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## PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE MIMAROPA Region

AUG 1 8 2022

#### **MEMORANDUM**

FOR

The Regional Executive Director

MIMAROPA Region

1515 L & S Building, Roxas Blvd.

Ermita, Manila

FROM

The OIC PENR Officer

SUBJECT:

RESOLUTION NO. 2022-058

Respectfully forwarded is the memorandum from CENR Officer Efren L. delos Reyes dated August 01, 2022 regarding the result of administrative adjudication on the apprehended one (1) piece of Bogo lumber and four (4) pieces of Himbabao lumber with a total volume of 293.00 board feet at So. Naitan, Barangay Batasan, San Jose, Occidental Mindoro

The said apprehended forest products are now temporarily impounded at DENR-CENRO San Jose for safekeeping.

For your information and record.

ERNESTO L. TAÑADA







#### Republic of the Philippines

#### Department of Environment and Natural Resources

#### MIMAROPA Region

#### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

AUG 0 1 2022

#### **MEMORANDUM**

**FOR** 

The Regional Executive Director

DENR-MIMAROPA Region Roxas, Blvd., Ermita, Manila

THRU

The OIC, PENR Officer

Mamburao, Occidental Mindoro

**FROM** 

The CENR Officer

**SUBJECT** 

**RESOLUTION NO. 2022-058** 

Submitted herewith is the Resolution No. 2022-058 as a result of administrative adjudication on the apprehended five (5) pcs. assorted lumber (1 Bogo and 4 Himbabao-Alukon) having an aggregate volume 293.00 bdft. at So. Naitan, Brgy. Batasan, San Jose, Occidental Mindoro last September 12, 2021.

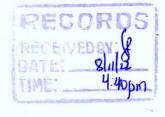
For your information and record.

EFREN. DELOS REYES

Cc:

PENRO CENRO SJ Records EMS File

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MIMAROPA Region

#### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosaniose@denr.gov.ph

RE: APPREHENSION OF ABANDONED FIVE (5) PIECES OF BOGO AND HIMBABAO (ALUKON) LUMBERS WITH AN AGGREGATE VOLUME OF 293.00 BDFT. AT SO. NAITAN, BARANGAY BATASAN, SAN JOSE, OCCIDENTAL MINDORO ON SEPTEMBER 12, 2021

#### **RESOLUTION No. 2022-058**

This pertains to the apprehension of the abandoned five (5) pieces of Bogo and Himbabao (Alukon) lumbers with a total volume of 293.00 bdft. at So. Naitan, Brgy. Batasan, San Jose, Occidental Mindoro on September 12, 2021 at around 11:39 in the morning by the personnel from Enforcement and Monitoring Section (EMS) by the DENR-CENRO San Jose, Occidental Mindoro.

#### The facts of the subject case are as follows, to wit:

- That on September 12, 2021, the Enforcement and Monitoring Section (EMS) of the DENR received an information from a confidential asset that there is an undocumented lumbers found within the jurisdiction of So. Naitan, Brgy. Batasan, San Jose, Occidental Mindoro. That when the EMS team arrived in the said area, they found out that indeed there was an abandoned five (5) pieces of Bogo and Himbabao (Alukon) lumbers with a total volume of 293.00 bdft. (please see attached transmittal e-mail and geo-tag photos)
- 2. That the team apprehended and hauled the five (5) pieces of Bogo and Himbabao (Alukon) lumbers with a total volume of 293.00 bdft. that was found abandoned and temporarily impounded at the DENR-CENRO San Jose Occidental Mindoro, for safekeeping. (Please see attached apprehension report.)
- 3. That the corresponding Apprehension Receipt with CENRO Control No.2021-F412 was issued by the apprehending Officer, Deputy Chief EMS, Forester I Jomar B. Serquiña. (please see attached apprehension receipt)
- That the Seizure order with CENRO Control No. 2021-F412 was issued by the Seizure Officer, EMS Chief, Forester III Hector S. Aragones Jr. ( please see attached seizure order)
- That a recapitulation and assessed value of the abandoned forest products was made by the apprehending officer, EMS Deputy Chief, Forester I Jomar B. Serquiña. (please see attached recapitulation and assessed value report)
- That a PABATID SA PUBLIKO (Notice to the Public) was posted in conspicuous places such as at So. Naitan and at the Brgy. Hall of Barangay Batasan, San Jose, Occidental Mindoro. (please see attached)
- That NO Administrative hearing was made because the said forest products were found ABANDONED.

The issues to be resolved in this case are as follow;

1. Whether or not the apprehended abandoned FIVE (5) PIECES OF BOGO AND HIMBABAO (ALUKON) LUMBERS WITH A DIMESION OF ONE (1) PIECE 10"x10"x12' BOGO, ONE (1) PIECE; ONE (1) PIECE OF 3"x8"x12' HIMBABAO (ALUKON); ONE (1) PIECE 4"x6"x12' HIMBABAO (ALUKON); ONE (1) PIECE 10"x11"x12 WITH A TOTAL VOLUME OF 293.00 BDFT, be confiscated in favor of the government.

The grounds for apprehension and seizure of the forest products is valid, as the abandoned forest product is not supported with any cutting permit issued by the office of the DENR-CENRO San Jose, Occidental Mindoro.

Presidential Decree No. 705, May 19, 1975, revising Presidential Decree No. 705 otherwise Known as the Forestry Reform Code of the Philippines, as amended by Executive Order No. 277 and republic Act No. 7161, states that;

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

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SECTION 77-A. Administrative Authority of the Department Head or His Duly Authorized Representative to Order Confiscation. — In all cases of violations of this Code or other forest laws, rules and regulations, the Department Head or his duly authorized representative, may order the confiscation of any forest products illegally cut, gathered, removed, or possessed or abandoned, and all conveyances used either by land, water or air in the commission of the offense and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter.

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Department Administrative Order No. 97-32

Sec. 2. Items subject to apprehension, seizure, confiscation and forfeiture.

a. ILLEGAL FOREST PRODUCTS - Any forest products(s) defined in Section 1(e) above that are removed, cut, collected, processed and/or transported: (a) without the requisite authorization or permit; or (b) with incomplete required supporting documents 1; (c) with genuine authorizations or permits and/or supporting documentation that have an expired validity, have been cancelled or that contain forged entries; or (d) with spurious (fake) authorizations, permits and/or supporting documentation. In implementing these Rules, original documents shall be required at all times to actually accompany any forest products being moved or transported to any place and for any purpose. Whenever the requisite authorization and/or supporting documentation are required to but do not actually accompany the forest products, such absence constitutes a violation covered by these Rules.

#### Sec. 8. Abandoned Illegal Forest Products.

The following procedures apply in cases where illegal forest products and other items listed in Section 2 hereof are abandoned, or when the owner, claimant, custodian or other interested Patry(ies) is unknown, cannot be determined, or cannot otherwise be found.

Par.3. Summary Seizure/Confiscation Proceedings shall be conducted by the hearing officer designated in these rules. In such cases the Notice of Hearing shall be posted at least three (3) times, once a every week for three (3) consecutive weeks, in at least three (3) public places, including but not limited to: (a) the Barangay Hall of the apprehension site; (b) the Bulletin Board of the DENR Offices where the Proceedings will be conducted, and (c) at the Municipal Hall of the apprehension site.

Should the owner, claimant or other interested Party failed to appear at the Proceedings, such failure shall be deemed a waiver of the right to appear and of any/all rights to the items apprehended in favor of the Government.

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1. The enumerated statements of facts, pieces of evidence and circumstances surrounding the above stated case, shows that the apprehended FIVE (5) PIECES OF BOGO AND HIMBABAO (ALUKON) LUMBERS WITH A DIMESION OF ONE (1) PIECE 10"x10"x12' BOGO, ONE (1) PIECE; ONE (1) PIECE OF 3"x8"x12' HIMBABAO (ALUKON); ONE (1) PIECE 4"x6"x12' HIMBABAO (ALUKON); ONE (1) PIECE 10"x11"x12 WITH A TOTAL VOLUME OF 293.00 BDFT. shall be confiscated in favour of the government since those lumbers are product of an illegal act.

Based in the case at bar, the cutting of forest products without legal documents if proven is a violation of Section 77 of PD 705 as amended by Executive Order No. 277 and Republic Act 7161 thus subject to confiscation. Moreover, in occasion where the said illegal forest products was said to be abandoned it shall also be confiscated in favor of the Government, under Section 8 Par. 3 of Department Administrative Order (DAO) 97-32.

Wherefore, pursuant to Section 77 and 77-a of PD 705 as amended, section 2 and 7 of DENR Administrative Order No. 97-32, series of 1990 and based on DAO 98-24 (Manual of Approvals) the following are hereby recommended:

1. The abandoned FIVE (5) PIECES OF BOGO AND HIMBABAO (ALUKON) LUMBERS WITH A DIMESION OF ONE (1) PIECE 10"x10"x12' BOGO, ONE (1) PIECE; ONE (1) PIECE OF 3"x8"x12' HIMBABAO (ALUKON); ONE (1) PIECE 4"x6"x12' HIMBABAO (ALUKON); ONE (1) PIECE 10"x11"x12 WITH A TOTAL VOLUME OF 293.00 BDFT. shall be confiscated in favour of the government since those lumbers are product of an illegal act.

Issued this day of a Occidental Mindoro.	DENR-CENRO	San Jose
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Prepared By:

HECTOR'S. ARAGONES JR.

Forester III Hearing Officer

Noted By:

EFREN L. DILLOS REYES

CENR Officer



## MMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

#### EMAIL FOR TRANSMISSION SEPTEMBER 13, 2021

FOR:

THE REGIONAL EXECUTIVE DIRECTOR

DENR-MIMAROPA REGION

ERMITA, MANILA

THRU:

THE ASSISTANT REGIONAL DIRECTOR

TECHNICAL SERVICES

FROM:

THE OIC, CENR OFFICER

PLEASE BE INFORMED THAT THE PERSONNEL OF ENFORCEMENT AND MONITORING SECTION OF DENR-CENRO SAN JOSE HAD APPREHENDED THE FOLLOWING ABANDONED FLITCHES: ONE (1) PIECE OF BOGO SPECIES WITH A DIMENSION OF 10x10x12 AND FOUR(4) PCS. OF HIMBABAO (ALUKON) SPECIES WITH A DIMENSION OF 3x8x12 CMA 5x7x12 CMA 4x6x12 and 10x11x12 WITH A TOTAL VOLUME OF 293.00 BOARDFEET AT SITIO NAITAN CMA BARANGAY BATASAN CMA SAN JOSE CMA OCCIDENTAL MINDORO ON SEPTEMBER 12, 2021 AT AROUND 11:39 IN THE MORNING PD

SAID FOREST PRODUCTS WERE BROUGHT TO THE DENR-CENRO IMPOUNDING STATION AT BRGY. MURTHA CMA SAN JOSE CMA OCCIDENTAL MINDORO FOR SAFEKEEPING PD

FOR INFORMATION CMA RECORD AND FURTHER INSTRUCTION PD

DMO IV ABEN

SENDER:

WILFREDO'A. ABEN

DMO IV

In-Charge, Office of the CENRO

NR Officer:



## COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosaniose@denr.gov.ph









## COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

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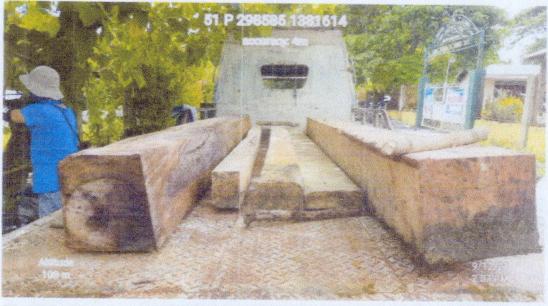




## COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph







#### Republic of the Philippines Department of Environment and Natural Resources CENRO SAN JOSE

Address: Labangan, San Jose, Occidental Mindoro

#### APPREHENSION RECEIPT

CENR	O Co	ontrol No.: 2021-F412	
A CONTRACTOR OF THE CONTRACTOR			
E ENAC	N7	2021-175110-F412	

This APPREHENSION RECEIPT is issued to -

Name	Address	Civil Status	Age	Participation	Status of the Person
		April man (C) (A)	and the second s	The state of the s	
				те фотов порежения может в достовной в вестно по решений раздением в день в нестной и достовной на порежений по	
O CONTRACTOR OF					

pursuant to the provision of P.D. 705 as amended by E.O. N

o. 277 and DENR Administrative Order No. 97-32 Series of 1997 for the following Forest Products, Conveyances, Machinery/Equipment, Tool and Implements that have been apprehended, to wit:

1. Forest Products:

	MA	JOR FO	REST PRO	DDUCTS					en tratelante Aurantiquia
Kind	Ite m:	Source/ Origin of Forest Produc ts	Species Grouping	Species	Pi ec es	Volume/Unit of Measurement	Estimated Value	Impounding Area	Cust odia n
Lum ber			C&F	Bogo	1	10x10x12=100	4,500.00	DENR-	
			Philippicod Chippited	Himbabac (Alukon)	1	3x8x12=24.00	1,080.00	CENRO San Jose Office	
			modehwood	The state of the s	1	5x7x12=35.00	1,575.00	Compound	
-					1	4x6x12=24.00	1,080.00		
					1	10x11x12=110	4,950.00		
Total					5	293.00	13,185.00		

Kind	Unit of Measurement	No. of Units	<b>Estimated Value</b>	Custodian
N/A	N/A	N/A	N/A	N/A
and the second s				
			Transcoon Transcoon	
				and the second

Туре	Make/M odel/Yea r	Plate No.	Color/Mar kings	CR No.	OR No.	Engine No.	Chassis No.	Accessorie
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Estimated Va	alue:	anne en proprieta de la resperiencia de la constitución de la constitu			1 1 1 1 1

Kind	Quantity	Gender	Color
N/A	N/A	N/A	N/A
•	The second secon		en e

Equipme	ent Involved				
Туре	Quantity	Details	Impounding Area	Custodian	Estimated Value
N/A	N/A	N/A	N/A	N/A	N/A

Quantity
N/A

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

APPREHENS	ION					
Date and		Place of Ap	prehension			Factual
Time of Apprehensio n	Province	City/Munici pality	Barangay	Sitio	Apprehendi ng Officer	Legal Basis for Apprehensio n
Sept. 12, 2021 11:39 am	OCC. MINDORO	SAN JOSE	BATASAN	NAITAN	DENR PERSONNEL	SEC. 68, PD 705

Is/are	e hereby declare under apprehension on the following FACTUAL reasons:

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 12th day of September , year 2021 at San Jose, Occ. Mindoro.

## APPREHENDING OFFICER (Signature over Printed Name)

	3 Position: Address: Date/Time	
1	3	
1	3	
1	3	
1	3Position:Address:	
1 Position: Address:	3Position:Address:	
1Position:	3Position:	
1Position:	3Position:	
(Sign	3	
(Sign		
OWNER/CLAIMNA	NT/REPRESENTATIVE/DRIVER	
	WITNESSES:	
Address: DENR-CENRO San Jose		
Position: Forest Technician II		
3. LOREN KAYE A. GARCIA		
Address: DENR-CENRO San Jose		
Position: Forest Technician I	•	
2. DOMINIC L. VIDAL		
1 2 11/		
Address: PENR CENRO San Jose		
Position: Forester I Address: PENR CENRO San Jose		

# Republic of the Philippines Department of Environment and Natural Resources CENRO SAN JOSE

Address: Labangan San Jose, Occidental Mindoro

#### SEIZURE ORDER

CENRO Control No.: 2021-F412 E-FMS No: 2021-175110-F412

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 the following forest products are hereby ordered seized, to wit:

#### **FACTS**

1. Forest Products:

Kin d	Item:	Sourc e/ Origi n of Forest Produ cts	Species Grouping	Species	Piec es	Volume/Unit of Measurement	Estimated Value	Impounding Area	Custodia n
lum ber	C&-E	Bogo	1	10x10x12=100	4,500.00				
				Himbabao	1	3x8x12=24.00	1,080.00	DENR- CENRO San Jose Compound	and the second contract of the second contrac
					1	5x7x12=35.00	1,575.00		
		770		(Alukon)	1	4x6x12=24.00	1,080.00		TO THE PARTY OF TH
		all responsibilities and the second			1	10x11x12=110	4,950.00		
					COLORES COMPANIENTS COLORES CONTRACTOR COLORES				
TOTAL		and the second s			5	293.00	13,185.00		

	Custodia
N/A N/A N/A	N/A

Conveyance Inv	olved				
Туре	Make/ Model/ Year	Plate No.	Color/Markings	CR No.	OR No.
N/A	N/A	N/A	N/A	N/A	N/A
					The state of the s
Marie de La Carte de La Ca			200		A COLOR DE ANTONIO DE CONTRACTOR DE L'ANTONIO DE L'ANTONI

Engine No.	Chassis No.	Accessories	Estimated Market Value	Custodian
N/A	N/A	N/A	N/A	N/A

<sup>\*</sup>turned over to the highest officer of the Regional Office concerned if government-owned vehicle.

Kind	Quantity	Gender	Age (Adult/Young)	Color	Custodian
N/A	N/A	N/A	N/A	N/A	N/A

	uantity	Details	Estimated Value	Custodian
N/A	N/A	N/A	N/A	N/A

Туре	Quantity	Details	Custodian
N/A	N/A	N/A	N/A

The subject Forest Products and other 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

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

Date and Time of Seizure		Place of Se				
	Province	City/Mun icipality	Barangay	Siti	Seizing Officer	Legal Basis for Seizure
Sept. 12, 2021 5:10 pm	OCC. MINDORO	SAN JOSE	LABANGAN	N/ A	Forester III Hector S. Aragones Jr.	NO LEGAL DOCUMENT

Examination Conducted by Seizure Officer:

Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			
	The state of the s		

After thorough evaluation of the Apprehension Report dated <u>September 12, 2021</u> and all relevant documents submitted, 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 laws and DENR regulations have been violated and that the offender is probably guilty thereof.

Hence, the foregoing forest products/conveyance/equipment/implement are hereby ordered seized and now under government custody (except government-owned vehicles).

So ordered this 12th day of September, 2021 at Brgy. Labangan, San Jose, Occidental Mindoro.

HECTOR S ARAGONES JR.
Seizure Officer/Hearing Officer



### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

SEP 13 2021

#### **UNANG PABATID SA PUBLIKO**

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAKUHANG ISANG (1) PIRASONG BOGO AT APAT (4) NA PIRASONG HIMBABAO(Alukon) NA KAHOY NA MAY IBA'T-IBANG SUKAT AT MAY KABUUANG DAMI NA 293.00 BDFT. SA BRGY. CENTRAL,SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-12 NG SETYEMBRE, 2021 SA GANAP NA ALAS 11:39 NG UMAGA.

ANG NASABING KAHOY AY DINALA SA OPISINA NG DENR-CENRO SAN JOSE SA BRGY. LABANGAN, SAN JOSE, OCCIDENTAL MINDORO PARA SA PANSAMANTALANG PANGANGALAGA.

KUNG SINUMAN ANG NAGMAMAY-ARI NG NASABING KAHOY AY MAARING MAGTUNGO SA AMING TANGGAPAN.

LUBOS NA GUMAGALANG.

HECTOR'S. ARAGONES JR.

Forester III



# Republic of the Philippines De ment of Environment and Natural ources

MIMAROPA Region

#### OMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

SEP 2 0 2021

## IKALAWANG PABATID SA PUBLIKO

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LUBOS NA GUMAGALANG.

HECTOP'S. ARAGONES JR.

Forester III



OMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457-0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

SEP 2 7 2021

## INATIONS PABATID SA PUBLIKO

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KUNG SINUMAN ANG NAGMAMAY-ARI NG NASABING KAHOY AY MAARING MAGTUNGO SA AMING TANGGAPAN

LUBOS NA GUMAGALANG.

HECTOR'S. ARAGONES JR.

Forester III



MIMAROPA Region

## COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

## RECAPITULATION AND ASSESSED VALUE

## A. Major Forest Products:

PCS.	SPECIES	DIMENSION	ESTIMATED VALUE
1	BOGO	10x10x12=100.00	4,500.00
1	HIMBABAO(Alukon)	3x8x12=24.00	1,080.00
1	HIMBABAO(Alukon)	5x7x12=35.00	1,575.00
1	HIMBABAO(Alukon)	4x6x12=24.00	1,080.00
1	HIMBABAO(Alukon)	10x11x12=110.00	4.950.00
5		293.00	13,185,00

Prepared by:

JOMAR B. SERQUIÑA Forester 1

AUG 18 2022

#### **MEMORANDUM**

FOR

The Regional Executive Director

MIMAROPA Region

1515 L & S Building, Roxas Blvd.

Ermita, Manila

**FROM** 

The OIC PENR Officer

SUBJECT:

RESOLUTION NO. 2022-058

Respectfully forwarded is the memorandum from CENR Officer Efren L. delos Reyes dated August 01, 2022 regarding the result of administrative adjudication on the apprehended one (1) piece of Bogo lumber and four (4) pieces of Himbabao lumber with a total volume of 293.00 board feet at So. Naitan, Barangay Batasan, San Jose, Occidental Mindoro

The said apprehended forest products are now temporarily impounded at DENR-CENRO San Jose for safekeeping.

For your information and record.

ERNESTO E. TAÑADA



MIMAROPA Region

#### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

AUG 0 1 2022

#### **MEMORANDUM**

**FOR** 

The Regional Executive Director

DENR-MIMAROPA Region Roxas, Blvd., Ermita, Manila

**THRU** 

The OIC, PENR Officer

Mamburao, Occidental Mindoro

**FROM** 

The CENR Officer

SUBJECT

**RESOLUTION NO. 2022-058** 

Submitted herewith is the Resolution No. 2022-058 as a result of administrative adjudication on the apprehended five (5) pcs. assorted lumber (1 Bogo and 4 Himbabao-Alukon) having an aggregate volume 293.00 bdft. at So. Naitan, Brgy. Batasan, San Jose, Occidental Mindoro last September 12, 2021.

For your information and record.

EFREN . DELOS REYES

Cc:

PENRO CENRO SJ Records EMS File

> 10:31 08-12-22 10:31

RECORDS
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TIME: 42000



MIMAROPA Region

#### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

RE: APPREHENSION OF ABANDONED FIVE (5) PIECES OF BOGO AND HIMBABAO (ALUKON) LUMBERS WITH AN AGGREGATE VOLUME OF 293.00 BDFT. AT SO. NAITAN, BARANGAY BATASAN, SAN JOSE, OCCIDENTAL MINDORO ON SEPTEMBER 12, 2021

#### RESOLUTION No. 2022-058

This pertains to the apprehension of the abandoned five (5) pieces of Bogo and Himbabao (Alukon) lumbers with a total volume of 293.00 bdft. at So. Naitan, Brgy. Batasan, San Jose, Occidental Mindoro on September 12, 2021 at around 11:39 in the morning by the personnel from Enforcement and Monitoring Section (EMS) by the DENR-CENRO San Jose, Occidental Mindoro.

#### The facts of the subject case are as follows, to wit:

- That on September 12, 2021, the Enforcement and Monitoring Section (EMS) of the DENR received an information from a confidential asset that there is an undocumented lumbers found within the jurisdiction of So. Naitan, Brgy. Batasan, San Jose, Occidental Mindoro. That when the EMS team arrived in the said area, they found out that indeed there was an abandoned five (5) pieces of Bogo and Himbabao (Alukon) lumbers with a total volume of 293.00 bdft. (please see attached transmittal e-mail and geo-tag photos)
- 2. That the team apprehended and hauled the five (5) pieces of Bogo and Himbabao (Alukon) lumbers with a total volume of 293.00 bdft, that was found abandoned and temporarily impounded at the DENR-CENRO San Jose Occidental Mindoro, for safekeeping. (Please see attached apprehension report.)
- 3. That the corresponding Apprehension Receipt with CENRO Control No.2021-F412 was issued by the apprehending Officer, Deputy Chief EMS, Forester I Jomar B. Serquiña. (please see attached apprehension receipt)
- That the Seizure order with CENRO Control No. 2021-F412 was issued by the Seizure Officer, EMS Chief, Forester III Hector S. Aragones Jr. ( please see attached seizure order)
- 5. That a recapitulation and assessed value of the abandoned forest products was made by the apprehending officer, EMS Deputy Chief, Forester I Jomar B. Serquiña. (please see attached recapitulation and assessed value report)
- 6. That a PABATID SA PUBLIKO (Notice to the Public) was posted in conspicuous places such as at So. Naitan and at the Brgy. Hall of Barangay Batasan, San Jose, Occidental Mindoro. (please see attached)
- That NO Administrative hearing was made because the said forest products were found ABANDONED.

The issues to be resolved in this case are as follow;

1. Whether or not the apprehended abandoned FIVE (5) PIECES OF BOGO AND HIMBABAO (ALUKON) LUMBERS WITH A DIMESION OF ONE (1) PIECE 10"x10"x12' BOGO, ONE (1) PIECE; ONE (1) PIECE OF 3"x8"x12' HIMBABAO (ALUKON); ONE (1) PIECE 4"x6"x12' HIMBABAO (ALUKON); ONE (1) PIECE 10"x11"x12 WITH A TOTAL VOLUME OF 293.00 BDFT. be confiscated in favor of the government.

The grounds for apprehension and seizure of the forest products is valid, as the abandoned forest product is not supported with any cutting permit issued by the office of the DENR-CENRO San Jose, Occidental Mindoro.

Presidential Decree No. 705, May 19, 1975, revising Presidential Decree No. 705 otherwise Known as the Forestry Reform Code of the Philippines, as amended by Executive Order No. 277 and republic Act No. 7161, states that;

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

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SECTION 77-A. Administrative Authority of the Department Head or His Duly Authorized Representative to Order Confiscation. — In all cases of violations of this Code or other forest laws, rules and regulations, the Department Head or his duly authorized representative, may order the confiscation of any forest products illegally cut, gathered, removed, or possessed or abandoned, and all conveyances used either by land, water or air in the commission of the offense and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter.

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Department Administrative Order No. 97-32

Sec. 2. Items subject to apprehension, seizure, confiscation and forfeiture.

a. ILLEGAL FOREST PRODUCTS - Any forest products(s) defined in Section 1(e) above that are removed, cut, collected, processed and/or transported: (a) without the requisite authorization or permit; or (b) with incomplete required supporting documents 1; (c) with genuine authorizations or permits and/or supporting documentation that have an expired validity, have been cancelled or that contain forged entries; or (d) with spurious (fake) authorizations, permits and/or supporting documentation. In implementing these Rules, original documents shall be required at all times to actually accompany any forest products being moved or transported to any place and for any purpose. Whenever the requisite authorization and/or supporting documentation are required to but do not actually accompany the forest products, such absence constitutes a violation covered by these Rules.

#### Sec. 8. Abandoned Illegal Forest Products.

The following procedures apply in cases where illegal forest products and other items listed in Section 2 hereof are abandoned, or when the owner, claimant, custodian or other interested Patry(ies) is unknown, cannot be determined, or cannot otherwise be found.

Par.3. Summary Seizure/Confiscation Proceedings shall be conducted by the hearing officer designated in these rules. In such cases the Notice of Hearing shall be posted at least three (3) times, once a every week for three (3) consecutive weeks, in at least three (3) public places, including but not limited to: (a) the Barangay Hall of the apprehension site; (b) the Bulletin Board of the DENR Offices where the Proceedings will be conducted, and (c) at the Municipal Hall of the apprehension site.

Should the owner, claimant or other interested Party failed to appear at the Proceedings, such failure shall be deemed a waiver of the right to appear and of any/all rights to the items apprehended in favor of the Government.

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1. The enumerated statements of facts, pieces of evidence and circumstances surrounding the above stated case, shows that the apprehended FIVE (5) PIECES OF BOGO AND HIMBABAO (ALUKON) LUMBERS WITH A DIMESION OF ONE (1) PIECE 10"x10"x12' BOGO, ONE (1) PIECE; ONE (1) PIECE OF 3"x8"x12' HIMBABAO (ALUKON); ONE (1) PIECE 4"x6"x12' HIMBABAO (ALUKON); ONE (1) PIECE 10"x11"x12 WITH A TOTAL VOLUME OF 293.00 BDFT. shall be confiscated in favour of the government since those lumbers are product of an illegal act.

Based in the case at bar, the cutting of forest products without legal documents if proven is a violation of Section 77 of PD 705 as amended by Executive Order No. 277 and Republic Act 7161 thus subject to confiscation. Moreover, in occasion where the said illegal forest products was said to be abandoned it shall also be confiscated in favor of the Government, under Section 8 Par. 3 of Department Administrative Order (DAO) 97-32.

Wherefore, pursuant to Section 77 and 77-a of PD 705 as amended, section 2 and 7 of DENR Administrative Order No. 97-32, series of 1990 and based on DAO 98-24 (Manual of Approvals) the following are hereby recommended:

1. The abandoned FIVE (5) PIECES OF BOGO AND HIMBABAO (ALUKON) LUMBERS WITH A DIMESION OF ONE (1) PIECE 10"x10"x12' BOGO, ONE (1) PIECE; ONE (1) PIECE OF 3"x8"x12' HIMBABAO (ALUKON); ONE (1) PIECE 4"x6"x12' HIMBABAO (ALUKON); ONE (1) PIECE 10"x11"x12 WITH A TOTAL VOLUME OF 293.00 BDFT. shall be confiscated in favour of the government since those lumbers are product of an illegal act.

Issued thisOccidental Mindoro.	day	of	AUG	0 1	2022	at	DENR-CENRO	San	Jose,
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Prepared By:

HECTOR'S. ARAGONES JR

Forester III Hearing Officer

Noted By:

EFREN L. DELOS REYES

CENR Officer



## COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

#### EMAIL FOR TRANSMISSION SEPTEMBER 13, 2021

FOR:

THE REGIONAL EXECUTIVE DIRECTOR

**DENR-MIMAROPA REGION** 

ERMITA, MANILA

THRU:

THE ASSISTANT REGIONAL DIRECTOR

TECHNICAL SERVICES

FROM:

THE OIC, CENR OFFICER

PLEASE BE INFORMED THAT THE PERSONNEL OF ENFORCEMENT AND MONITORING SECTION OF DENR-CENRO SAN JOSE HAD APPREHENDED THE FOLLOWING ABANDONED FLITCHES: ONE (1) PIECE OF BOGO SPECIES WITH A DIMENSION OF 10x10x12 AND FOUR(4) PCS. OF HIMBABAO (ALUKON) SPECIES WITH A DIMENSION OF 3x8x12 CMA 5x7x12 CMA 4x6x12 and 10x11x12 WITH A TOTAL VOLUME OF 293.00 BOARDFEET AT SITIO NAITAN CMA BARANGAY BATASAN CMA SAN JOSE CMA OCCIDENTAL MINDORO ON SEPTEMBER 12, 2021 AT AROUND 11:39 IN THE MORNING PD

SAID FOREST PRODUCTS WERE BROUGHT TO THE DENR-CENRO IMPOUNDING STATION AT BRGY. MURTHA CMA SAN JOSE CMA OCCIDENTAL MINDORO FOR SAFEKEEPING PD

FOR INFORMATION CMA RECORD AND FURTHER INSTRUCTION PD

DMO IV ABEN

SENDER:

WILFREDO'A ABEN

DMO IV

In-Charge, Office of the CENRO

NR Officer:



## COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph









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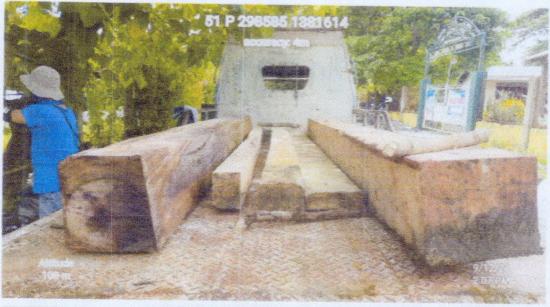




## COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph







#### Republic of the Philippines Department of Environment and Natural Resources CENRO SAN JOSE Address: Labangan, San Jose, Occidental Mindoro

#### APPREHENSION RECEIPT

CENR	O Co	ontrol N	Vo.:	2021-F	412	Province and the second
Messinkethnung makapasa jangsasi ana	emissionals sent energy consum	Applica Cetto Con Tempo (p. m) reproposes	***************************************			
F-FMS	No-	2021-1	7511	0_F412	)	

This APPREHENSION RECEIPT is issued to -

Name	Address	Civil Status	Age	Participation	Status of the Person
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				от в стоя такор с то по порожно в вы стоя станова на продава на прости в стоя по по По по	

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

-18	T'	TO F
1.	rorest	Products:

	MA	JOR FO	REST PRO	DDUCTS		эндөгө ойын тарын тарын үч төйүйчүчүн үчүү борон орон тарын тарын тарын тарын тарын тарын тарын тарын тарын тары		en Maria en mario de la esta en la compaña en la compaña de la compaña de la compaña de la compaña de la compaña	
Kind	Ite m:	Source/ Origin of Forest Produc ts		Species	Pi ec es	Volume/Unit of Measurement	Estimated Value	Impounding Area	Cust odia n
Lum ber			C&F	Bogo	1	10x10x12=100	4,500.00	DENR-	
			Prilipwood Chipwood	Himbabao (Alukon)	1	3x8x12=24.00	1,080.00	CENRO San Jose Office	
			machiner		1	5x7x12=35.00	1,575.00	Compound	
					1	4x6x12=24.00	1,080.00		
			De la constante de la constant		1	10x11x12=110	4,950.00		North-control extension on the control extension of the control extensi
Total					5	293.00	13,185.00		

Kind	Unit of Measurement	No. of Units	Estimated Value	Custodian
N/A	N/A	N/A	N/A	N/A
And the state of t				

Туре	Make/M odel/Yea r	Plate No.	Color/Mar kings	CR No.	OR No.	Engine No.	Chassis No.	Accessorie
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Estimated V	alue:				14/21

Kind	Quantity	Gender	Color
N/A	N/A	N/A	N/A

Equipme	ent Involved				
Туре	Quantity	Details	Impounding Area	Custodian	Estimated Value
N/A	N/A	N/A	N/A	N/A	N/A

Implements Involved	
Туре	Quantity
N/A	N/A

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

APPREHENS	ION					
Date and		Place of Ap	prehension	Primphintines and a symbol site only large with stringer dependence on each site in a consistence		Factual
Time of Apprehensio n	Province	City/Munici pality	Barangay	Sitio	Apprehendi ng Officer	Legal Basis for Apprehensio
Sept. 12, 2021 11:39 am	OCC. MINDORO	SAN JOSE	BATASAN	NAITAN	DENR PERSONNEL	SEC. 68, PD 705

15/ as	te hereby declare under apprehension on the following FACTUAL reasons:
*	

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 12th day of September , year 2021 at San Jose, Occ. Mindoro.

# PPREHENDING OFFICER (Signature over Printed Name)

1. JOMAR B. SERQUIÑA		
Position: Forester I		
Address: DENR CENRO San Jose		
(-/.0)		
No.		
2. DOMINIC L. VIDAL	•	
Position: Forest Technician I		
Address: DENR-CENRO San Jose		
3. LOREN KAYE A. GARCIA		
Position: Royest Technician II		
Address: DENR-CENRO San Jose		
	EATERN INCOMO	
	WITNESSES:	
		Mary discussion in the contract of the contrac
	NT/REPRESENTATIVE/DRIV	VER
(Signa	ature over Printed Name)	
1	ature over Printed Name)  3	
1Position:	3Position:	
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1Position:	3Position:	
1Position:	3Position:	
1	3 Position: Address:	
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1	3 Position: Address:	
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1Position:Address:	3 Position: 4 Position:	
1Position:Address:  2Position:Address: Copy Received by:	3 Position: Address:	

# Republic of the Philippines Department of Environment and Natural Resources CENRO SAN JOSE

## Address : Labangan San Jose, Occidental Mindoro

#### SEIZURE ORDER

CENRO Control No.: 2021-F412

E-FMS No: 2021-175110-F412

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 the following forest products are hereby ordered seized, to wit:

#### **FACTS**

1. Forest Products:

Kin d	Item:	Sourc e/ Origi n of Forest Produ cts	Species Grouping	Species	Piec es	Volume/Unit of Measurement	Estimated Value	Impounding Area	Custodia n
lum ber			C&F	Bogo	1	10x10x12=100	4,500.00	DENR- CENRO San Jose Compound	and the second section of the second
		2010		Himbabao (Alukon)	1	3x8x12=24.00	1,080.00		annonità de minore interpri del refrederità replacemento que
					1	5x7x12=35.00	1,575.00		
					1	4x6x12=24.00	1,080.00		
				Per Andrés de Caracter de Cara	1	10x11x12=110	4,950.00		
apatrica and a part of the par	Doortelline			And the state of t	Contract of the Contract of th		The state of the s		Olimopanji Andria di Andria Andria and Andria A
TOTAL					5	293.00	13,185.00		

Kind	Unit of Measureme nt	No. of Units	Estimated Value	Custodia
N/A	N/A	N/A	N/A	N/A
	Aprilmente de la companya de la comp			

Conveyance Involved								
Туре	Make/ Model/ Year	Plate No.	Color/Markings	CR No.	OR No.			
N/A	N/A	N/A	N/A	N/A	N/A			
				interestable and an interest and an entire transfer development and management				

Engine No.	Chassis No.	Accessories	Estimated Market Value	Custodian'
N/A	N/A	N/A	N/A	N/A

<sup>\*</sup>turned over to the highest officer of the Regional Office concerned if government-owned vehicle.

Kind	Quantity	Gender	Age (Adult/Young)	Color	Custodian
N/A	N/A	N/A	N/A	N/A	N/A

uipment Involve	ed			mmegin on the first on a more that indicate the place of
Type	Quantity	Details	Estimated Value	Custodian
N/A	N/A	N/A	N/A	N/A
enemente d'embre committe de miser en mont en en entre en entre en entre en entre en entre en en en en entre e En entre en				nerginal moneral epikolin menesen kapitan tera protesta ana tunguka sepenyuan pula ulip sebanyuan pelukulan di

Туре	Quantity	Details	Custodian
N/A	N/A	N/A	N/A

The subject Forest Products and other 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

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

SEIZURE						
Date and		Place of Seizure				
Time of Seizure	Province	City/Mun icipality	Barangay	Siti	Seizing Officer	Legal Basis for Seizure
Sept. 12, 2021 5:10 pm	OCC. MINDORO	SAN JOSE	L.ABANGAN	N/ A	Forester III Hector S. Aragones Jr.	NO LEGAL DOCUMENT

Examination Conducted by Seizure Officer:

Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			
			et ment de mej de mej de mej de met de mej de de mej de de de mej de de mej de mej de de mej

After thorough evaluation of the Apprehension Report dated <u>September 12, 2021</u> and all relevant documents submitted, 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 laws and DENR regulations have been violated and that the offender is probably guilty thereof.

Hence, the foregoing forest products/conveyance/equipment/implement are hereby ordered seized and now under government custody (except government-owned vehicles).

So ordered this 12th day of September, 2021 at Brgy. Labangan, San Jose, Occidental Mindoro.

HECTOR'S ARAGONES JR.
Seizure Officer/Hearing Officer



### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

SEP 13 2021

#### **UNANG PABATID SA PUBLIKO**

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAKUHANG ISANG (1) PIRASONG BOGO AT APAT (4) NA PIRASONG HIMBABAO(Alukon) NA KAHOY NA MAY IBA'T-IBANG SUKAT AT MAY KABUUANG DAMI NA 293.00 BDFT. SA BRGY. CENTRAL,SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-12 NG SETYEMBRE, 2021 SA GANAP NA ALAS 11:39 NG UMAGA.

ANG NASABING KAHOY AY DINALA SA OPISINA NG DENR-CENRO SAN JOSE SA BRGY. LABANGAN, SAN JOSE, OCCIDENTAL MINDORO PARA SA PANSAMANTALANG PANGANGALAGA.

KUNG SINUMAN ANG NAGMAMAY-ARI NG NASABING KAHOY AY MAARING MAGTUNGO SA AMING TANGGAPAN.

LUBOS NA GUMAGALANG.

HECTOR'S. ARAGONES JR.

Forester III



## Republic of the Philippines Department of Environment and Natural Forces

MIMAROPA Region

#### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

SEP 2 0 2021

## IKALAWANG PABATID SA PUBLIKO

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LUBOS NA GUMAGALANG.

HECTOR'S. ARAGONES JR.

Forester III



## . Republic of the Philippines Department of Environment and Natural Reces

MIMAROPA Region

#### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

Brgy. Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457- 0236 / (043) 742-6627 Email: cenrosanjose@denr.gov.ph

SEP 2 7 2021

## INATIONS PABATID SA PUBLIKO

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAKUHANG ISANG (1) PIRASONG BOGO AT APAT (4) NA PIRASONG HIMBABAO(Alukon) NA KAHOY NA MAY IBA'T-IBANG SUKAT AT MAY KABUUANG DAMI NA 293.00 BDFT. SA BRGY. CENTRAL,SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-12 NG SETYEMBRE, 2021 SA GANAP NA ALAS 11:39 NG UMAGA.

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LUBOS NA GUMAGALANG,

HECTOR'S. ARAGONES JR.

Forester III Seizure Officer/ Hearing Officer



MIMAROPA Region

### COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

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#### RECAPITULATION AND ASSESSED VALUE

### A. Major Forest Products:

PCS.	SPECIES	DIMENSION	ESTIMATED VALUE
1	BOGO	10x10x12=100.00	4,500.00
pesse.	HIMBABAO(Alukon)	3x8x12=24.00	1,080.00
1	HIMBABAO(Alukon)	5x7x12=35.00	1,575.00
1	HIMBABAO(Alukon)	4x6x12=24.00	1,080.00
1	HIMBABAO(Alukon)	10x11x12=110.00	4,950.00
5		293.00	13,185.00

Prepared by:

JOMAR B. SERQUIÑA

Forester 1