the assistance of counsel individually pleaded GUILTY to the lesser offense of Section 110 of Republic Act of 7942.

ACCORDINGLY, considering the plea of GUILTY of the accused to the lesser offense of Section 110 of Republic Act 7942 of Illegal Exploration otherwise known as Philippine Mining Act and upon recommendation of the prosecution, each of said accused is hereby adjudged GUILTY of the crime of Violation of Section 110 of Republic Act 7942 of Illegal Exploration otherwise known as Philippine Mining Act and is hereby sentenced to pay a fine of **Php2,500.00 each** with credits for subsidiary imprisonment.

Let a copy of this Decision be furnished the Criminal Investigation and Detection Group IV-B, MIMAROPA and the City Environment and Natural Resources Office (ENRO), Calapan City.

PROMULGATED IN OPEN COURT.

May 23, 2019, Calapan City, Oriental Mindoro.

CEFELENE R. GOCO
Acting Presiding Judge

CR3/ma

Regional Trial Court Branch 40, Calapan City, Oriental Mindoro

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Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
ORIENTAL MINDORO
BRANCH 40
Calapan City
-oOo-

(174)

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM. CASE NO. CR-18-14,295

-versus-

-for-

DOMINGO HERRERA y MASANGKAY
of Sitio Bonbon, Brgy. San Rafael, (Salong).
Calapan City, Oriental Mindoro;

VIOLATION OF REPUBLIC
ACT NO. 7942
(ILLEGAL EXPLORATION)

WOWIE VALENCIA y DE GUZMAN
of Brgy. Barcenaga, Naujan,
Oriental Mindoro;

EMAR JOHN ALCARIA y EVANGELISTA
of Brgy. Camilmil, Oriental Mindoro;

ANTONIO CRUZADO y MARCELINO
AND JESUS CRUZADO y VICTORIA,
Both of Brgy. San Antonio,
Calapan City, Oriental Mindoro,
Accused.

X-----X

O R D E R

When this case was called for hearing on the Omnibus Motion (1. To Release Cash Bail Bond; and 2. To Release Confiscated/Seized Items) the prosecution interposed no objection to the release of cash bail bond and merely submitted the Motion To Release Confiscated/Seized Items to the sound discretion of the Court.

Acting on the Motion to Release Cash Bail Bond for the reason stated in the said motion and there being no objection from the prosecution, the same is hereby **GRANTED**.

Accordingly, as prayed for, the cash bond all posted by Gilbert A. Castillo for the release of the following: a) Domingo Herrera y Masangkay in the amount of Twenty Five Thousand Pesos (Php25,000.00) under Official Receipt No. 7234233 C dated 8-15-2018; b) Wowie Valencia y De Guzman in the amount of Twenty Five Thousand Pesos (Php25,000.00) under Official Receipt No. 7234234 C dated 8-15-2018; c) Emar John Alcario y Evangelista in the amount of Twenty Five Thousand Pesos (Php25,000.00) under Official Receipt No. 7234235 C dated 8-15-2018; d) Antonio Cruzado y Marcelino in the amount of Twenty Five Thousand Pesos (Php25,000.00) under Official Receipt No. 7234236 C dated 8-

ORDER
CRIM. CASE NO. CR-18-14,295
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Pesos (Php25,000.00) under Official Receipt No. 7234237 C dated 8-15-2018 are hereby ordered **cancelled**.

The Branch Clerk of Court is directed to release the original copies of said Official Receipts to the bondsman Gilbert A. Castillo and the Clerk of Court and Ex-Oficio Sheriff of the Office of the Clerk of Court, Regional Trial Court, Calapan City, Oriental Mindoro is directed to withdraw the said amounts covered by said official receipts and to release the same to Gilbert A. Castillo upon presentation of the proper documents.

As to the Motion to Release Confiscated/Seized Items, Article 45 of the Revised Penal Code provides:


Confiscation and forfeiture of the proceeds or instruments of the crime. - Every penalty imposed for the commission of a felony shall carry with it the forfeiture of the proceeds of the crime and the instruments or tools with which it was committed.

Considering that all the accused were adjudged guilty of the crime of Violation of Section 110 of Republic Act 7942 of Illegal Exploration, otherwise known as Philippine Mining Act, the Court has no alternative but to order all the instruments or tools under the custody of the Court to be considered as forfeited. Hence, the Motion to Release Confiscated/Seized Items is hereby **DENIED**.

The Branch Clerk of Court is directed to turn over all the seized items to the proper office for the confiscation and forfeiture of the same.

SO ORDERED IN OPEN COURT.

August 8, 2019, Calapan City, Oriental Mindoro.


CEFELENE R. GOCO
Acting Presiding Judge

CRG/ncd

