

JUL 1-2-2022

MEMORANDUM

FOR

The Regional Executive Director

MIMAROPA Region

1515 L & S Building, Roxas Blvd.

Ermita, Manila

FROM

: The OIC PENR Officer

SUBJECT

: **RESOLUTION NO. 2022-029**

Respectfully forwarded herewith is the memorandum from CENR Officer Efren L. delos Reyes dated June 30, 2022 regarding the result of administrative adjudication on the apprehended one (1) unit of tricycle (RUSI 125, Color Black, with Plate No. 3746VY and Engine Number 158FM11203030828) loaded with ten (10) sacks of charcoal at Barangay Bubog, San Jose, Occidental Mindoro.

For your information and record.

ERNESTO Z. TAÑADA

I OUTGOING

DATS NO.

Purok Pag-asa, Barangay Payompon, Mamburao, Occidental Mindoro Email Address: tsdoccmin042@gmail.com

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

JUN 3 0 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. 2022-029

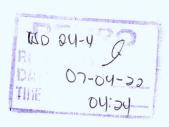
Submitted herewith is the Resolution No. 2022-029 as a result of administrative adjudication on the apprehended one (1) unit tricycle RUSI 125, color Black, with Plate Number 3746VY with Engine Number 158FM112030828 operated by a certain Mr. Jonifer Sulit loaded with ten (10) sacks of charcoal at Brgy. Bubog, San Jose, Occidental last December 10, 2019.

For your information and record.

EFRENL. DELOS REYES

Cc:

PENRO
CENRO SJ Records
EMS File







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: cenrosaniose@denr.gov.ph

RE: APPREHENSION OF A CONVEYANCE – ONE (1) UNIT TRICYCLE, RUSI 125, COLOR BLACK, PLATE NUMBER 3746VY WITH ENGINE NUMBER 158FMI12030828 LOADED WITH TEN (10) SACKS OF UNDOCUMENTED CHARCOALS AT BRGY. BUBOG, SAN JOSE, OCCIDENTAL MINDORO ON DECEMBER 10, 2019 AT AROUND 8:07 IN THE EVENING.

RESOLUTION No. 2022-029

This pertains to the apprehension of One (1) Conveyance – tricycle, RUSI 125, color black, plate number 3746VY with engine number 158FMI12030828 loaded with ten (10) sacks of undocumented charcoals at Barangay Bubog, San Jose, Occidental Mindoro on December 10, 2019 at around 8:07 in the evening by means of 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 10, 2019, around 8:07 in the evening, 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 apprehend he arrest of the suspect while travelling in possession 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 CENRO, San Jose, Occidental Mindoro. Upon interrogation the suspect's identity is known as Jonifer Sulit residing at Brgy. Bagong Sikat, San Jose, Occidental Mindoro. (Please see attached spot report and geo-tag photos)
- 2. That the team apprehended One (1) Conveyance tricycle, RUSI 125, color black, and plate number 3746VY with engine number 158FMI12030828 loaded with ten (10) sacks of undocumented charcoal. 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-F296 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 DMO IV Wilfredo A. Aben issued the Seizure Order with CENRO Control Number 2019-F2965 to the One (1) Conveyance tricycle, RUSI 125, color black, and plate number 3746VY with engine number 158FMI12030828 loaded withten (10) sacks of undocumented charcoal. (please see attached seizure order)
- 5. That a notice of Administrative Hearing was received by Mr. Jonifer Sulit and it was scheduled on July 6, 2020 at 1:00 in the afternoon. (please see attached Notice of Administrative Hearing)
- 6. That, an Administrative Hearing was held as scheduled on July 6, 2020 at 1:00 in the afternoon. (*Please see transcript of stenographic notes of the administrative hearing*)

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

1. Whether or not the APPREHENDED ten (10) sacks of undocumented charcoal a minor forest products will be confiscated in favor of the government.

2. Whether or not the PREHENDED One (1) Conveyance ricycle, RUSI 125, color black, and plate number 3746VY with engine number 158FMI12030828, 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. 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.
- 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.

3. The enumerated statements of facts, pieces of evidence and circumstances surrounding the above stated case, shows that the ten (10) sacks of undocumented charcoal and One (1) Conveyance – tricycle, RUSI 125, color black, and plate number 3746VY with engine number 158FMI12030828 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 ten (10) sacks of undocumented charcoal and One (1) Conveyance – tricycle, RUSI 125, color black, and plate number 3746VY with engine number 158FMI12030828 shall be confiscated in favour of the government since those lumbers are products of an illegal act.

Occidental Mindoro.	at	DENR-CENRO	San	Jose,
To a serious s				
Prepared by:				
A Carried by				
HECTOR . ARAGONES, JR.				
Forester III/Hearing Officer				

Noted by:

CFREN L. DELOS REYES
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 December 11, 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 125- COLOR BLACK – ENGINE NO. 157FMI 12030828 – WITH PLATE NO. 3746VY, LOADED WITH TEN (10) SACKS OF CHARCOAL IN BARANGAY BUBOG, SAN JOSE, OCCIDENTAL MINDORO LAST DECEMBER 10, 2019 AT AROUND 8:07 IN THE EVENING.

THE SAID CONVEYANCE WITH THE FOREST PRODUCTS WAS DRIVEN BY A CERTAIN JONIFER SULIT, 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, WILFREDO A. ABEN

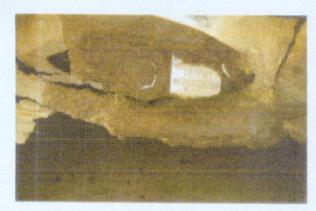
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Republic of the Philippines DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES Region IV-MIMAROPA

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

PHOTO DOCUMENTATION











DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS Taal Extension Offices Avenue Quezon City 0492

Field Office Code: 04/25/2013

OFFICIAL RECEIPT

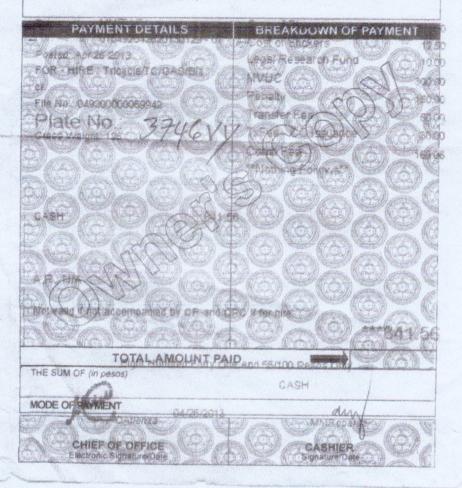
Field Office:

1537692 DATE:

RECEIVED FROM (Last name, First name, MI)

PRK TAGUMPAY B BAGONG SIKAT SAN JOSE OCCIDENTAL MINDORO D

ADDRESS (No., Street, City, Municipality, Province, Zip Code)





Republic of the Philippines
DEPARTMENT OF TRANSPORTATION & COMMUNICATIONS

LAND TRANSPORTATION OFFICE

Field Office Taal Extension Office

CERTIFICATE OF REGISTRATION

CR No.

12/04/2013

MV FILE NO.			6VY	ENGINE NO	งกลวล	CHASSIS NO.	
DENOMINATION	TRICYCLE	PISTON DISPLACEMENT	125	NO OF CYLINDERS	1	FUEL	GAS
MAKE	RUSI	SERIES TC	125	BODY TYPE	МС	1 BODY NO	YEAR 2012
GROSS WT	125	NETWI	64	SHIPPING WT	64	NET CAPACITY	64

VALENTINO BASADA SILAO

TELEPHONE NO CONTACT DETAILS

PRN TAGUMPAY B'BAGONG SINAT SAN JOSE OCCIDENTAL MINDORO REGION 4

ENCUMBERED TO

DETAILS OF FIRST REGISTRATION | C R000201237153769

OR DATE 04/26/2013

841.56

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

REGISTRANT'S SIGNATURE

VIRGINA P. TORRES by authorized LTO Officials, Properly sealed and accompanied by Official Revinized erasure or alteration hereon will invalidate this document.

OF PAYINE	NT WAR	RAMAS-UYPITCHING SONS, INC.
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Republic of the Philippines Department of Environment and Natural Resources CENRO SAN JOSE

Address: Labangan, San Jose, Occidental Mindoro

APPREHENSION RECEIPT

CENRO Control No.: 2019 - 7296

E-FMS No: 2619-175110 - F296

This APPREHENSION RECEIPT is issued to -

Name	Address	Civil Status	Age	Participation	Status of the Person
JONIFOR SUUT	BAGONGSTRAT	Н	38	PRIVER	MEALTHY
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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:

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Date and Time of Apprehension PECEMBER 10, ~019 8-07 PM	Province OUT DENTAL MY NOORO	Place of Apprehe City/Municipality SAN 305E re under apprehensi	Bubob on on the fo	Sitio	Apprehending Officer Dew A. Pitte Sommer	Factual Lega Basis for Apprehensio
APPREHENSI Date and Time of Apprehension DECEMBEN 10, ~O19 8 OF PM	Province OCUTOCATA AT NOGRO ereby decla	Place of Apprehe City/Municipality SAN 305E re under apprehensi	Bubob on on the fo	Sitio	Apprehending Officer Dew 12 12 To Someta	Factual Lega Basis for Apprehensio
APPREHENSI Date and Time of Apprehension December 10, ~019 8:07 PM	Province OCUTOCATA AT NOGRO ereby decla	Place of Apprehe City/Municipality SAN 305E re under apprehensi	Bubob on on the fo	Sitio	Apprehending Officer Dew 12 12 To Someta	Factual Lega Basis for Apprehensio

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 10 day of DECEMBER year 2019 at DENR CONTO CAN JUSC OCC. WINDORD

APPREHENDING	OFFICER
(Signature over Pri	nted Name)
/W	1
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1. LOREN KAYE COANTY	3. TEYPHAY BANDACA
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Address: STOM	Address: STOM
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Republic of the Philippines Depa ent of Environment and Natural I urces CENRO SAN JOSE

Address: Labangan San Jose, Occidental Mindoro

SEIZURE ORDER

CENRO Control No.: 2019 - F296 E-FMS No: 2019 - 175 110 - F296

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:

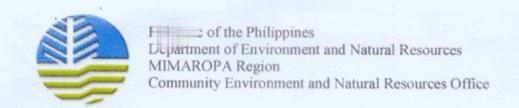
FACTS

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Kind	Item:	Source/ Origin of Forest Products	Species Grouping	Species	Pieces	Volume/Unit of Measurement	Estimated Value	Impounding Area	Custodia
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relevant documents submitted, and witnesses of the apprehension abo	the Apprehension Report dated and all dafter examining personally the apprehending officers and but the violation committed, it was determined that there is laws and DENR regulations have been violated and that the
	st products/conveyance/equipment/implement are hereby rnment custody (except government-owned vehicles).
So ordered this	at Brgy. Labangan, San Jose, Occidental Mindoro. WILFREDO A. ABEN Seizure Officer/ Hearing Officer
Copy furnished:	



June 30, 2020

NOTICE OF ADMINISTRATIVE HEARING

MR. JONIFER SULIT Brgy. Bagong Sikat, San Jose, Occidental Mindoro

Ginoong Sulit,

Isang maka-KALIKASANG pagbanit

Ito po ay may kaugnayan sa pangyayari noong ika-10 ng Disyembre, 2020 humigit kumulang alas 8:00 ng gabi kung saan ang inyong sasakyan na isang (1) RUSI 125 na may Plate Number 3746VY, kulay Itim at may kargang 10 sakong uling na nahuli ng mga tauhan ng DENR sa Brgy. Bubog. San Jose, Occidental Mindoro.

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

Dahil dito, kayo po ay aming inaanyayahan dito sa aming tanggapan sa ika-6 ng Hulyo, 2020 ganap na ika 1:00 ng hapon para sa isang pagdinig at maipaliwanag ang iyong panig.

Maraming salamat po.

Lubos na gumagalang,

WILFREDOA. ABEN

Hearing Officer/ Seizure Officer

Analyn 8.
ANALYN P. SULIT

DD642,2020

Brgy Labangan, San Jose, Occidental Mindoro Tel. Number (043) 457-0236, Email Address: denrcenro_sanjose@yahoo.com

REPUBLIC OF THE PHILIFFINES)
PROVINCE OF OCCIDENTAL MINDO	RO) S.S
MUNICIPALITY OF SAN JOSE)
X	X

PINAGSAMANG SINUMPAANG SALAYSAY

KAMI, LOREN KAYE A. GARCIA, EDNOR LEGASPI JR., at REYMART BARRACA, mga Pilipino, may mga asawa 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;
- 2. Na, noong ika-10 ng Disyembre 2019, 8:07 PM, kami ay nakahuli ng isang Tricycle Rusi 125 na may mga kargang uling sa kahabaan ng Brgy. Bubog, San Jose, Occidental Mindoro;
- 3. Na, ang isang Tricycle Rusi 125, kulay Itim, na may Engine No. 158FMI 12030828 at may plakang 3746vy na may kargang sampung (10) sakong uling ay minamaneho ni Jonifer Sulit;
- 4. Na, amin po silang hinuli sa kadahilanang wala silang maipakitang mga legal na dokumento o permit;
- 5. 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- 11 ng Disyembre 2019 dito sa San Jose, Occidental Mindoro.

LOREN KAYE A. GARCIA Nagsasalaysay

EDNOR LEGASPI JR. Nagsasalaysay

REYMART BARRACA. Nagsasalaysay

SUBSCRIBE AND SWORN TO before me this day of	
2019 in San Jose, Occidental Mindoro. I further certify that I have personally examined and	i I am
fully satisfied that he voluntarily executed and understood his statement.	



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES MIMAROPA Region COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

July 6, 2020

RE: APPREHENSION OF ONE (1) UNIT RUSI 125 LOADED WITH TEN (10) SACKS OF CHARCOAL WHICH WAS APPREHENDED BY PERSONNEL OF DENR-CENRO SAN JOSE AT BRGY. BUBOG, SAN JOSE, OCCIDENTAL MINDORO.

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