



Republic of the Philippines  
**Department of Environment and Natural Resources**  
MIMAROPA Region  
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Bgy. Sta. Monica, Puerto Princesa City, Palawan  
Telfax No. (048) 434 - 8791  
Email Add: [penropalawan@denr.gov.ph](mailto:penropalawan@denr.gov.ph)

DENR MIMAROPA REGIONAL OFFICE  
**RECEIVED**  
15 JUL 2022  
INCOMING ☐ OUTGOING ☐  
DATE NO.

MEMORANDUM

July 4, 2022

FOR : The Regional Executive Director  
DENR MIMAROPA Region  
1515 L and S Bldg., Roxas Boulevard  
Ermita, Manila

FROM : The Provincial Environment and  
Natural Resources Officer

SUBJECT : **RESOLUTION DATED MARCH 11, 2022 IN RE: CONFISCATION  
OF ONE HUNDRED TEN (110) PIECES OF UNDOCUMENTED  
MAGIUM LOGS WITH A TOTAL VOLUME OF 11.24 CUBIC  
METERS, ONE (1) UNIT MITSUBISHI FUSO FIGHTER TRUCK  
WITH PLATE NO. GCT916 AND ONE (1) UNIT ISUZU  
FORWARD TRUCK WITH PLATE NO. GHC451, APPREHENDED  
IN SITIO TALAKAIGAN, BARANGAY SAN JOSE, ROXAS,  
PALAWAN**

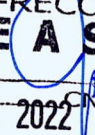
Respectfully forwarded is the memorandum of CENRO Roxas, Palawan dated June 9, 2022 relative the above subject.

Per memorandum, CENRO Roxas furnished the copy of aforementioned Resolution to the Office of Presiding Judge Hon. Ronilo A. Beronio of Municipal Circuit Trial Court for Roxas and Cagayancillo located at Barangay II, Roxas, Palawan on June 9, 2022 with cover letter dated June 7, 2022.

For information and record.

  
FELIZARDO B. CAYATOC

Copy Furnished:  
CENRO Roxas, Palawan  
File/2022-018ACG/MES Doc. Ref. No. 2022-5431

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**  
By   
Date: 06 JUL 2022 CN 28-1631



Republic of the Philippines  
Department of Environment and Natural Resources  
**Region IV- MIMAROPA**  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Barangay III (Poblacion), Roxas, Palawan  
Contact No. 09171606578 / 09175028647  
Email address: [cenroroxaspalawan@denr.gov.ph](mailto:cenroroxaspalawan@denr.gov.ph)

June 9, 2022

**MEMORANDUM**

**FOR** : The Regional Executive Director  
MIMAROPA Region

**THRU** : The Provincial Environment and  
Natural Resources Officer  
Sta. Monica, Puerto Princesa City, Palawan

**FROM** : The Community Environment and  
Natural Resources Officer

**SUBJECT** : **RESOLUTION DATED MARCH 11, 2022 IN RE:  
CONFISCATION OF ONE HUNDRED TEN (110) PIECES OF  
UNDOCUMENTED MANGIUM LOGS WITH A TOTAL  
VOLUME OF 11.24 CUBIC METERS, ONE (1) UNIT  
MITSUBISHI FUSO FIGHTER TRUCK WITH PLATE NO.  
GCT916, AND ONE (1) UNIT ISUZU FORWARD TRUCK WITH  
PLATE NO. GHC451, APPREHENDED IN SITIO  
TALAKAIGAN, BARANGAY SAN JOSE, ROXAS, PALWAN**

DENR PENRO  
PALAWAN RECORDS  
RECEIVED

BY: *[Signature]*  
DATE: 06-24-2022 CN 22-5431

This is in compliance with the instruction to furnish a copy of the above mentioned resolution from the OIC, RED, dated March 11, 2022 to the Trial Court where the particular criminal case was litigated.

Please be informed that copy of the subject resolution was furnished to the Municipal Circuit Trial Court for Roxas and Cagayancillo on June 9, 2022.

Attached is the copy of the endorsement letter to Hon. Ronilo A. Beronio, the Presiding Judge of the Municipal Circuit Trial Court for Roxas and Cagayancillo, Roxas, Palawan.

For information and record.

*[Signature]*  
**PABLO L. CRUZ**

DENR - CENRO ROXAS  
RELEASED  
DATE: 13 JUN 2022

BY: *[Signature]*  
OFF. NO. 2022-06-0944





Republic of the Philippines  
Department of Environment and Natural Resources  
**Region IV- MIMAROPA**  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
Barangay III (Poblacion), Roxas, Palawan  
Contact No. 09171606578 / 09175028647  
Email address: [cenroroxaspalawan@denr.gov.ph](mailto:cenroroxaspalawan@denr.gov.ph)

June 7, 2022

**HON. RONILO A. BERONIO**

Presiding Judge  
Municipal Circuit Court for  
Roxas and Cagayancillo  
Roxas, Palawan

Sir:

*Greetings!*

Respectfully furnishing a copy of Resolution from OIC, Regional Executive Director, Lormelyn E. Claudio, *CESO IV* dated March 11, 2022 re: confiscation of one hundred ten (110) pieces of undocumented Mangium logs with a total volume of 11.24 cubic meters, one (1) unit of Mitsubishi Fuso Fighter with Plate No. GCT916, and one (1) unit Isuzu Forward truck with Plate No. GHC451, apprehended at Sitio Talakaigan, Barangay San Jose, Roxas, Palawan on June 14, 2019

For information and reference. Thank you.

Truly yours,

  
**PABLO L. CRUZ**

→ CENRO

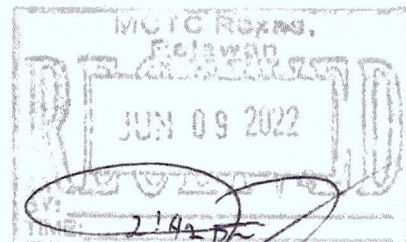
DENR-CENRO ROXAS

**RELEASED**

DATE: 08 JUN 2022

BY: 

DOC. NO. 2022-06-09 18





IN RE: CONFISCATION OF ONE HUNDRED TEN (110) PIECES OF UNDOCUMENTED MANGIUM LOGS WITH A TOTAL VOLUME OF 11.24 CUBIC METERS, ONE (1) UNIT MITSUBISHI FUSO FIGHTER TRUCK WITH PLATE NO. GCT916, AND ONE (1) UNIT ISUZU FORWARD TRUCK WITH PLATE NO. GHC451, APPREHENDED IN SITIO TALAKAIGAN, BRGY. SAN JOSE, ROXAS, PALAWAN

X-----X

## RESOLUTION

For resolution is the *Motion for Reconsideration of Order* dated October 28, 2021 dated November 25, 2021 of owner-movant, Amelia Delos Angeles, from the Order dated October 28, 2021 of this Office, the dispositive portion of which is hereunder quoted:

**WHEREFORE, PREMISES CONSIDERED**, the seized one hundred ten (110) pieces of undocumented Mangium lumber having a total volume of 11.24 cubic meters, with an estimated total fair market value of PHP119,250.00, and two (2) six-wheeler trucks, specifically, one (1) unit Mitsubishi Fuso Fighter Truck with Plate No. GCT916, and one (1) unit Isuzu Forward Truck with Plate No. GHC451, are hereby **CONFISCATED** in favor of the government, to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter.

The CENRO concerned is directed to furnish a copy of this Order to the court where the criminal case was filed for their information, consideration, and reference; to submit reports to this Office for monitoring purposes.

### SO ORDERED.

In her Motion, owner-movant Amelie Delos Angeles raises, among others, the following issues:

1. That the summary administrative procedure as outlined under Section 7 of DENR Administrative Order (DAO No. 97-32)<sup>1</sup> was not strictly observed by CENRO Roxas, Palawan during the hearing;
2. That per *Salaysay at Pagpapatunay* June 20, 2019 of Mr. Rolly Olete attached to the Motion, Mr. Delos Reyes, her husband, had no participation when the trucks were confiscated;
3. That the trucks should be released based on the Order granting the accused Motion to Release Impounded Vehicles issued by the Municipal Circuit Trial Court (MCTC) Cagayancillo, Roxas, Palawan;
4. That the seized logs, *Acacia Mangium*, is a cultivated tree in a private property and not a forest product under P.D. 705.

This Office finds the Motion unmeritorious.

### First Issue

<sup>1</sup> 1997 Rules for the Administrative Adjudication of Illegal Forest Products and the Machinery, Equipment, Tools and Conveyance Used in Connection Therewith



Pursuant to Section 7 of DAO No. 97-32, an administrative hearing was conducted on July 5, 2019<sup>2</sup> presided by Forester Vitaliano Maraňan as the Hearing Officer and attended by then CENRO Emer D. Garraez, Forester Marces Lasangen, Forest Technician Nolly Billiones, Mr. Leo Delos Angeles, Mrs. Amelia Delos Angeles, Mr. Rolly Olete and Mr. Joart Sarmiento. The Hearing Officer began by stating the facts of the case and the legal basis for the offense committed by the perpetrators. The attendees were asked if they needed the assistance of a lawyer. Mr. Leo Delos Angeles replied that:

*"Gagamit po siguro kami ng abogado kung kinakailangan po, Sir, pero kung hindi, hindi na rin po, Sir."*

As admitted by the Owner-Movant herself, she was present during the administrative hearing. She was well aware of the incidents and statements made by all the attendees. She cannot belatedly now assert that the CENRO Roxas, Palawan violated her constitutional right to be heard because she could have spoken but she chose not to. She could have also questioned, agreed to or denied the statements made by her husband and the other perpetrators. She was not restricted or in any way prevented by the Hearing Officer to speak.

Further, as the alleged owner of the trucks she could have interposed and stated her side of the case, or told her husband to say something on her behalf. Based on the Minutes of the Hearing, only her husband spoke and answered all the questions regarding the trucks.

### Second Issue

In the *Salaysay at Pagpapatunay* dated June 20, 2019 of Mr. Rolly A. Olete, he stated that:

*"3. Na walang kinalaman si Leo Delos Angeles sa pagkumpiska ng kanyang sasakyan dahil kasalukuyang nasa Puerto Prinsesa City siya ng mga panahong iyon."*

In the July 5, 2019 administrative hearing, Mr. Olete admitted that he sold the logs to Mr. Leo Delos Angeles because he needed the money. Mr. Delos Angeles was silent and did not refute the allegation against him. If indeed Mr. Delos Angeles had no knowledge or participation in the illegal activity, he should have denied the accusation made by Mr. Olete.

### Third Issue

On the third issue, it has been settled that the confiscation of all conveyances is vested in the Department of Environment and Natural Resources (DENR) Secretary or a duly authorized representative. In the case of *DENR Region VIII, Tacloban City, Represented by Regional Executive Director Israel C. Gaddi, vs. Gregorio Daraman et al.*<sup>3</sup>:

*xxx the original and exclusive jurisdiction over the confiscation of "all conveyances used either by land, water or air in the commission of the offense and to dispose of the same" is vested in the Department of Environment and Natural Resources (DENR) secretary or a duly authorized representative. The DENR secretary has supervision and control over the enforcement of forestry, reforestation, parks, game and wildlife laws, rules and regulations."*

xxx

**The guilt or the innocence of the accused in the criminal case is immaterial, because what is punished under Section 68 is the transportation, movement or conveyance of forest products without legal documents.** The DENR secretary or the authorized representatives do not possess criminal jurisdiction; thus, they are not capable of making such a ruling, which is

<sup>2</sup> Transcript of the Administrative Hearing held on July 5, 2019 at 1:00PM prepared by Forester Marces Lasangen

<sup>3</sup> *DENR, Region VIII, Tacloban City, Represented by Regional Executive Director Israel C. Gaddi, vs. Gregorio Daraman, Narciso Lucenecio and Hon. Clemente Rosales, Presiding Judge, RTC, Branch 32, Calbayog City, G.R. No. 125797, February 15, 2002*



properly a function of the courts. Even Section 68-A of PD 705<sup>4</sup>, as amended, does not clothe petitioner with that authority.

Conversely, the same law takes out of the general jurisdiction of the regional trial courts the confiscation of conveyances used in violation of forestry laws. Hence, we cannot expect the DENR to rule on the criminal liability of the accused before it impounds such vehicles. Section 68-A covers only the movement of lumber or forest products without proper documents. Where the language of a statute is clear and unambiguous, the law is applied according to either an absurdity or an injustice.

We also uphold petitioner's argument that the release of the vehicle to private respondents would defeat the purpose and undermine the implementation of forestry laws. The preamble of the amendment in EO 277 underscores the urgency to conserve the remaining forest resources of the country for the benefit of the present and future generations. Our forest resources may be effectively conserved and protected only through the vigilant enforcement and implementation of our forestry laws. Strong paramount public policy should not be degraded by narrow constructions of the law that frustrate its clear intent or unreasonably restrict its scope. (Underscoring ours)

#### Fourth Issue

Pursuant to **Sections 1 and 2 of DAO No. 97-32**, the following items shall be confiscated:

**Section 1. (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.

In a very recent case <sup>5</sup>, the Supreme Court elucidated the following:

As for the nature of the dita tree, we rule that it constitutes timber. Merida v. People has explained that timber in PD 705 refers to:

... "wood used for or suitable for building or for carpentry or joinery." Indeed, tree saplings or tiny tree stems that are too small for use as posts, panelling, beams, tables, or chairs cannot be considered timber.... Undoubtedly, the narra tree petitioner felled and converted to lumber was "timber" fit "for building or for carpentry or joinery" and thus falls under the ambit of Section 68 of PD 705, as amended.

xxx

Third, as held in CFI of Quezon (Branch VII), the intent behind the original iteration of Section 77 as then Section 68 rejected as an element of this offense, the ownership of the land from which the timber or other forest products were cut, removed, gathered, or collected, or the timber or other forest products themselves as accessories of the land. This means that Section 68 or even **Section 77 covers any type of land so long as timber or other forest products were taken therefrom**, regardless of an accused's property interests in the land, **when the taking was done without any authority granted by the State**. It may also be inferred that mere ownership of the land does not amount to an authority granted by the State to justify the cutting, collection, removal, or gathering of timber or other forest products.

xxx

We hold that this ruling in CFI of Quezon (Branch VII) remains true to the amended iterations of Section 68, now Section 77. Ownership of the land from which the timber or other forest products are taken is neither an element of the offense nor a defense to this offense — so long as timber or other forest products were cut, collected, gathered, or removed from a forest land, an alienable or disposable public land, or private land as defined in PD 705, as amended, without any authority granted by the State. As well, ownership per se of either the land or the timber or other forest products, as this right is understood in our Civil Code, does not amount to an authority granted by the State to justify the otherwise forbidden acts. (Underscoring ours)

<sup>4</sup> Now Section 77-A, as amended

<sup>5</sup> Diosdado Sama y Hinupas and Bandy Masanglay y Aceveda vs. People of the Philippines, G.R. No. 224469, January 05, 2021

ARD-MS/LD



It is indeed a fundamental principle of administrative law that administrative cases are independent from criminal actions for the same act or omission. Thus, an absolution from a criminal charge is not a bar to an administrative prosecution, or vice versa. One thing is administrative liability; quite another thing is the criminal liability for the same act.<sup>6</sup>

This Office, thus, finds no ground or cogent reason to disturb and/or modify the Order dated October 28, 2021. It is a settled rule that a motion for reconsideration which does not make out a new matter sufficiently persuasive to induce modification of judgment will be denied.<sup>7</sup>

**WHEREFORE**, premises considered, the instant *Motion for Reconsideration of Order dated October 28, 2021* is **DENIED** for lack of merit.

**SO ORDERED.**

City of Manila, Philippines. MAR 11 2022

  
**LORMELYN E. CLAUDIO, CESO IV**  
OIC, Regional Executive Director



Department of Environment  
and Natural Resources  
MIMAROPA Region



Doc ID: 73304

Copy furnished:

PENRO Palawan

CENRO Roxas, Palawan

Mrs. Amelia V. Delos Angeles  
Purok Mabuhay, Brgy. Abaroan  
Roxas, Palawan

Mr. Leo Delos Angeles  
Mr. Joart Sarmiento  
Brgy. Abaroan, Roxas, Palawan

Mr. Rolly Olete  
So. Talakagaian, Brgy. San Jose  
Roxas, Palawan

<sup>6</sup> *Brigido B. Paredes vs. The Honorable Court of Appeals et. al.*, G.R. No. 169534, July 30, 2007

<sup>7</sup> *PCIB vs. Escolin*, 67 SCRA 202