Republic of the Philippines Department of Environment and Natural Resources

PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE **MIMAROPA** Region

OUTGO.

MEMORANDUM

FOR

The Regional Executive Director

MIMAROPA Region

1515 L & S Building, Roxas Blvd.

Ermita, Manila

THRU:

Assistant Regional Director

For Technical Services

FROM

The OIC PENR Officer

SUBJECT:

REPORT ON THE APPREHENSION OF UNDOCUMENTED FOREST PRODUCTS (19 PIECES OF TALUTO LUMBER) WITH A TOTAL

VOLUME OF 50.67 BOARD FEET AT BARANGAY BALANSAY,

MAMBURAO, OCCIDENTAL MINDORO

Respectfully forwarded is the memorandum from CENR Officer Anastacio A. Santos dated August 15, 2022 regarding the above-cited subject.

Both the Administrative and Criminal Case were filed against Mr. Wilman Montalbo for violation of Section 77 of PD 705 as amended by RA 7161.

The Hearing Officer Ariston SJ Ramos recommends the forfeiture of the said apprehended forest products in favor of the government.

For your information and record.



Republic of the Philippines Department of Environment and Natural Resources MIMAROPA Region

Community Environment And Natural Resources Office

So. Balud, Sto. Niño, Sablayan, Occidental Mindoro Email: cenrosablayan@denr.gov.ph

August 15, 2022

MEMORANDUM

FOR

The Regional Executive Director

DENR-MIMAROPA Region

1515 L&S Bldg. Roxas Blvd. Ermita Manila

THRU

The Provincial Environment and Natural Resources Officer

Mamburao, Occidental Mindoro

FROM

The Community Environment and Natural Resources Officer

Sablayan, Occidental Mindoro

SUBJECT

APPREHENSION REPORT OF UNDOCUMENTED

FOREST PRODUCTS (19 PIECES OF TALUTO LUMBER) WITH A TOTAL VOLUME OF 50.67 BOARD FEET AT BRGY. BALANSAY, MAMBURAO OCCIDENTAL

MINDORO

Respectfully submitted herewith is the detailed report on the administrative case and criminal case filed against Mr. Wilman Montalbo Daprosa, together with other enclosures, to wit:

- I -Completed Staff Work (CSW) Report
- II-Administrative Hearing conducted on July 15, 2022.
- III-Criminal Case docketed as 06a-INQ-22E-00145.
 - 1. Apprehension Receipt
 - 2. Seizure Order
 - 3. Seizure Receipt
 - 4. Pictures and other attachment

For your information, review, and evaluation.

FOR. ANASTACIO A. SA

RELEASED BY ..

TIME.

COMPLETED STAFF WORK REPORT ON THE APPREHENDED UNDOCUMENTED FOREST PRODUCTS, IN VIOLATION OF SECTION 77 OF PD 705 AS AMENDED BY RA 7161

I. HISTORY

This is in relation to Administrative Case No. 2022-07-15-22 for violation of Section 77 of PD 705 as amended by RA.

The case was filed against Wilman Montalbo Daprosa.

That on May 19, 2022, at around 9:30 in the morning, a phone call received by Mamburao MPS from concerned citizen informing that illegal logging activity was transpired at Barangay Balansay, Mamburao, Occidental Mindoro. Acting to the report, Intel personnel of Mamburao MPS led by PSSg Ricky Munar under the supervision of PMAJ RODOLFO CAMBA, ACOP, 2nd PMFC and PIU proceeded to the reported place to verify the veracity of the report.

The said suspect was caught in the act with the possession of cut sawn lumbers of Taluto. Upon checking and verification, the suspect failed to present necessary documents pertaining to the said confiscated lumbers.

It was brought and turned over to DENR PENRO Compound at Mamburao, Occidental Mindoro for safekeeping and proper disposition.

The accused were arrested and also brought to the Office of the Provincial Prosecutor at Mamburao, Occidental Mindoro for inquest proceeding.

The Regional Trial Court Branch 44 issued an information against Wilman Montalbo Daprosa for violation of Section 77, PD 705. The case was docketed as 06a-INQ-22E-00145.

The administrative hearing for the above apprehended illegal forest products was held on July 15, 2022 at the DENR-CENRO Sablayan Coordinating Office. EMS Chief Ariston SJ. Ramos acted as the hearing officer. The accused were present and given the chance to explain themselves.

OBSERVATION/FACTS

- 1. That the operatives of Mamburao Municipal Police Station conducted an anti-illegal logging operations at Barangay Balansay, Mamburao, Occidental Mindoro when they apprehended undocumented forest products.
- 2. That during the apprehension, it was found out that the accused were in possession of Taluto lumber.
- 3. That during the apprehension, accused were arrested namely Wilman Montalbo Garcia
- 4. That mere possession of timber or other forest products without the proper legal documents, even malice or criminal intent, is illegal under Section 77 of PD 705 as amended by RA 7161.

- 5. That in the Administrative hearing conducted on July 15, 2022, the accused stated that the apprehended Taluto lumber will be for personal used only
- 6. That the accused were arrested and brought to the Office of the Provincial Prosecutor at Mamburao, Occidental Mindoro for inquest proceeding.
- 7. That an information was issued against the accused on March 4, 2022. The case was docketed as 06a-INQ-22E-00145.

II. SUMMARY OF ADMINISTRATIVE PROCEEDINGS

It appears that the accused were caught during the illegal logging operations by the Mamburao Municipal Police Station. They were caught in the act with the possession of cut sawn undocumented forest products which is in violation of Section 77 of PD 705 as amended by RA 7161.

Section 77 clearly states that cutting, gathering, collecting or removing of timber or other forest products from any forest land without proper documents or permit from the proper authority is a violation under PD 705.

III. RECOMMENDATION

Based on the above statement of facts, administrative hearing and criminal case filed, it is hereby recommended that all forest products be forfeited in favor of the government.

Prepared by:

KARREEN D. ALVAREZ Forest Technician II Noted by:

Forester II/Chief, EMS

Republic of the Philippines Department of Environment and Natural Resources COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE Address Sablayan, Occidental Mindoro

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F-FMS No.:	*********					}								
his APPREH	ENSION I	RECEIPT is issued	to-											
Name		Address		Civil Statu	s	Age							Status of the Person	
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GOOD LUMBER	1			TALUTO	19	2	x	2	x	8	50.67	BD.FT	Php 3,040.00	CENR OFFICER
TOTAL					19						50.67	BD.FT	Php 3,040.00	
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	2. The sul	oject Forest Produ	cts and of	her items	have	underg	one the	folk	owin	g App	rehension p	roceedings.		
APPREHENS	ION													Factual
Date and T Appreher		Province	City/ Municipa		of Approx	orehens V	ion			Sitio)		Apprehending Officer	Legal Bas for
MAY 19, 2022 AM	10:00	Occidental Mindoro	Mambura o	BAL	ANSA	Υ							MAMB	Apprehen Violation Sec 77 o
		ereby declairing us	nder appr	rehension	na parkina		ring FA	CTU	ALı	reasons	:		L IVI	PD 70

Done this 19th day of May year 2022 at Sablayan, Occidental Mindoro.

Department of Environment and Natural Resources or his duly authorized representative.

APPREHENDING OFFICERS

(Signature over Printed Name)

3. PSSg RICKY MUNAR
Position:Intel Personnel
Address: MAMBURAO, OCC. MINDORO

OWNER/CLAIMANT/REPRESENTATIVE/DRIVER (Signature over Printed Name)

WILMAN MONTALBO DAPROSA
 Address: BRGY BALANSAY, MAMBURAO, OCC.MDO

WITNESSES
(Signature over Printed Name)

1. KARREEN D. ALVAREZ

Position: FOREST TECHNICIAN II

Address: MAMBURAO, OCCIDENTAL MINDORO

2

Position:

Address:

Signature over Printed Name

Signature over Printed Name

Remarks:

Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES MIMAROPA REGION

Community Environment and Natural Resources Sablayan,Occidental Mindoro

SEIZURE RECEIPT

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TOTAL				19								50.67 BD.FT	Php 3,040.00
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CENR Officer

Republic of the Philippines Department of Environment and Natural Resources CENRO Sablayan, Occidental Mindoro

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Kind	Item	Source/ Origin of Forest Products	Species Grouping	Species	Pcs.		Estimated Volume or BD.FT. Estimated				l Value			
GOOD LUMBER	1			TALUTO	19	2	х	2	х	8	50.67	50.67 BD.FT Php 3,0		
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2. The subject Forest Products and other items have undergone the following Apprehension proceedings.

Date and Time of Apprehension			Place of Apprehen		Factual	
	Province	City/ Municipality	Barangay	Sitio	Apprehending Officer	Legal Basis for Apprehensi
MAY 19, 2022 (10:00 AM)	Occidental Mindoro	MAMBURAO	BALANSAY		MAMB.	Violation o Sec 77 of Pl 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
WILMAN MONTALBO DAPROSA			45		

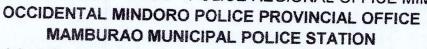
			on of the Apprehension Re		, 2022
	Submitted by			d after examining	
			nesses of the apprehension		
			ima facie evidence that exi		and regulations
	have been vic	plated and that the	e offender is probably guil	ty of	
	tions committed	are as follows:			
SECTION	ON 77, P.D 705				
dered this	19th day of	Mav. vear 20	22 At Sablavan, Occident	al Mindoro.	
dered this_	19th day of _	May, year 20	22_At Sablayan, Occident	al Mindoro.	
dered this_	19th day of _	May, year 20	22 At Sablayan, Occident	al Mindoro.	6
dered this_	<u>19th</u> day of _	May, year 20	22_At Sablayan, Occident	al Mindoro.	16
dered this_	19th day of _	May, year 20	22_At Sablayan, Occident		ACT A CTO A CANTOC
dered this_	19th day of _	May, year 20	22_At Sablayan, Occident		ASTACIOA SANTOS
dered this_	19th day of _	May, year 20	22_At Sablayan, Occident		CENR OFFICER
dered this_	19th day of _	May, year 20	22_At Sablayan, Occident		
dered this_	19th day of _	May, year 20	22_At Sablayan, Occident		CENR OFFICER
dered this_	19th day of _	May, year 20	22_At Sablayan, Occident		CENR OFFICER

C. EQUIPMENT AND OTHER IMOLEMENTS (Briefly describe the physical appearance and These items are apprehended at <u>Brgy. Balansay, Mamburao, Occ. Mindoro</u> on May 19, 2022.



Republic of the Philippines National Police Commission

PHILIPPINE NATIONAL POLICE - POLICE REGIONAL OFFICE MIMAROPA





Municipal Compound Barangay 8, Mamburao, Occidental Mindoro

MEMORANDUM

FOR

Provincial Director

Occidental Mindoro PPO

(Attn: C, PIDMU/ PIU/PCADU/POMU)

FROM

Officer-In-Charge

SUBJECT

Progress Report on Violation of P.D. 705

DATE

May 19,2022

1. Reference: Spot Report on Violation of P.D. 705 dated May 19, 2022.

- 2. At about 9:30 AM on May 19, 2022, a phone call was received by Mamburao MPS from a concerned citizen informing that illegal logging activity was transpired at Barangay Balansay, Mamburao, Occidental Mindoro. Acting to the report, Intel personnel of Mamburao MPS led by PSSg Ricky Munar under the supervision of PMAJ RODOLFO CAMBA, ACOP, 2nd PMFC, and PIU proceeded to the reported place to verify the veracity of the report that resulted in the apprehension Wilman Montalbo Daprosa and seized from their possession and control are nineteen (19) pcs of 2x2x8 with the volume of (50.66 bft) undocumented Taluto lumber with a street value of Two Thousand Twenty-Six Pesos (Php 2,026.00). The arrested suspect was appraised on their constitutional rights and brought to Mamburao MPS for documentation while confiscated lumber was turned over to DENR. The same personnel returned to this office at about 11:00 AM on this date. Investigator On-Case, PSSg Von Erick Macabenta with CP No. 09367151617.
- 3. The case for Violation of P.D. 705 filed at the Office of the Provincial Prosecutor against Wilman Montalbo Daprosa docketed under NPS Docket No. IV-06a-INQ 22E-00142-145. The subject person was released before this office as a resolution issued by Associate Prosecutor Stephen Lamanilao dated May 19, 2022. After summary investigation finds the evidence insufficient to prove the corpus delicti of the offense upon which the OPP may properly base its findings of the proper case to be a charge.

4. For information.

RODOLFO CAMBA

Police Ma



Republic of the Philippines NATIONAL POLICE COMMISSION

PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE MAMBURAO MUNICIPAL POLICE STATION



Brgy.8, Mamburao, Occidental Mindoro

MEMORANDUM

FOR

: Provincial Director, Occ Mindoro PPO

(ATTN: C, PIDMU/PIU/POMU/PCADU)

FROM

: Acting Chief of Police

SUBJECT

: Spot Report on Violation of P.D. 705

DATE

: May 19, 2022

1. WHAT: Violation of PD 705

2. WHERE: Barangay Balansay, Mamburao, Occidental Mindoro

3. WHEN: At about 10:00 AM, May 19, 2022

4. WHO: Suspects was identified as Wilman Montalbo Daprosa, 45 years old, married, farmer and resident of Barangay Balansay, Mamburao, Occidental Mindoro.

5. WHY/HOW:

At about 9:30 AM of May 19, 2022, phone call received by Mamburao MPS from concerned citizen informing that illegal logging activity was transpired at Barangay Balansay, Mamburao, Occidental Mindoro. Acting to the report, Intel personnel of Mamburao MPS led by PSSg Ricky Munar under supervision of PMAJ RODOLFO CAMBA, ACOP, 2nd PMFC and PIU proceeded to the reported place to verify the veracity of the report that resulted to the apprehension Wilman Montalbo Daprosa and seized from their possession and control are nineteen (19) pcs of 2x2x8 with volume of of (50.66 bft) undocumented Taluto lumber with street value of Two Thousand Twenty-Six Pesos (Php 2,026.00). Arrested suspect was appraised on their constitutional rights and brought to Mamburao MPS for documentation while confiscated lumber was turned over to DENR. Same personnel returned to this office at about 11:00 AM this date. Investigator On-Case, PSSg Von Erick Macabenta with CP No. 09367151617.

6. For information.

RODOLFO O CAMBA Police Maior



Republic of the Philippines Department of Environment and Natural Resources MIMAROPA Region

Community Environment And Natural Resources Office

So. Balud, Sto. Niño, Sablayan, Occidental Mindoro Email: denrcsby02@gmail.com

ACKNOWLEDGEMENT RECEIPT

TO WHOM IT MAY CONCERN:

THIS IS TO ACKNOWLEDGE THE RECEIPT from DENR-CENRO Sablayan-Occidental Mindoro, to wit;

No. of pieces	Dimension	Species	ESTIMATED VALUE	REMARKS
19 pcs	2x2x8	taluto	P4, 053. 33	

Received this 19th day of May 2022 at the Municipality of Mamburao, Occidental Mindoro.

TURNED OVER BY:

Agency / Address:

Time and Date:

RECEIVED BY: _ CAN

Agency/ Address : DENIL CENIL

Time and Date: | D=V



Republic of the Philippines NATIONAL POLICE COMMISSION PHILIPPINE NATIONAL POLICE MAMBURAO MUNICIPAL POLICE STA Mamburao, Occidental Mindoro

May 19, 2022

TURN OVER OF EVIDENCE

I PSSG Ricky Munar, legal age, PNP personnel and presently assigned at Mamburao MPS turned over nineteen (1) pleces of 2x2x8 good lumber. The subject evidence were seized in possession and control of Wilman Daprosa at Barangay Balansay, Mamburao, Occidental Mindoro.

Turned over by: PSCg PICINE MVNXR

Received by:

tous theight



Republic of the Philippines NATIONAL POLICE COMMISSION PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE MAMBURAO MUNICIPAL POLICE STATION Brgy.8, Mamburao, Occidental Mindoro



May 19, 2022

INVENTORY SHEET/RECEIPT FOR PROPERTY/GOODS RECOVERED

ITEM NO.	QUANTITY	PARTICULAR	WHERE SEIZED/TAKEN
	19 PCS	2x2x8 Taluto Lumber	POSSESSION AND CONTROL OF REYMAR WILMAN DAPROSA AT BRGY. BALANSAY, MAMBURAO, OCC MINDORO
Nothing to follows			

PSSg Ricky Emptierto Munar (Seizing Officer)

DEE MACARENTA



ADMINISTRATIVE ADJUDICATION For Violation of RA 9175 Administrative Case No.: 2022-07-15-22

ANG ADMINISTRATIBONG PAGDINIG AY GINANAP NGAYONG IKA- 15 NG HULYO 2022 SA GANAP NA IKA- 3:38 NG TANGHALI SA TANGGAPAN NG DENR-CENRO SABLAYAN COORDINATING OFFICE, MAMBURAO KANLURANG MINDORO LAYUNING MABIGYAN NG LINAW ANG ILANG BAGAY TUNGKOL SA MGA KAHOY NA WALANG KAUKULANG DOKUMENTO NA NAHULI NG GRUPO NG MAMBURAO MUNICIPAL POLICE STATION NOONG IKA- 19 NG MAYO, 2022.

PAALALA:

Ginoong Wilman Montalbo Daprosa, kayo po ay inimbitahan na dumalo sa pagdinig na ito upang marinig ang inyong panig ukol sa pagkakahuli ng mga kahoy na walang kaukulang dokumento na nahuli ng mga kagawad ng Mamburao Municipal Police Station.

Karapatan ninyo na sumagot o manahimik lamang sa mga katanungan sa inyo. Ang inyong mga sasabihin o isasagot ay maaaring gamitin pabor o laban sa inyo sa anumang hukuman.

1. TANONG: Naiintindihan mo ba ang iyong karapatan?

SAGOT:

Opo.

2. TANONG: Ikaw ba ay handang magsabi ng katotohanan at pawang katotohanan lamang.

SAGOT:

Opo.

3. TANONG: Kung ganon maari na po ba tayong magpatuloy sa pagdinig?

SAGOT:

Opo.

4. TANONG: Maari mo ba ipakilala ang iyong sarili?

SAGOT:

Ako po si Wilman Montalbo, 45 taong gulang, may asawa at 10 anak. Nakatira sa Barangay Balansay, Mamburao, Occidental Mindoro. Ako po ay nag aarawan.

Manney Onpose

5. TANONG: Nakakaintindi ka ba ng tagalog? Maalam ka ba magbasa at magsulat?

SAGOT:

Opo.

6. TANONG: Tanong ko lang, bakit ka nandito ngayon sa aming opisina?

SAGOT:

Kinasuhan po ako ng mga pulis.

7. TANONG: Bakit ka kinasuhan?

SAGOT: Dahil po sa mga kahoy na nasa aming bakuran.

8. TANONG: Anong kahoy ito?

SAGOT: Taluto po.

9. TANONG: Ilang piraso?

SAGOT:

19 na piraso pong 2x2

10. TANONG: Sa tingin mo bakit ka hinuli?

SAGOT:

Hindi ko po alam. Iniipon ko lamang po ang mga kahoy at gagamitin ko sa aking bahay.

11. TANONG: Sino mga humuli sa iyo?

SAGOT:

Mga pulis Mamburao po. Sila Munar.

12. TANONG: Nasampahan ka ba ng kaso?

SAGOT:

Opo.

13. TANONG: Nakulong ka?

SAGOT:

Opo.

Wilman Daprosit A

14. TANONG: Nag piyansa?

SAGOT:

Opo.

15. TANONG:Mga ilang piraso itong nakuha sa iyong mga kahaoy?

SAGOT:

Labing Siyam po.

16. TANONG: Ilang Boardfeet?

SAGOT:

Nasa 50 bdft po.

17. TANONG: Bibigyan kita ng pagkakataon na magsalita at sabihin ang iyong gustong iparating sa aming opisina. Anong gusto mong sabihin?

SAGOT:

Gusto ko lamang po sana na maayos na po ang problema na ito.

18. TANONG: Meron ka pang gusto idagdag o ibawas sa iyong salaysay?

SAGOT:

Wala na po.

19. TANONG: Handa mo bang lagdaan ang iyong salaysay o isinagot sa aming katanungan.

SAGOT:

Оро.

Wilman Dryprosm +

20. TANONG: At kung sakali po ba na kayo ay muling imbitahan ditto sa aming opisina, handa po ba kayong bumalik o makipa usap muli para sa karagdagang katanungan? SAGOT:

Opo.

21.. TANONG: Kung ganon, pansamantala nating tatapusin ang administratibong pandinig na ito.

SAGOT:

Оро.

Sinumpaan at nilagdaan ngayong ika-15 ng Hulyo taong 2022 sa ganap na ika-4:30 ng Hapon sa tanggapan ng CENRO Sablayan, Coordinating Office Mamburao Occ. Mindoro.

> Wilman Dagrosa WILMAN MONTALBO DAPROSA Nagsalaysay

SAKSI:

Hearing Officer:

· Forest Technician II



Republic of the Philippines Department of Environment and Natural Resources MIMAROPA Region

National Road, Brgy. Sto. Niño, Sablayan, Occidental Mindoro 5104
E-mail: cenrosablayan@denr.gov.ph

May 23, 2022

WILLIAM M. DAPROSA Brgy. Balansay, Mamburao, Occidental Mindoro

RECORDED

Ginoo,

Ang liham pong ito ay patungkol sa di umano'y nahuling 19 pirasong kahoy (Taluto) na may kabuuang dami na 50.66 bd.ft noong ika-19 ng Mayo, 2022 sa Brgy. Balansay, Mamburao Occidental Mindoro.

Dahil dito, inaanyayahan po namin kayo na dumalo sa isang pagdinig upang mabigyan kayo ng pagkakataon na maipalaiwanag ang inyong panig.

Ang pagdinig ay gaganapin sa ika-sampu ng umaga, Hunyo 15, 2022 sa tanggapan ng DENR-CENRO, Sto. Nino, Sablayan, Occidental Mindoro.

Gumagalang,

ANASTACIO A. SANTOS CENR Officer

MEKERA FOOD



Republic of the ppines Department of Environment and Natural Resources MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE National Road, Brgy.Sto. Niño, Sablayan, Occidental Mindoro E-mail: cenrosablayan@denr.gov.ph

IKALAWANG PABATID

July 11, 2022

G. WILMAN DAPROSA Barangay Balansay Mamburao, Occidental Mindoro

Ginoo,

Ito po ay may kaugnayan sa mga kahoy na natagpuan sa inyong pagmamay-ari na may daming 50.66 bd ft. noong ika-19 ng Mayo, 2022 sa Barangay Balansay, Mamburao, Occidental Mindoro na pawang walang pahintulot mula sa aming opisina.

Dahil po dito, kayo ay aming isasailalim sa isang pandinig (Administrative Hearing) tungkol sa "Violation of Section 77 of PD 705". Ang pagdinig ay gaganapin sa ika-3:00 ng hapon, July 15, 2022 sa tanggapan ng DENR-CENRO Sablayan Coordinating Office, Mamburao, Occidental Mindoro.

Inaasahan po namin ang inyong pakikiisa.

NEM 20 FLONEZ 07/13/22

Gumagalang,

July 15, 2022 Home dondress Signiture Genner 1. Cherry Lyn F. Daproca Charon F Balansay M 2. Wilman M. Paprosa Bolanery 3, Karrier Away Butantra F Saslagar 4. Ariston SI. Pancy W Mandymond, Occ. Mas.

Republic of the Philippines Department of Justice

OFFICE OF THE PROVINCIAL PROSECUTOR

Mamburao, Occidental Mindoro

MPS-MAMBURAO, OCC. MINDORO REP. BY: PSSg VON ERICK MACABENTA, Complainants,

NPS DOCKET NO. IV-06a-INQ-22E-00145

-versus-

-for-

WILMAN DAPROSA y MONTALBO, Respondent.,

VIOLATION OF PD 705

----X

RESOLUTION

For inquest before this office is the referral complaint filed by local PNP-Mamburao, Occidental Mindoro charging the above-named respondent for Violation of PD 705.

In support of the complaint are the following evidence, to wit: (a) SS of PSSg Von Erick Macabenta; (b) SS of PSSg Ricky Munar; (c) Spot Report; (d) Inventory of Confiscated/Seized Items; (e) Turn Over Receipt to DENR; (f) Acknowledgment Receipt from DENR; (g) Pictures; and (h) USB.

From the sworn statement of witnesses, it appears that on May 19, 2022 at on or about 9:30 o'clock in the morning, Mamburao Municipal Police Station received a phone call from a concerned citizen reporting illegal logging activity was transpired at Barangay Balansay, Mamburao, Occidental Mindoro. Acting on the said report, joint elements of MPS Mamburao led by PSSg Ricky under the supervision of PMAJ Rodolfo Camba, ACOP, 2nd PMFC and PIU proceeded at the said place to verify said report that resulted the apprehension of the respondent Wilman Daprosa y Montalbo. When they asked if they have any papers to show any permit for the possession and control of those cut lumbers, respondents could not show any. They then confiscated from his possession and control the said cut lumber consisting nineteen (19) pieces of 2x2x8, of Taluto lumber with a total volume of Fifty point Sixty-six (50.66) board feet and an estimated market value of Four Thousand Fifty-Three point Thirty-Three Pesos (Php4,053.33) and arrested the respondent. Hence, this complaint.

During the inquest proceeding, respondent did not opt to avail of his right to preliminary investigation.

After summary investigation, the undersigned finds the evidence insufficient to prove the corpus delicti of the offense upon which this Office may properly base its findings of the proper case to be charge.

WHEREFORE, premises considered, the instant case is hereby ordered to undergo Preliminary Investigation. The accused, WILMAN DAPROSA y MONTALBO who is in custody of PNP-Mamburao, Occ. Mindoro is hereby ordered released from custody unless held for some other lawful causes.

Further, the Chief of Police, Mamburao, Occidental Mindoro is hereby ORDERED to present and deliver before this Office the 50.66 board feet of the lumber confiscated from the respondent, within 24 HOURS from receipt hereof.

This Resolution is being issued with prior written authority from the Provincial Prosecutor Hon. Dante V. Ramirez in conducting inquest cases.

Mamburao, Occidental Mindoro, May 19, 2022.

STEPHEN A. LAMANILAO

Associate Provincial Prosecutor

Roll No. 57985

MCLE Compliance No. JVII-0012014

PSRg Macabanta OS /19/2000

wilman Daprosa 05/19/2022 04:28 pm

Republic of the Philippines Department of Justice

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

To be accomplished by the Office:

RepubliNVESTIGATION DATA FORM OFFICE OF THE PROVINCIAL PROSECUTOR Mamburao, Occidental Mindoro NPS DOCKET NO: W-OG a -1NO-22E -00145 DATE RECEIVED (Stamped and initialed) Time Received Assigned to: Receiving Staff Date Assigned: (To be accomplished by complainant/counsel/law enforcer) (Use back portion if space is not sufficient) COMPLAINANT/S: Name, Sex, Age, & Address RESPONDENT/S: Name, Sex, Age, & Address **PSSg Von Erick Macabenta** Wilman Montalbo Daprosa MAMBURAO MPS Brgy. Balansay, Mamburao Occ Mindoro CP # 09367151617 macabentavonerick7@gmail.com LAW/S VIOLATED: WITNESS/ES: Name & Address: P.D. 705 **PSSg Von Erick Macabenta PSSg Ricky E Munar MAMBURAO MPS** DATE & TIME of COMMISSION: PLACE of COMMISSION:lando May 19, 2022 Brgy. Balansay, Mamburao, Occidental Mindoro 1. Has a similar complaint been filed before any other office? 2. Is this complaint in the nature of a counter-affidavit? YES NO _____ If yes, indicate details below. 3. Is this complaint related to another case before this office? If yes, indicate details below. YES NO I.S. NO .: Handling Prosecutor: CERTIFICATION I CERTIFY, under oath, that all the information on this sheet is 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-

MAY 1 9 2022

judicial agency, and that if I should thereafter learn that similar action has been filed and/or is pending, I shall report that fact

SUBCRIBED AND SWORN TO before me this day of May 2022 in Mamburad, Oscidental Mindoro.

PSSg Von Erick Macabenta (Signature over printed pame

STEPHEN A LAMANILAO Associate Provincial Prosecutor

Administering Prosecutor/ Officer

to this Honorable office within five (5) days from knowledge thereof.

^{* 1.2,3} and CERTIFICATION need not be accomplished for inquest cases.



Republic of the Philippines National Police Commission PHILIPPINE NATIONAL POLICE MAMBURAO MUNICIPAL POLICE STATION



Mamburao, Occidental Mindoro

E-mail Add: Mamburaomps_11@yahoo.com Philippines

Station Hotline: 09391460626 ortment of Justice

OFFICE OF THE PROVINCIAL PROSECUTOR Marriburao, Occidi**Mayi 19,02022**

The Honorable Deputy Provincial Prosecutor Mamburao, Occidental Mindoro

Madam/Sir.

May I have the honor to refer to your good office for appropriate action the herein attached criminal charges Wilman Montalbo Daprosa, 45 years old, married, farmer and resident of Barangay Balansay, Mamburao, Occidental Mindoro for Violation of P.D. 705

FACTS OF THE CASE:

At about 9:30 AM on May 19, 2022, a phone call was received by Mamburao MPS from a concerned citizen informing that illegal logging activity was transpired at Barangay Balansay, Mamburao, Occidental Mindoro. Acting to the report, Intel personnel of Mamburao MPS led by PSSg Ricky Munar under the supervision of PMAJ RODOLFO CAMBA, ACOP, 2nd PMFC and PIU proceeded to the reported place to verify the veracity of the report that resulted in the apprehension Wilman Montalbo Daprosa and seized from their possession and control are nineteen (19) pcs of 2x2x8 with the volume of (50.66 bft) undocumented Taluto lumber with a street value of Two Thousand Twenty-Six Pesos (Php 2,026.00). The arrested suspect was appraised on their constitutional rights and brought to Mamburao MPS for documentation while confiscated lumber was turned over to DENR. The same personnel returned to this office at about 11:00 AM on this date. Investigator On-Case, PSSg Von Erick Macabenta with CP No. 09367151617.

Prepared by:

on Erick Macabenta Investigator-On-Case

ATTACHMENTS;

JA of PSSg Von Erick Macabenta JA of PSSg Ricky Munar Inventory/receipt **Jurn-over** CD Pictures

Spot Report Acknowledgment Receipt

Republika ng Pilipinas)
Lalawigan ng Occidental Mindoro: S.S	
Bayan ng Mamburao)
X	- X

JUDICIAL AFFIDAVIT

AKO, si **PSSg Von Erick Macabenta**, nasa hustong gulang, kawani ng Pambansang Pulisya ng Pilipinas na kasalukuyang nakatalaga bilang Chief Investigator dito sa Mamburao Municipal Police Station, kasalukuyang naninirahan sa Baranagay 8, Mamburao, Occidental Mindoro, matapos makapanumpa ng naaayon sa ating saligang batas ay kusang loob na nagsasalaysay ng mga sumusunod:

PANGUNANG SALITA

Ang nagtatanong sa akin sa Judicial Affidavit kong ito ay si PSSg Bernard Cris Gonzales, isang pulis na nakatalaga sa Investigation and Detective Management Section ng Mamburao Municipal Police Station, Mamburao, Occidental Mindoro. Ginanap ang pagtatanong niya sa akin sa Himpilan ding ito ngayong May 19, 2022.

Sinagot ko ang mga tanong sa akin sa ilalim ng aking sinumpaang salaysay na magsasabi ng katotohanan lamang at batid ko na maaari akong managot kung sakaling ako ay magsinungaling.

MGA TANONG AT SAGOT:

01.	TANONG	-	PSSg Von Erick Macabenta, ikaw ba ay magsasabi ng buong katotohanan at pawang katotohanan lamang sa pagsisiyasat na ito?
	SAGOT	-	Opo.
02.	TANONG	-	Ikaw ba ay handang magbigay ng iyong malaya at kusang- loob na salaysay?
	SAGOT	-	Opo.
04.	TANONG		Ano naman ang dahilan at ikaw ay naririto sa aming tanggapan at nagbibigay ng iyong malaya at kusang- loob na salaysay?
	SAGOT		Upang magbigay ng salaysay at ihabla sapaglabag sa P.D. 705 si Wilman Daprosa
05.	TANONG	-	Bakit nais mong kasuhan ng P.D. 705 ang taong nabangit mo?
	SAGOT -	Da	ahil sa nahuli po namin siya na namomosesyon ng hindi dokumentadong kahoy.
06.	TANONG	-	Kailan at saan mo naman nahuli si Wilman Daprosa na namomosesyon ng mga walang dokumentadong kahoy?
	SAGOT	-	Humigit kumulang 10:00 ng umaga, May 19, 2022 sa Barangay Balansay, Mamburao, Occidental Mindoro

S :

Mayroon po, ako rin po ang humawak ng ARD at ang nakuhang video mula sa ARD ay aking isinalin sa aming desktop computer at inilipat kung muli sa rewritable CD na siyang minarkahan ko ng VON-1

5/19/2022 na may pirma

16. T

Ikaw ba ay pinilit, tinakot, binigyan o pinangakuan ng anumang pabuya para gawin ang salaysay mong ito?

S :

Hindi po.

17. T

Handa mo bang lagdaan ang salaysay mong ito?

Opo.

PSSg Von Hrick Macabenta Nagsalaysay

OATH AND CERTIFICATION

1 9-MAX 2022

SUBSCRIBED AND SWORN TO BEFORE ME this _____ th day of April 2022, at Mamburao, Occidental Mindoro and Inereby certify that I have personally examined the herein affiant and that I am convinced and satisfied that he fully understood the contents of his statement and executed the same freely and voluntary.

Associate Provincial Prosecutor

ATTESTATION .

I attest to the fact that I personally supervised the taking of the testimony of the witness PSSg Von Erick Macabenta, the result was reduced in this Judicial Affidavit and I, further attest that the questions asked of the complainant and his answer to the same faithfully recorded and that no one assisted or coached the complainant when he answered the question asked him.

PSSg Bernard Cris Gonzales

Investigator

OATH AND CERTIFICATION

1 9-MAY 2022

SUBSCRIBED AND SWORN TO BEFORE ME this __th day of May 2022, at Mamburao, Occidental Mindoro and I hereby certify that I have personally examined the herein affiant and that I am convinced and satisfied that he fully understood the contents of his statement and executed the same freely and voluntary.

Associate Provincial Prosecutor

Republika ng Pilipinas)
Lalawigan ng Occidental Mindoro: S.S	
Bayan ng Mamburao)
Y	_ '

JUDICIAL AFFIDAVIT

AKO, si PSSg Ricky Empuerto Munar, nasa hustong gulang, mayasawa, kawani ng Pambansang Pulisya ng Pilipinas na kasalukuyang nakatalaga bilang Intel operative dito sa Mamburao Municipal Police Station, kasalukuyang naninirahan sa Sta Cruz, Occidental Mindoro, matapos makapanumpa ng naaayon sa ating saligang batas ay kusang loob na nagsasalaysay ng mga sumusunod:

PANGUNANG SALITA

Ang nagtatanong sa akin sa Judicial Affidavit kong ito ay si PSSg Von Erick N Macabenta, isang pulis na nakatalaga sa Investigation and Detective Management Section ng Mamburao Municipal Police Station, Mamburao, Occidental Mindoro. Ginanap ang pagtatanong niya sa akin sa Himpilan ngayong May 19, 2022.

Sinagot ko ang mga tanong sa akin sa ilalim ng aking sinumpaang salaysay na magsasabi ng katotohanan lamang at batid ko na maaari akong managot kung sakaling ako ay magsinungaling.

MGA TANONG AT SAGOT:

01.	TANONG	-	PSSg Ricky Empuerto Munar, ikaw ba ay magsasabi ng buong katotohanan at
	SAGOT	-	pawang katotohanan lamang sa pagsisiyasat na ito? Opo.
02.	TANONG	-	Ikaw ba ay handang magbigay ng iyong malaya at kusang- loob na salaysay?
	SAGOT	-	Opo.
04.	TANONG	-	Ano naman ang dahilan at ikaw ay naririto sa aming tanggapan at nagbibigay ng iyong malaya at kusang- loob na salaysay?
	SAGOT	-	Upang magbigay ng salaysay at ihabla sapaglabag sa P.D. 705 si Wilman Daprosa
05.	TANONG	-	Bakit nais mong kasuhan ng P.D. 705 ang taong nabangit mo?
	SAGOT	- Da	ahil sa nahuli po namin siya na namomosesyon ng hindi datumentadong kahoy.
06.	TANONG	-	at saan mo naman nahuli si Wilman Daprosa na namomosesyon ng mga walang dokumentadong kahoy?
	SAGOT	-	Humigit kumulang 10:00 ng umaga, May 19, 2022 sa Barangay Balansay, Mamburao, Occidental

Mindoro



07.	TANONG SAGOT	-	Sa paanong paraan mo naman siya nahuli? Ganito po iyon, nakatangap ng tawag ang aming himpilan galing sa isang concern citizen at ipinagbigay alam niya na mayroong nagaganap na illegal na paghahakot ng mga walang dokumentong mga kahoy sa Barangay Balansay, Mamburao, Occidental Mindoro
08.	TANONG SAGOT	-	Ano naman ang ginawa ninyong aksyon matapos ninyong matangap ang impormasyon? Agad po kaming nagtungo sa lugar kung saan nangyayaring paghahakot ng mga walang dokumentong kahoy.
09.	TANONG SAGOT	-	Ano naman sumunod na nangyari, kung meron man? Naaktuhan namin ang isang tao na kasalukuyang nag aayos ng mga bagong hakot na kahoy.
10.	TANONG SAGOT	-	Nakilala mo ba yung taong naaktuhan mong na momosesyong ng mga kahoy? Opo, si Wilman Daprosa
11.	TANONG	-	Ano naman ang mga ebedenbsyang nakuha mo at
	SAGOT	_	nakumpiska sa kanya? Nakumpiska ko sa kanya ang labing siyam na piraso ng kahoy na Taluto na may sukat na 2x2x8 na may kabuoang volume na 50.66 bft.
12.	TANONG	-	Ano pa ang mga sumunod na nangyari, kung meron man? Hinanapan ko siya ng permit para sa mga kahoy galing DENR pero ala siyang maipakita sa akin
	SAGOT	-	
13.	TANONG	-	Ano pa ang mga sumunod na nangyari, kung meron man matapos wala siyang maipakitang permit? Ipinaalam ko po kay Wilman Daprosa na siya ay mahaharap sa kasong paglabag sa P.D. 705 at ipinaalam ko sa kanila ang kanilang mga karapatan na naayon sa batas.
	SAGOT		
14.	Т	:	Meron ba kayong gamit na Body Worn Camera o Alternative Recording Device na inuubliga ng batas
	S	:	ngayon? Wala po kaming Body Worn Camera pero may Alternative Recording Device naman po kaming gamit na pasok at naaayon sa batas gamit ni PSSg Von Erick Macabentaang isang Samsung A22 5g.
15.	T	:	Sa anong kadahilanan at wala kayong gamit na body camera?
	S	:	Wala po kaming issue na body camera at ang pagkakadakip po kay Wilman Daprosa ay resulta ng police response at hindi planadong operasyon, may gamit rin po kaming alternative recording device na pasok sa itinatadhana ng batas.

16. T : Wala na akong itatanong sa iyo, mayroon ka pa bang nais idagdag o bawasin sa salaysay mo?
S : Meron po, ang mga ebedensya po ay na agad rin naman naiturn over sa DENR.
17. T : Ikaw ba ay pinilit, tinakot, binigyan o pinangakuan ng anumang pabuya para gawin ang salaysay mong ito?
S : Handa mo bang lagdaan ang salaysay mong ito?

Opo.

S

PSSg Ricky Munar Nagsalaysay

OATH AND CERTIFICATION

1 9-MAY 2022

SUBSCRIBED AND SWORN TO BEFORE ME this ____ day of May 2022, at Mamburao, Occidental Mindoro and I hereby certify that I have personally examined the herein affiant and that I am convinced and satisfied that he fully understood the contents of his statement and executed the same freely and voluntary.

STEPHEN A. LAMANILAO
Associate Provincial Prosecutor

ATTESTATION

I attest to the fact that I personally supervised the taking of the testimony of the witness **PSSg Ricky Munar**, the result was reduced in this Judicial Affidavit and I, further attest that the questions asked of the complainant and his answer to the same faithfully recorded and that no one assisted or coached the complainant when he answered the question asked him.

PSSg Von Erick Macabenta Investigator

OATH AND CERTIFICATION

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STEPHEN A LAMANILAO
Associate Provincial Prosecutor

Republika ng Pilipinas	1
Lalawigan ng Occidental Mindoro : S.S)
Bayan ng Mamburao	,
X)

JUDICIAL AFFIDAVIT

AKO, si PSSg Ricky Empuerto Munar, nasa hustong gulang, mayasawa, kawani ng Pambansang Pulisya ng Pilipinas na kasalukuyang nakatalaga bilang Intel operative dito sa Mamburao Municipal Police Station, kasalukuyang naninirahan sa Sta Cruz, Occidental Mindoro, matapos makapanumpa ng naaayon sa ating saligang batas ay kusang loob na nagsasalaysay ng mga sumusunod:

PANGUNANG SALITA

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Sinagot ko ang mga tanong sa akin sa ilalim ng aking sinumpaang salaysay na magsasabi ng katotohanan lamang at batid ko na maaari akong managot kung sakaling ako ay magsinungaling.

MGA TANONG AT SAGOT:

01.	TANONG	-	PSSg Ricky Empuerto Munar, ikaw ba ay magsasabi ng buong katotohanan at
	SAGOT	_	pawang katotohanan lamang sa pagsisiyasat na ito? Opo.
02.	TANONG	-	Ikaw ba ay handang magbigay ng iyong malaya at kusang- loob na salaysay? Opo.
	SAGOT	-	
04.	TANONG	-	Ano naman ang dahilan at ikaw ay naririto sa aming tanggapan at nagbibigay ng iyong malaya a kusang- loob na salaysay? Upang magbigay ng karagdagang salaysay at ihabla sapaglabag sa P.D. 705 si Wilman Daprosa
	SAGOT	-	
05.	TANONG	-	Ano naman ang nais mong magbigay ng karagdagang salaysay? Upang maisama po sa aking salaysay na ang aking nakumpiskang kahoy mula kay Wilman Daprosa ay may kaukulang dami na 19 na piraso ay aking minarkahan.
	SAGOT		
06.	TANONG	-	Ano naman ang iyong nagging marka sa mga kahoy na iyong nakumpiska? Nilagyan kop o ito ng marka na M-1 hangang M-19
	SAGOT	-	



07. T Wala na akong itatanong sa iyo, mayroon ka pa bang nais idagdag o bawasin sa salaysay mo? S Wala na po. 08. T Ikaw ba ay pinilit, tinakot, binigyan o pinangakuan ng anumang pabuya para gawin ang salaysay mong ito? S 09 T Handa mo bang lagdaan ang salaysay mong ito? S

Nagsalaysay

OATH AND CERTIFICATION

MAY 20 2022

SUBSCRIBED AND SWORN TO BEFORE ME this May 2022, at Mamburao, Occidental Mindoro and I hereby certify that Thave personally examined the herein affiant and that I am convinced and satisfied that he fully understood the contents of his statement and executed the same freely

> A. LAMANILAO Associate Provincial Prosecutor

ATTESTATION

I attest to the fact that I personally supervised the taking of the testimony of the witness PSSg Ricky Munar, the result was reduced in this Judicial Affidavit and I, further affest that the questions asked of the complainant and his answer to the same faithfully recorded and that no one assisted or coached the complainant when he answered the question asked him.

> PSSq Vo rick Macabenta Investigator

OATH AND CERTIFICATION

MAY 20 2022

SUBSCRIBED AND SWORN TO BEFORE May 2022, at Mamburao, Occidental Mindoro and Thereby certify that I have personally examined the herein affiant and that I am convinced and satisfied that he fully understood the contents of his statement and executed the same freely

> STEPHENA. LAMANILAO Associate Provincial Prosecutor