

0 4 AUC 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. 2022-031

Respectfully forwarded herewith is the memorandum from CENR Officer Efren L. delos Reyes dated July 08, 2022 regarding the result of administrative adjudication on the apprehended one (1) unit of tricycle (RUSI MACHO X50, Color Red, with Chassis No. RSTPC150Z29391 and Engine No. RSPTC150Z9999591) loaded with five (5) sacks of undocumented charcoal at Barangay Bubog, San Jose, Occidental Mindoro.

For your information and record.



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

JUL 0 8 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. 2022-031

Submitted herewith is the Resolution No. 2022-031 as a result of administrative adjudication on the apprehended one (1) unit tricycle, RUSI MACHO X50, color Red, with Chassis Number RSTPC150Z29391 and Engine Number RSPTC150Z9999591 loaded with five (5) sacks of undocumented charcoal at Brgy. Bubog, San Jose, Occidental Mindoro by DENR personnel last December 9, 2019.

For your information and record.

Cc: PENRO CENRO-SJ Records EMS File



PENRO
RECEVEDBY: Qq. 39-3
DATE 7/14/22 TIME:
RELEASED DY:
NATE: TIME:

. DELOS REYES

EFREN



Republic of the Philippines rtment of Environment and Natura

MIMAROPA Region

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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

RE: APPREHENSION OFA CONVEYANCE - ONE (1) UNIT TRICYCLE, RUSI MACHO X50, COLOR RED WITH ENGINE NUMBER RSPTC150Z9999591 CHASSIS NUMBER RSTPC150Z29391 LOADED WITH FIVE (5) SACKS OF UNDOCUMENTED CHARCOALS AT BRGY. BUBOG, SAN JOSE OCCIDENTAL MINDOROON DECEMBER 19, 2019 AT AROUND 9:00 IN THE MORNING.

RESOLUTION No. 2022-031

This pertains to the apprehension of One (1) Conveyance – tricycle, Rusi Macho X50, color red, with engine number RSPTC150Z9999591 chassis number RSTPC150Z29391 loaded with five (5) sacks of undocumented charcoals at Barangay Bubog, San Jose, Occidental Mindoro on December 9, 2019, at around 9:00 in the morning by means of a monitoring and surveillance that was conducted to monitor the travelling of illegal forest products by the Personnel of Enforcement and Monitoring Section (EMS) DENR CENRO, San Jose, Occidental Mindoro.

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

- 1. That on December 9, 2019, around 9:00 in the morning, based on a monitoring and surveillance that was conducted to monitor the travelling of illegal forest products by the Personnel of Enforcement and Monitoring Section (EMS) DENR-CENRO, San Jose, Occidental Mindoro which yielded to the apprehension of One (1) Conveyance tricycle, Rusi Macho X50, color red, with engine number RSPTC150Z9999591 chassis number RSTPC150Z29391 loaded with five (5) sacks of undocumented charcoals, when asked if he has documents for the transport of the charcoals, he admitted that these charcoals have no documents coming from the office of the DENR. Upon interrogation the suspect's identity is known as Domingo Ludevico residing at Barangay San Roque II, San Jose, Occidental Mindoro. (Please see attached spot report and geo-tag photos)
- 2. That the team apprehended One (1) Conveyance tricycle, Rusi Macho X50, color red, with engine number RSPTC150Z9999591 chassis number RSTPC150Z29391 loaded with five (5) sacks of undocumented charcoals. These undocumented minor forest products and conveyance were in the office of DENR-CENRO, San Jose Occidental Mindoro, for temporary safekeeping. (Please see attached spot report and apprehension receipt.)
- 3. That the corresponding Apprehension Receipt with CENRO Control No.2019-F294 was issued by the apprehending officer headed by Forest Technician II Loren Kaye Garcia (please see attached apprehension receipt)
- 4. That after verifying the existence of a prima facie case against the offender, the Seizure Officer Forester III Hector S. Aragones, Jr. issued the Seizure Order with CENRO Control Number 2019-F29 to One (1) Conveyance tricycle, Rusi Macho X50, color red, with engine number RSPTC150Z9999591 chassis number RSTPC150Z29391 loaded with five (5) sacks of undocumented charcoals. (please see attached seizure order)
- 5. That a notice of Administrative Hearing was received by Domingo Ludevico and it was scheduled on December 11, 2019 at 9:00 in the morning. (please see attached Notice of Administrative Hearing)

6. That, an Administrative Hearing was held as sched on December 11, 2019 at 9:00 in the norning. (Please see transcript of mographic notes of the administrative hearing)

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

- Whether or not the APPREHENDED five (5) sacks of undocumented charcoal a minor forest products will be confiscated in favor of the government.
- Whether or not the APPREHENDED One (1) Conveyance tricycle, Rusi Macho X50, color red, with engine number RSPTC150Z9999591 chassis number RSTPC150Z29391 shall be confiscated in favor of the government.

The grounds for apprehension and seizure of the forest products is valid as well as the apprehension and seizure of the conveyance used in transporting the illegal forest products, as the apprehended forest products is not supported with any cutting permit issued by the office of the DENR CENRO San Jose, Occidental Mindoro and the conveyance is used in transporting the illegal forest products.

Under the following Provision's to wit.

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

xxx

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.

XXX

Department Administrative Order No. 97-32

Sec.2 Par. e. FOREST PRODUCTS: Refers to timber, including lumber, pulpwood, firewood, bark, tree top, resin, gum, wood, oil, honey, beeswax, nipa, rattan, charcoal, or other forest growth, such as but not limited to grass, shrub, flowering plants in forest lands and others.

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

a. HLEGAL 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 does supporting documentation are required to but do not actually accompany the forest products, such absence constitutes a violation covered by these Rules.

b. CONVEYANCE – any mode or type or class of vehicle or craft or any other means used for transportation either on land, water, air, or any combination thereof, whether motorized or not, used for in the taking and/or maintaining temporary or permanent possession or control, gathering, collecting, processing, disposing of, or otherwise transporting, moving or transferring illegal forest products.

xxx

3. The enumerated statements of facts, pieces of evidence and circumstances surrounding the above stated case, shows that the five (5) sacks of undocumented charcoal and One (1) Conveyance – tricycle, Rusi Macho X50, color red, with engine number RSPTC150Z9999591 chassis number RSTPC150Z29391 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, DENR Administrative Order 97-32, Sec 2, Par C. Provides that conveyance used in transporting an illegal forest product is/are subject to confiscation and seizure.

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) and DENR Administrative Order 97-32, Sec 1 Par E and Sec 2, Par C. the following are hereby recommended:

Theapprehended five (5) sacks of undocumented charcoal and One (1)
 Conveyance – tricycle, Rusi Macho X50, color red, with engine number
 RSPTC150Z9999591 chassis number RSTPC150Z29391 shall be
 confiscated in favour of the government since those lumbers are products
 of an illegal act.

Issued this _____ day of _____ JUL 07 2022

Jose, Occidental Mindoro. _____ at DENR-CENRO San

Prepared by:

HECTO'S ARAGONES, JR. Forester III/Hearing Officer

EFREN L. DELOS REY

Noted by:

CENR Office



Republic of the Philippines

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region IV-MIMAROPA

Community Environment and Natural Resources Brgy. Labangan, San Jose, Occidental Mindoro

DENR-IVB-CENRO SJO: (Enforcement and Monitoring Section) Supervision

EMAIL FOR TRANSMISSION

November 10, 2019

FOR:

THE REGIONAL EXECUTIVE DIRECTOR

DENR, MIMAROPA REGIONAL OFFICE

ERMITA, MANILA

THRU:

ARD FOR TECHNICAL SERVICES

DENR, MIMAROPA REGIONAL OFFICE

ERMITA, MANILA

FROM:

CENRO SAN JOSE

OCCIDENTAL MINDORO

PLEASE BE INFORMED THAT THE ENFORCEMENT AND MONITORING SECTION PERSONNEL OF CENRO SAN JOSE HAD APPREHENDED ONE (1) UNIT OF TRICYCLE – RUSI MACHO TC 150 - COLOR RED – ENGINE NO. RSPTC150Z29591 - CHASSIS NO. RSPTC150Z29591– WITH NO PLATE NO., LOADED WITH FIVE (5) SACKS OF CHARCOAL IN BARANGAY BUBOG, SAN JOSE, OCCIDENTAL MINDORO LAST DECEMBER 09, 2019 AT AROUND 7:48 PM IN THE EVENING.

THE SAID CONVEYANCE WITH THE FOREST PRODUCTS WAS DRIVEN BY A CERTAIN LUDIVICO DOMINGO, HENCE, SAID CONVEYANCE AND FOREST PRODUCTS ARE SUBJECTED TO APPREHENSION.

SAID CONVEYANCE AND FOREST PRODUCTS IS NOW IMPOUNDED AT DENR-CENRO OFFICE COMPOUND.

FOR HIS INFORMATION AND RECORD.

OIC, DMO IV WILFREDO A. ABEN

SENDER:

WILFREDO A. ABEN



Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region IV-MIMAROPA

Community Environment and Natural Resources Brgy. Labangan, San Jose, Occidental Mindoro

PHOTO DOCUMENTATION











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Republic of the Philippines DEPARTMENT OF TRANSPORTATION

LAND TRANSPORTATION OFFICE



LTO R4B, NEW REGISTRATION UNIT

CERTIFICATE OF REGISTRATION

CR35335703-4

DATE:

07/12/2019

(MM-DD-YYYY) MV FIL 0403-00000187979 PLATE NO. RSPTC150Z29591 CHASETTC150Z29591 REVELEWITH SIDE CAR PISTON DISPLACEMENT 150 NO OF CYLINDERS FUEL RUSI PSEMES GAS BODY TYPE ML150-7A MTC BODY NO. YEAR M2018 130 GROSS WT 65 SHIPPING WT NET CAPACITY 65 PRESELA RAMINEZ SEBASTIAN TELEPHONE NO /CONTACT DETAILS

-- SAN ROQUE SAN JOSE OCCIDENTAL MINDORO REGION 4

DETAILS OF FIRST REGISTRATION OR 002019167007499

OR DATE

07/11/2019 AMT

864.06

RECEIVED FROM (Last name First name, MI)

FFICIAL RECEIPT

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199

DATE

Field Office Code:

ield Office

This is to certify that the Motor Vehicle described herein is duty registered. This certificate is VALID only when signed by authorized LTO Officials, Properly sealed and accompanied by Official Receipt as proof of payment. Any unauthorized erasure or alteration hereon will invalidate this document.

REGISTRANT'S SIGNATURE

EDGAR C. GALVANTE

BY: HILARION E. LILEDY DESIGNICE





East Avenue, Quezon City

DEPARTMENT OF TRANSPORTATION LAND TRANSPORTATION OFFICE

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

Address: Labangan, San Jose, Occidental Mindoro

APPREHENSION RECEIPT

| CENRO Co | ntrol No. | : 2019 | 1- F294 | |
|-----------|-----------|--------|---------------|--|
| Ę-FMS No: | 2019- | 175110 | -t29 9 | |

09075176888

This APPREHENSION RECEIPT is issued to -

| Name Ordinico Domingo | Address | Civil Status | Age | Participation | Status of the Person |
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| realization of the contract of | | | | 4-9/00 governooks | |

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

1. Forest Products:

| Kind | Item: | Source/ Origin of Forest Products | Species Grouping | Species | Pieces | Volume/Unit of Measurement | Estimated Value | Impounding Area | Custodian |
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2. The subject Forest Products and other items have undergone the following Apprehension proceedings.

| Date and | | Place of Apprehe | | | | |
|-------------------------|----------|------------------|----------|-------|-------------------------|--|
| Time of Apprehension | Province | | Barangay | Sitio | Apprehending Officer | Factual Legal Basis for Apprehension |
| 12/09/2019 7:48 1914 | MIN | SON SOSE | BUBOG | | Koren Kayp Yarcig | PD 705 |

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

· transport charcoal w/o pertinent documents

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 9th day of December year 2019 at

APPREHENDING OFFICER (Signature over Printed Name)

| 1. Laven Kaye Garcia Position: FTII/ID Address: CENRO SJ 2. DAN WERRO Position: PD Address: Rames 3. CHRISTOPHER KAMOS Position: PPO Address: | 4. APOLO FIERNATEZ Position: #PO Address: 5. ################################### |
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| WIT | TNESSES: |
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| | Date/ Time |

Republic of the Philippines Depar nt of Environment and Natural Reres

CENRO SAN JOSE

Address: Labangan San Jose, Occidental Mindoro

SEIZURE ORDER

CENRO Control No.:

2019- +294

E-FMS No:

2019 - 175110 - F294

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:

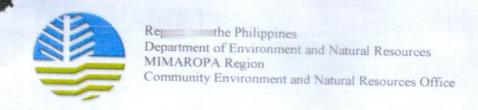
| Kind | Item: | Source/ Origin of Forest Products | Species Grouping | Species | Pieces | Volume/Unit of Measurement | Estimated Value | Impounding Area | Custodia |
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| After thorough evaluation of the Apprehension Report dated | and all |
| relevant documents submitted, and after examining personally the appropriate of | C . |
| of the apprehension about the violation committed it was determined it | |
| prima facie evidence that existing laws and DENR regulations have been violated an offender is probably guilty thereof. | d that the |
| Hence, the foregoing forest products/conveyance/equipment/implement are ordered seized and now under government custody (except government-owned vehicles) | e hereby |
| So ordered this 10th day Dec. 2019 at Brgy. Labangan, San Jose, Occidental 1 | |
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WILFREDO A. ABEN Seizure Officer/ Hearing Officer

| Copy furnished: | | |
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| PRINCIPAL STANSON AND AND AND AND AND AND AND AND AND AN | | |



December 10, 2019

NOTICE OF ADMINISTRATIVE HEARING

MR. LUDEVICO DOMINGO

Brgy. San Roque II, San Jose, Occidental Mindoro

Ginoong Domingo,

Isang maka-KALIKASANG pagbati!

Ito po ay may kaugnayan sa pangyayari noong ika-9 ng Disyembre, 2019 humigit kumulang alas 7:48 ng gabi kung saan ang inyong sasakyan tricycle RUSI MACHO X50, kulay pula, may Engine Number RSPTC150Z9591 at Chassis Number RSTPC150Z29391 na may kargang limang (5) sakong uling na nahuli ng mga tauhan ng DENR sa Brgy. Bubog, San Jose, Occidental Mindoro.

Ang nasabing sasakyan at uling ay dinala sa tanggapan ng DENR-CENRO San Jose Office sa Brgy. Labangan, San Jose, Occidental Mindoro.

Dahil dito, kayo po ay aming inaanyayahan dito sa aming tanggapan sa ika-11 ng Disyembre, 2019 ganap na ika 9000 ng umaga para sa isang pagdinig at maipaliwanag ang iyong panig.

Maraming salamat po.

Lubos na gumagalang,

WILFREDO A. ABEN

DMO IV

Hearing Officer/ Seizure Officer



ATTENDANCE

December 11, 2019

HASSIS NUMBER RSTPC150Z29391 LOADED WITH FIVE (5) SACKS OF CHARCOAL WHICH WAS APPREHENDED BY PERSONNEL LAST DECEMBER 9, 2019 AT BRGY. BUBOG, SAN JOSE, OCCIDENTAL MINDORO. PREHENSION OF ONE (1) UNIT TRICYCLE RUSI MACHO X50, COLOR RED WITH ENGINE NUMBER RSPTC1502999591

| SIGNATURE | | |
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| VICE DOMINGO TOTA SCRASTIAN STAIN M. BORLOW PEDO A. KREN | | |

Brgy. Labangan, San Jose, Occidental Mindoro Email Address: denreenro_sanjose@yahoo.com

| REPUBLIC OF THE PHILIPPINES |) |
|--------------------------------|-----|
| PROVINCE OF OCCIDENTAL MINDORO | 188 |
| MUNICIPALITY OF SAN JOSE |) |
| XX | , |

PINAGSAMANG SINUMPAANG SALAYSAY

KAMI, LOREN KAYE A. GARCIA, EDISON ABELLANO, APOLO HERNAEZ, KRISTIAN DAVE RAMIREZ, DANIEL ALVARO at CRISTOPHER RAMOS, mga Pilipino at naninirahan sa San Jose, Occidental Mindoro matapos makapanumpa alinsunod sa batas ay nagsalaysay ng mga sumusunod:

- 1. Na, kami ay mga empleyado ng DENR-CENRO San Jose, Occidental Mindoro na nakatalaga sa Enforcement and Monitoring Section;
- Na, noong ika-09 ng Nobyembre 2019, 7:48 PM, kami ay nakahuli ng isang tricycle na may mga kargang uling sa kahabaan ng Brgy. Bubog, San Jose, Occidental Mindoro;
- 3. Na, ang isang tricycle na Rusi Macho TC 150 kulay Pula at walang plaka na may Engine No. Na RSPTC150Z29591 at Chassis No. Na RSPTC150Z29591 na may kargang lima (5) sakong uling ay minamaneho ni Ginoong Ludivico Domingo;
- 4. Na, amin po silang hinuli sa kadahilanang wala silang maipakitang mga legal na dokumento o permit;
- Na, amin pong dinala ang mga nasabing sasakyan sa tanggapan ng DENR-CENRO San Jose, Occidental Mindoro para sa pansamantalang pagimpound at para sa pangangalaga;
- 6. Na, sa pamamagitan ng salaysay na ito upang mapatunayan ng lahat na nakasaad sa itaas para sa kaalaman ng lahat ng kinauukulan.

BILANG PATOTOO, kami ay lalagda ngayong ika- 10 ng Disyembre 2019 dito sa San Jose, Occidental Miindoro.

LOREN KAYE A. GARCIA Nagsasalaysay

> EDISON ABELLANO Nagsasalaysay

APOLO HERNAEZ Nagsasalaysay

KRISTIAN DAVE RAMIREZ Nagsasalaysay

> DANIEL ALVARO Nagsasalaysay

CRISTOPHER RAMOS Nagsasalaysay