



December 21, 2022

MEMORANDUM

FOR : The Regional Executive Director\
DENR MIMAROPA Region
DENR by the Bay 1515 L&S Bldg.
Roxas, Blvd., Manila

FROM : The OIC, PENRO

SUBJECT : **STATUS/UPDATE FOR THE TEMPORARY RELEASE OF ONE
(1) PUJ (DOUBLE TIRE) BEARING PLATE NUMBER PIA-259
(2022-98842)**

In connection with the verification of L. S. No. NPS-13-III-00303 in the Office of the Clerk of Court (OCC), it was revealed that said case is raffled to Regional Trial Court (RTC), Fourth Judicial Region, Oriental Mindoro, Branch 39, docketed under Criminal Case No. 12-10515. Further, divulged that the aforesaid case was filed in court in calendar year 2012.

Regarding the updated status of this case, the staff of RTC, Branch 39 disclosed that the herein case is archived and or set aside since Freddie Ogayre, the accused is at large.

Be informed that the PUJ (double tire) bearing plate no. PIA-259 is now unserviceable still impounded within the vicinity of PENR Office located at Barangay Suqui, Calapan City, Oriental Mindoro.

This report is being submitted in compliance with the memorandum dated December 5, 2022 treating the afore-mentioned subject.

For his information and record.


ALAN L. VALLE



DENRPENR02212000075



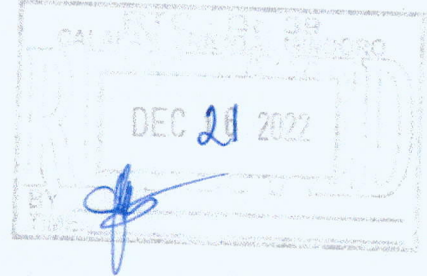
Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Provincial Environment and Natural Resources Office

December 20, 2022

JOSEPHINE C. CARANZO

Presiding Judge

Regional Trial Court, Fourth Judicial Region
ORIENTAL MINDORO, Branch 39



Madam;

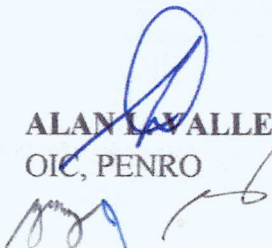
Greetings!

This has reference to the Criminal Case L. S. No. NPS-IV-13-III-00303 filed against Messrs. Joan Salazar (shipper), Jane Dalisay (owner) and Freddie Ogayre (driver) for violation of Section 68 of Presidential Decree No. 705 as amended.

Relative thereto, may we request the update of the herein case filed in your office since the DENR, MIMAROPA Region is requiring our PENR office to submit the status/update of the case filed in court of one (1) PUJ (double tire) bearing plate no. PIA-259 loaded with 329 sacks of wood charcoal.

Attached are the pertinent documents regarding the matter.

Very truly yours,


ALAN CAYALLE
OIC, PENRO



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

December 20, 2022

JOSEPHINE C. CARANZO

Presiding Judge

Regional Trial Court, Fourth Judicial Region

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ALAN L. VALLE
OIC, PENRO



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

DENR-MIMAROPA REGION	
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE	
ORIENTAL MINDORO	
PENRO TRACKING NO.	
RECEIVED BY:	<i>[Signature]</i>
DATE	DEC 16 2022
TIME	

MEMORANDUM

TO : THE OIC, PENR OFFICER
Oriental Mindoro

FROM : THE OIC, ASSISTANT REGIONAL DIRECTOR
FOR TECHNICAL SERVICES

SUBJECT : STATUS / UPDATE FOR THE TEMPORARY RELEASE OF ONE
(1) PUJ (DOUBLE TIRE) BEARING PLATE NUMBER PIA-259
[2022-98842]

DATE : DEC 05 2022

This pertains to the Confiscation Order dated August 3, 2012 issued by then OIC-Regional Executive Director Edgardo O. Galeon confiscating three hundred twenty-nine (329) sacks of wood charcoal and the temporary release of one (1) unit PUJ (double tire) bearing Plate No. PIA-259 apprehended at Calapan Pier, Calapan City, Oriental Mindoro.

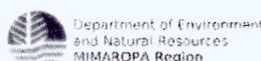
Based on the said Confiscation Order, the subject conveyance was ordered temporarily released in favor of its registered owner, Ms. Mary Jane Dalisay.

In line with this, you are hereby directed to submit report on the status of the subject conveyance and an update on the Criminal Complaint (L.S. No. NPS-IV-13-III-00303) filed against Mrs. Joan Salazar (Shipper), Mary Jane Dalisay (owner of the conveyance), and Freddie Ogayre (driver) for violation of Section 68 of PD 705 as amended.

Submit the desired documents within five (5) working days upon receipt hereof for the issuance of Order of Finality.

[Signature]
MAXIMO C. LANDRITO

ED/ANA/12-01-2022



Doc ID: 98842



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Regional Office IV-B MIMAROPA
1515 L&S Bldg., Roxas Boulevard, Ermita Manila

**IN RE : CONFISCATION/FORFEITURE OF 329 SACKS OF WOOD
CHARCOAL AND TEMPORARY RELEASE OF ONE (1) UNIT
PUJ (DOUBLE TIRE) PLATE NO. PIA-259 APPREHENDED AT
CALAPAN PIER, CALAPAN CITY, ORIENTAL MINDORO**

ORDER

Records show that on November 28, 2011, the personnel of Bureau of Plant Industry (BPI) Plant Quarantine Service of the Provincial Government of Oriental Mindoro intercepted One (1) Unit of Puj (Double Tire) bearing Plate No. PIA-259 loaded with 329 sacks of wood charcoal at Calapan Pier, Calapan City, Oriental Mindoro. Subject conveyance and its load were turned-over to the DENR-CENRO Calapan City, hauled and deposited at the CENRO Office Compound for custody and safekeeping.

The apprehension was initiated by the Bureau of Plant Industry, Plant Quarantine Service Personnel headed by OIC-PQS Lorna Axalan Cepillo for violation of Provincial Ordinance No. 015-2011, "Prohibiting the Transport of Wood Charcoal outside Calapan City". The said personnel of BPI immediately coordinated with DENR personnel assigned at Calapan Pier Monitoring Station regarding the incident. Per verification, the said shipment of forest products was covered by a Certificate of Verification (COV) issued by CENRO Isagani Manalili of Roxas, Or. Mindoro on Nov. 14, 2011 which expires on November 30, 2011, and destined to Calapan City. The same was accompanied by Certificate of Transport Agreement (CTA), which contains the name of the driver, Mr. Freddie Ogayre of Brgy. San Aquilino, Roxas, Oriental Mindoro and Mary Jane Dalisay, the owner of subject conveyance and Mrs. Joan Salazar, the shipper of 330 sacks of wood charcoal.

On November 29, 2011, the CENRO of Calapan City effected the seizure of the subject conveyance and its load after the official turn-over made by the Apprehending Officer to the DENR Office concerned.

Pursuant to Section 7 of DAO97-32, the CENRO concerned conducted Administrative Hearing on December 13, 2011 at the CENRO Calapan City which was presided over by Mr. Hipolito S. Palaganas, Jr. Chief, Science Specialist.

During the Hearing, Joan Salazar the owner and shipper of the 300 coconut broom stick, admitted that she has included 330 sacks of wood charcoal in addition to her regular cargo. She was requested to submit written Affidavit within ten (10) days but she failed to submit. Likewise, Maryjane Dalisay also promised to submit her Sworn Statement.

Mr. Edwin Dalisay, a resident of Old Dangay, Roxas, Oriental Mindoro admitted that he only accompanied the driver because he is trusted by Mrs. Maryjane Dalisay, her sister, Freddie Ogayre, the driver, admitted that Mrs. Maryjane Dalisay is the registered owner of the said conveyance.

Based on the Sinumpaang Salaysay submitted by the Apprehending Officers, Forest Ranger Eleodoro V. Bacay and Tree Marker Efren F. Gamboa claimed that the personnel of the Bureau of Plant Industry, Plant Quarantine Service coordinated with them that there was a vehicle loaded with 329 sacks of wood charcoal to be shipped out via Calapan Port parked at the Weighing Scale Area at PPA Compound. A Bill of Loading was already paid amounting to Php 516.00. Said wood charcoal belongs to Mrs. Joan Salazar of Happy Valley, Roxas, Oriental Mindoro with Certificate of Verification dated November 14, 2011 destined to Calapan City issued by CENRO Isagani Manalili.

After thorough review and evaluation of the submitted documents, said charcoal originated and manufactured from planted trees cut within the private lot of Emy Calambas with OCT No. P-1900, containing an area of 30,150 sq. m. located at Brgy. Happy Valley, Roxas, Oriental Mindoro, hence, the CENRO of Roxas, Oriental Mindoro issued a Certificate of Verification on November 14, 2011 to Mrs. Joan Salazar and she paid for a Certification Fee, Oath Fee and Inspection Fee amounting to 116.00 pesos with Official Receipt No. 3013807 dated November 14, 2011.

The personnel of the Bureau of Plant Industry, Plant Quarantine Service, Mrs. Lorna Axalan Cepillo, Officer-In-Charge and Jose Napoleon J. Tugade, Plant Quarantine Inspector, anchored their action on their belief that the Shipper violated the Sangguniang Panlalawigan Ordinance No. 015-2011, "An Ordinance prohibiting the transport of charcoal outside the Province of Oriental Mindoro and providing penalties in case of violation thereof".

The CENRO and PENRO concerned recommended the forfeiture of the subject conveyance and its load about 329 sacks of Wood Charcoal with an estimated fair market value of Php400,000 and Php60,000.00, respectively.

Pursuant to DENR Administrative Order 79 Series of 1990, Prescribing Rules on the Deregulation of Tree Harvesting, Transporting and Sale of Firewood, Pulpwood or Timber Planted in Private Lands, it provides *"the promotion of the planting of trees by owners of private lands and give incentives to the tree farmers... no permit is required in the cutting of planted trees within the titled lands or tax-declared A & D lands.... provided that a CERTIFICATION of the CENRO concerned to the effect that the forest products came from a titled land or tax declared alienable and disposable land is issued accompanying the shipment"*.

Records show that in a Memorandum dated December 29, 2010 issued by the Undersecretary for Field Operations, the suspension on the issuance of Certificate of Verification (COV) and other related transport documents for manufactured wood charcoal products being shipped out of the province issued by PENRO Arthur Serna of Oriental Mindoro dated December 14, 2009 was affirmed.

The violation committed by the offenders is their attempt to transport the wood charcoal outside the province of Oriental Mindoro, despite the fact that the Certificate of Transport Agreement (CTA) covering the transport is good up to Calapan City only.

Records show that the CENRO of Roxas, Oriental Mindoro was directed per fax message dated April 19, 2012 to submit CERTIFICATION whether he issued COV and CTA to the shipper Joan Salazar as presented during the apprehension. In compliance with the said instruction, the concerned CENRO submitted **CERTIFICATION** dated April 26, 2012 (copy attached) confirming the issuance of the COV and CTA. It was noted that the owner of the vehicle, Mary Jane Dalisay was not on board the vehicle at the time of apprehension. Said owner was habitually engaged in the lease of her truck for the transport of agricultural products and that this is the first time that the vehicle was apprehended for violation of P.D. 705. The penalty of Php1,500.00 pesos had already been paid by the vehicle owner pursuant to the provisions of the Ordinance No. 015-2011.

The CENRO concerned already filed a Criminal Complaint against Mrs. Joan Salazar (Shipper), Mary Jane Dalisay (owner of the conveyance), Freddie Ogayre (driver) for violation of Section 68 of PD 705 as amended, docketed under I.S. No. NPS-IV-13-IIL-00303 on December 22, 2011.

WHEREFORE, FOREGOING PREMISES CONSIDERED, the apprehended 329 sacks of Wood Charcoal with an estimated fair market value of Php60,000.00 is hereby **ORDERED FORFEITED** in favor of the government while the subject conveyance with Plate No. PIA-259 is hereby **ORDERED TEMPORARY RELEASED**, in favor of the registered owner Mary Jane Dalisay after complying with all the requirements under Section 9 of DAO 97-32.

SO ORDERED

Manila, Philippines, AUG 03 2012 2012


EDGARDO O. GALEON

OIC, Regional Executive Director

