



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Mamburao, Occidental Mindoro

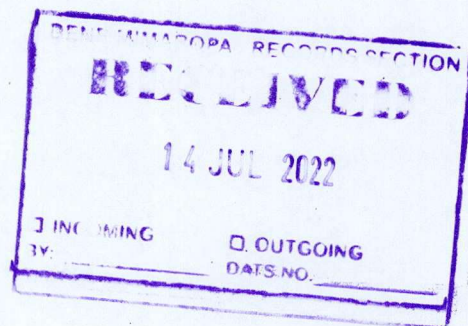
JUL 12 2022

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region
1515 L & S Building, Roxas Blvd.
Ermita, Manila

FROM : The OIC PENR Officer

SUBJECT : **RESOLUTION NO. 2022-027**



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 motorcycle RUSI 150 with Plate No. 3729VV loaded with eight sacks of charcoal at So. Makinay, Barangay Paclolo, Magsaysay, Occidental Mindoro.

For your information and record.


ERNESTO E. TAÑADA



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 30 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. 2022-027**

Submitted herewith is the Resolution No. 2022-028 as a result of administrative adjudication on the apprehended one (1) unit motorcycle RUSI 150, color Black with galvanized sidecar, with Plate Number 3729VV, with Engine Number RSP150/QO1858 and Chassis Number RSPTC15050001858 operated by a certain Mr. Reggie Magan loaded with eight (8) sacks of charcoal at So. Makinay, Brgy. Paclolo, Magsaysay Occidental last April 24, 2019.

For your information and record.

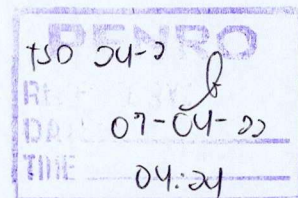
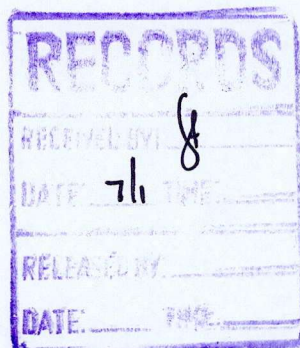
EFREN L. DELOS REYES

Cc:

PENRO

CENRO SJ Records

EMS File





RE: APPREHENSION OF A CONVEYANCE – ONE (1) UNIT MOTORCYCLE, RUSI 150, COLOR BLACK WITH GALVANIZED SIDE CAR BEARING PLATE NUMBER 3729VV, ENGINE NUMBER RSP150/QO1858 CHASSIS NUMBER RSPTC15050001858 LOADED WITH EIGHT (8) SACKS OF UNDOCUMENTED CHARCOALS AT SO. MAKINAY BRGY. PACLOCLO, MAGSAYSAY, OCCIDENTAL MINDORO. ON APRIL 24, 2019 AT AROUND 7:20 IN THE EVENING.

X-----X

RESOLUTION No. 2022 -027

This pertains to the apprehension of One (1) Conveyance – motorcycle, RUSI 150, color black, with plate number 3729VV, engine number RSP150/QO1858, chassis number RSPTC15050001858 loaded with eight (8) sacks of undocumented charcoals at So. Makinay, Barangay Pacloclo, Magsaysay, Occidental Mindoro on April 24, 2019 at around 7:20 in the evening by means of a checkpoint that was conducted to monitor the travelling of illegal forest products by the Personnel of Magsaysay, Municipal Police Station, Occidental Mindoro.

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

1. That on April 24, 2019, around 7:20 in the morning, based on an information coming from their confidential asset, a monitoring and surveillance was conducted to monitor the travelling of illegal forest products by the Personnel of Magsaysay Police Station, Occidental Mindoro which yielded to the 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. Upon interrogation the suspect's identity is known as Regie Magan residing at Barangay San Roque 2, San Jose, Occidental Mindoro. *(Please see attached spot report and geo-tag photos)*
2. That the team apprehended One (1) Conveyance – motorcycle, RUSI 150, color black, with plate number 3729VV, engine number RSP150/QO1858, chassis number RSPTC15050001858 loaded with eight (8) 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-F248 was issued by the apprehending officer headed by PSSgt Von J. Mortos of Magsaysay, Municipal Police Station (MPS) *(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-F248 to the One (1) Conveyance – motorcycle, RUSI 150, color black, with plate number 3729VV, engine number RSP150/QO1858, chassis number RSPTC15050001858 loaded with eight (8) sacks of undocumented charcoals. *(please see attached seizure order)*
5. That a notice of Administrative Hearing was received by Mr. Reggie S. Magan and it was scheduled on May 2, 2019 at 2:00 in the afternoon. *(please see attached Notice of Administrative Hearing)*

6. That, an Administrative Hearing was held as scheduled on May 2, 2019 at 2:00 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 eight (8) sacks of undocumented charcoal a minor forest products will be confiscated in favor of the government.**
2. **Whether or not the APPREHENDED One (1) Conveyance – motorcycle, RUSI 150, color black, with plate number 3729VV, engine number RSP150/QO1858, chassis number RSPTC15050001858, 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.**

xxx

3. The enumerated statements of facts, pieces of evidence and circumstances surrounding the above stated case, shows that the eight (8) sacks of undocumented charcoal and One (1) Conveyance – motorcycle, RUSI 150, color black, with plate number 3729VV, engine number RSP150/QO1858, chassis number RSPTC15050001858 **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 products 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:

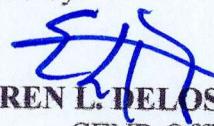
1. The apprehended eight (8) sacks of undocumented charcoal and One (1) Conveyance – motorcycle, RUSI 150, color black, with plate number 3729VV, engine number RSP150/QO1858, chassis number RSPTC15050001858 **shall be confiscated in favour of the government since those lumbers are products of an illegal act.**

Issued this _____ day of _____ at DENR-CENRO
San Jose, Occidental Mindoro.

Prepared by:


HECTOR S. ARAGONES, JR.
Forester III/Hearing Officer

Noted by:


EFREN L. DELOS REYES
CENR Office

KATITIKAN NG ADMINISTRATIBONG PAGDINIG TUNGKOL SA PAGKAHULI NG ISANG TRICYCLE RUSI 150, KULAY ITIM ASUL NA MAY NUMERO NG PLAKA 3729VV , NUMERO NG MAKINA RSP150/QO1858 AT NUMERO NG CHASSIS RSPTC150500001858 RSPTC150500001858 NA MAY KARGANG WALO (8) SAKONG ULING NA GINANAP SA OPISINA NG DENR-CENRO SAN JOSE, BRGY. LABANGAN POB., SAN JOSE, OCCIDENTAL MINDORO NOONG IKA -2 NG MAYO 2019, ALAS 2 NG HAPON SA PAGLABAG SA SEKSYON 77 NG PD 705 NA SINUSUSUGAN NG EO 277 AT RA 7161.”

Mga Dumalo:

- | | | |
|--------------------------|---|-----------------|
| 1. Reggie S. Magan | - | Respondent |
| 2. Maryjean M. Barolo | - | Stenographer |
| 3. Hector S. Aragon Jr.- | | Hearing Officer |

Hearing Officer: Itong administratibong pagdinig tungkol sa pagkahuli ng isang (1) Tricycle RUSI 150, kulay itim asul na may numero ng plaka 3729VV , numero ng makina RSP150/QO1858 at numero ng chassis RSPTC150500001858 RSPTC150500001858 na may kargang walo (8) sakong uling na nahuli ng mga tauhan ng PNP Magsaysay, Occidental Mindoro sa Brgy. Paclolo, Magsaysay, Occidental Mindoro noong April 24, 2019.

Sa mga katugon, ipinapalam po namin sa iyo na ikaw po ay nasailalim ng administratibong pagdinig ayon sa DAO No. 97-32. Pumunta at humarap ka sa pagdinig na ito na walang kasamang abogado o tagapagsalita para sa iyo. May karapatan kayo kumuha ng abogado at merong kang makukuhang abogado na nagbibigay ng libreng serbisyo. May karapatan ka din po na magsawalang kibo at ang bawat salita na iyong sasabihin ay pwedeng gagamitin laban sa iyo.

Hearing Officer: G. Reggie S. Magan, handa ka bang sumagot sa aking mga tanong o magbigay ng iyong malayang salaysay kahit wala kang kasamang abogado na magsasalita para sa iyo.

Reggie S. Magan: Opo.

Hearing Officer: Reggie S. Magan, pwede po ba kayong tumayo?

Hearing Officer: Reggie S. Magan, ikaw ba ay magsasabi ng buong katotohanan at pawang katotohanan lamang sa pagsisiyasat na ito?

Reggie S. Magan: Opo.

Hearing Officer: Pwede po ba ninyong sabihin ang iyong pangalan, edad, tirahan, trabaho at iba pang pagkakakilanlan?

Reggie S. Magan: Ako po si Reggie S. Magan, 35 taong gulang, may asawa, tricycle driver at nakatira sa San Roque II, San Jose, Occ. Mindoro.

Hearing Officer: Maraming salamat Ginoong Magan, pwede ka nang umupo.

Hearing Officer: Pwede mo bang ikwento ang buong pangyayari noong Abril 24, 2019 ganap na ika-7:20 ng gabi noong ikaw ay hinuli ng mga tauhan ng PNP Magsaysay?

Reggie S. Magan: Noong papunta na ako ng Tagumpay, may nasusunod po akong tricycle na may kargang uling at hindi ko alam na may sumusunod sa kanilang pulis , nakaangkas ang isang pulis sa may sidecar sa tora tora. Noong ako ay nag overtake sinundan ako ng pulis at ako ay pinahinto at sinabihan na sumunod sa Police Station.

Hearing Officer: Kilala mo ba ang nanghuli sa iyo?

Reggie S. Magan: Opo, si Sir Garcia at Mortos po.

Hearing Officer: Ilang sako ng uling ang dala mo?

Reggie S. Magan: Walo (8) po.

Hearing Officer: Saan galing mga uling na karga ng iyong tricycle?
Reggie S. Magan: Sa Br~~g~~ Daclolo, Magsaysay, Occidental Mind~~oro~~o.

Hearing Officer: Paano mo nakuha ang mga uling?
Reggie S. Magan: Binili ko lang po kung kani-kanino.

Hearing Officer: Sino po ang may ari sasakyan?
Reggie S. Magan: Ako po, pero nakapangalan sa bayaw ko.

Hearing Officer: Meron ka pa bang gustong sasabihin o hingin sa pagsisiyasat na ito?
Reggie S. Magan: Sana makalabas ang aking sasakyan at yon lang naman po ang aking inaasahan sa paghahanap-buhay.

Hearing Officer: Maraming salamat po Mr. Reggie S. Magan sa pagsagot sa aking mga tanong.

Hearing Officer: Sa hanay po ng Magsaysay MPS, ang inyong pong sinumita na Sinumpaang Salaysay ang aking pagbabasihan.

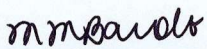
Para kay PSSgt Von Jose Mortos, sa inyong sinumita na sinumpaang salaysay, ikaw ba ang nakapirma sa bawat pahina at sa itaas ng iyong pangalan?

PSSgt Mortos: Opo

Hearing Officer: Maraming Salamat PSSgt Mortos

Dito po nagtapos ang administrative hearing sa ganap na ika 2:37 ng hapon sa opisina ng DENR-CENRO San Jose, Occidental Mindoro.

Prepared By:


MARYJEAN M. BAROLO
Stenographer

Noted By:


HECTOR S. ARAGONES JR.
Hearing Officer/ Seizure Officer



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
MAGSAYSAY MUNICIPAL POLICE STATION
Magsaysay, Occidental Mindoro



MEMORANDUM

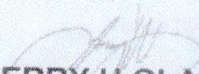
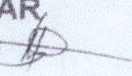
FOR : Provincial Director
Occidental Mindoro PPO
Camp Winston Ebersole
San Jose, Occ. Mindoro
(Attn: C, PIDMB/PCRB/PIB/POPB)

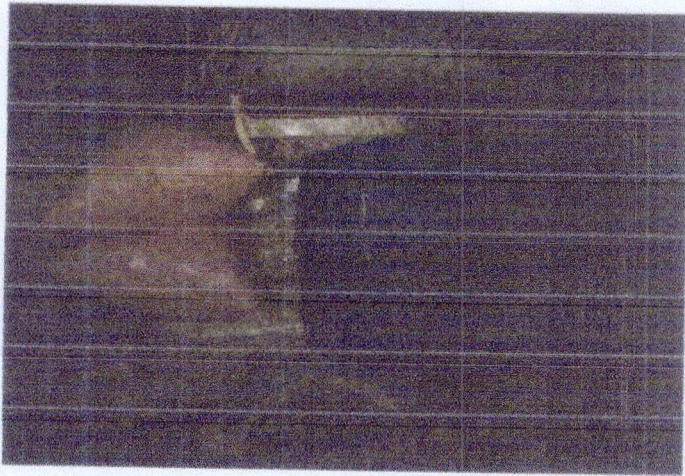
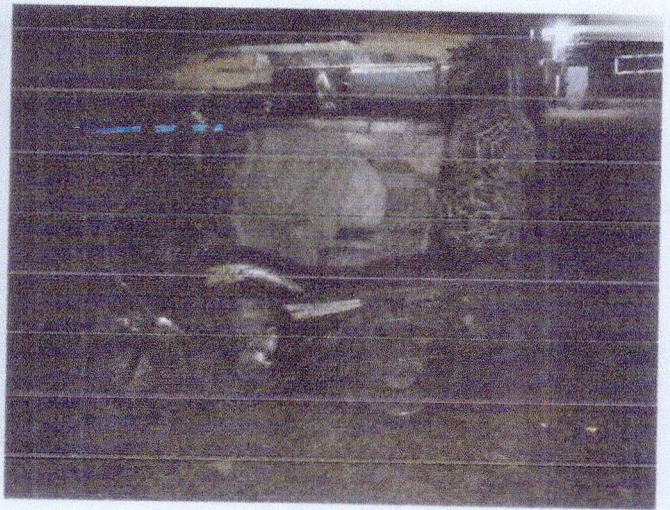
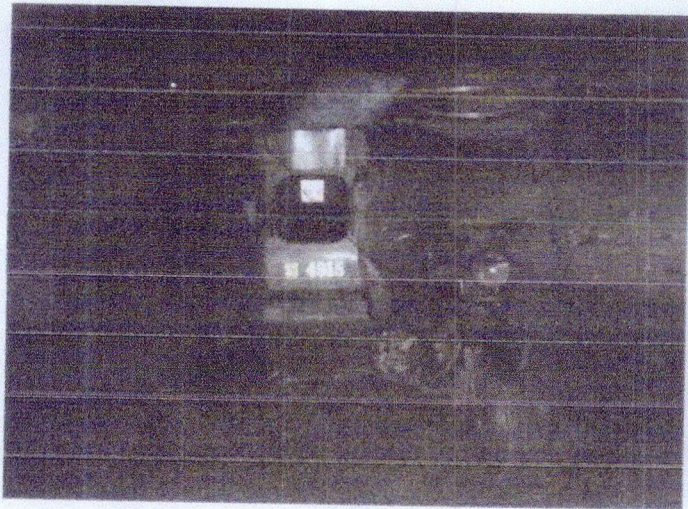
FROM : Officer-In Charge

SUBJECT : **Spot Report Re Violation of PD 705**

DATE : April 24, 2019

1. What : Violation of PD 705
2. Where : Sitio Makinay, Brgy. Paclolo, Magsaysay, Occidental Mindoro.
3. When : April 24, 2019 about 7:20 PM
4. Who : The suspect was identified as Reggie Seriosa Magan, 35 years old, male, married, jobless and a resident of Barangay San Roque 2, San Jose, Occidental Mindoro.
5. How : Investigation conducted by IOC disclosed that on April 24, 2019 at around 7:20 PM, information received from confidential informant disclosed that there was a tricycle loaded of charcoal from Sitio Makinay, Barangay Paclolo, Magsaysay, going to San Jose, Occidental Mindoro. Immediately, upon receipt the said information, the undersigned together with intelligence operatives of this station composed of PCMS Alexander R Garcia, Chief Intel and PSSgt Von J Mortos were dispatched and conducted anti-illegal logging operations. Upon reaching Brgy Paclolo the operating team intercepted one (1) black Rusi TC 150, with galvanize sidecar, bearing plate number 3729 VV loaded with Eight (8) sacks of charcoal with an estimated amount of one thousand two hundred (Php 1,200.00) pesos. The suspects failed to present PERMIT to Transport from the concern agency (DENR) to the operating team. The apprehended suspect are now under the custody of this station for filing of appropriate Criminal Complaint. Investigator-on-case is PCpl Luis Corpuz Jr with Cp Nr. 09466415556..
6. Progress Report to Follow.

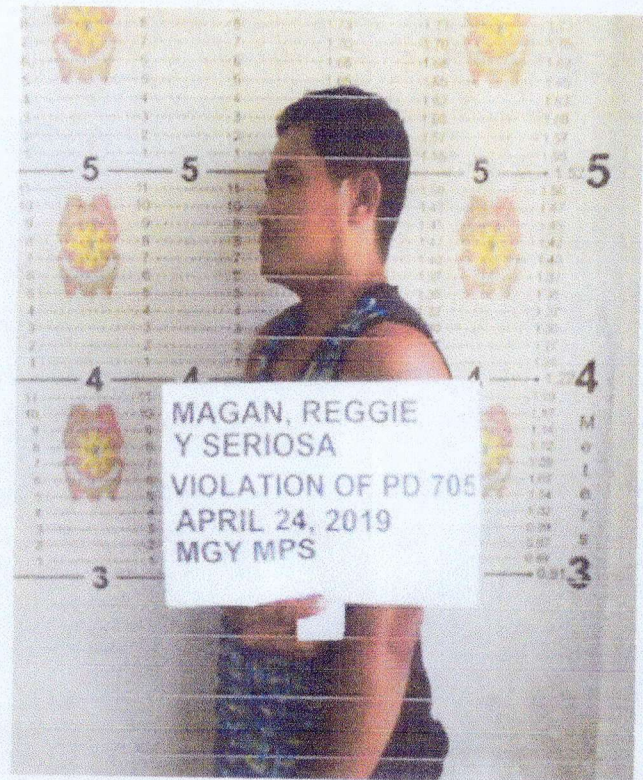
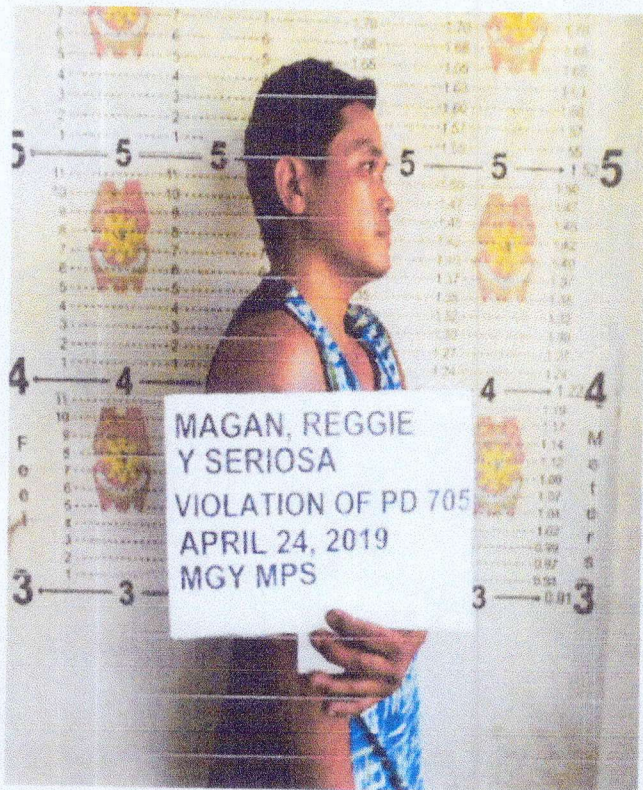
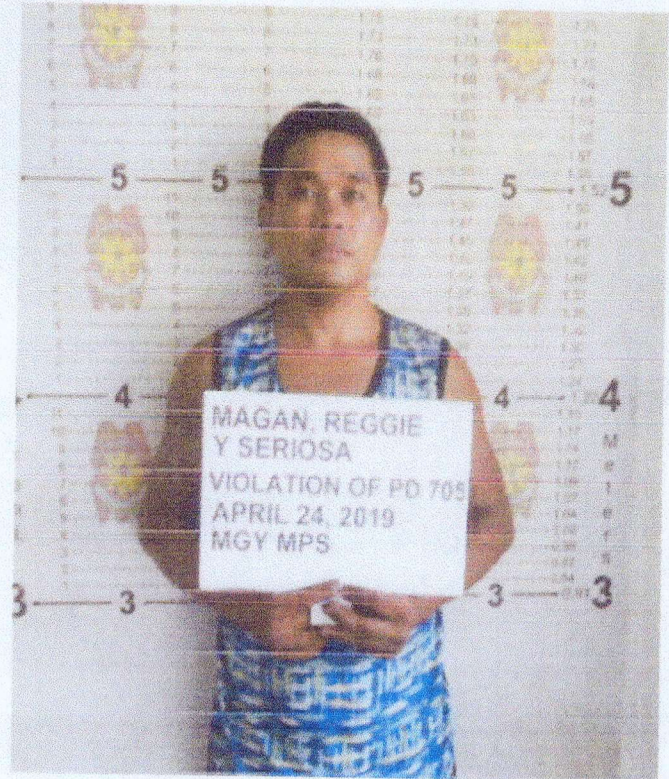
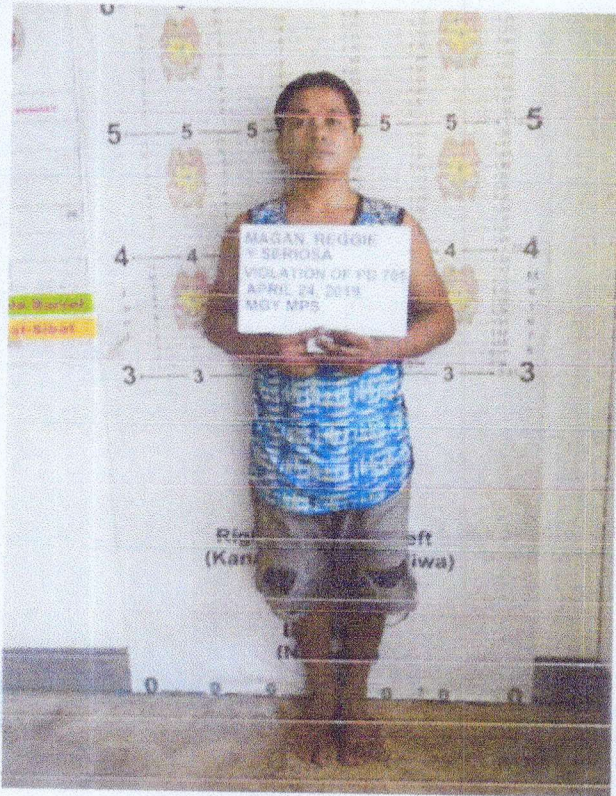

GERRY H OLAR
Police Captain 



LOOKING MUG SHOTS

NAME OF SUSPECT: MAGAN REGGIE SERIOSA
(Family) (First) (Middle)

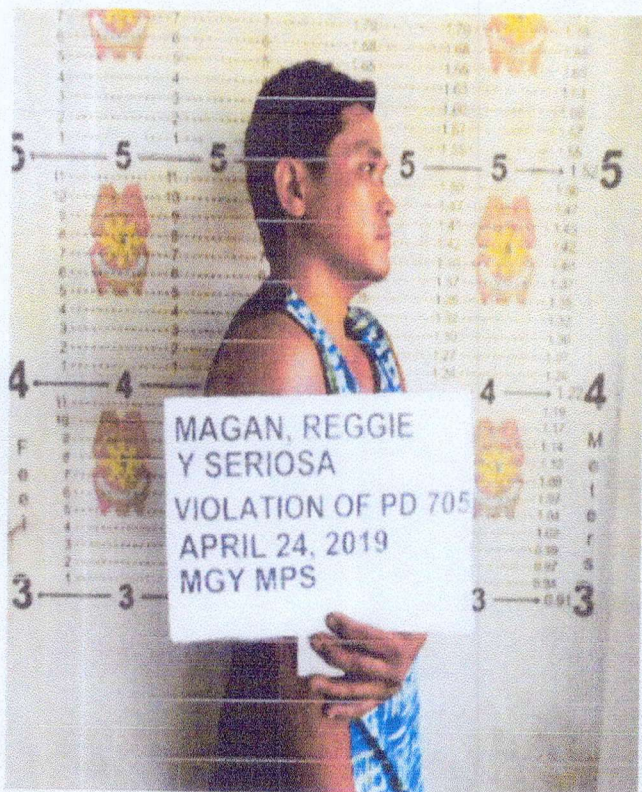
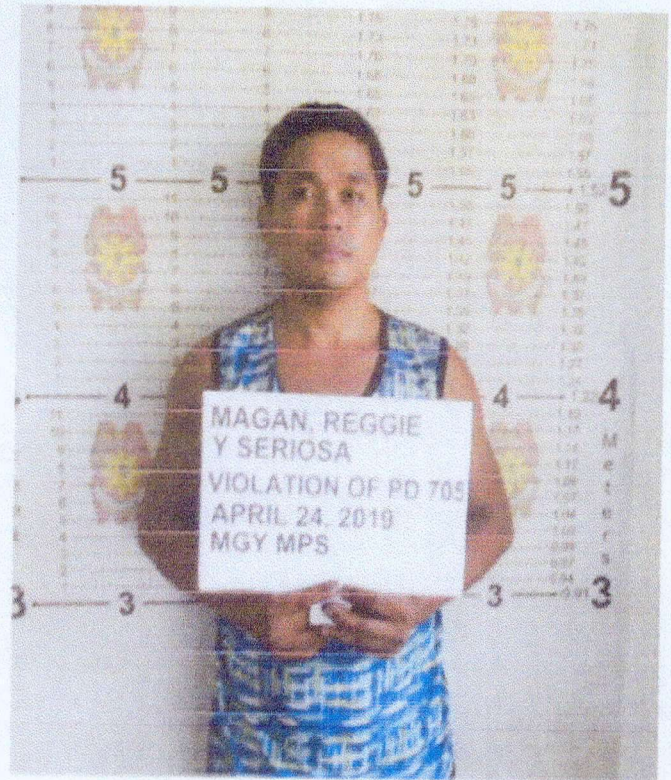
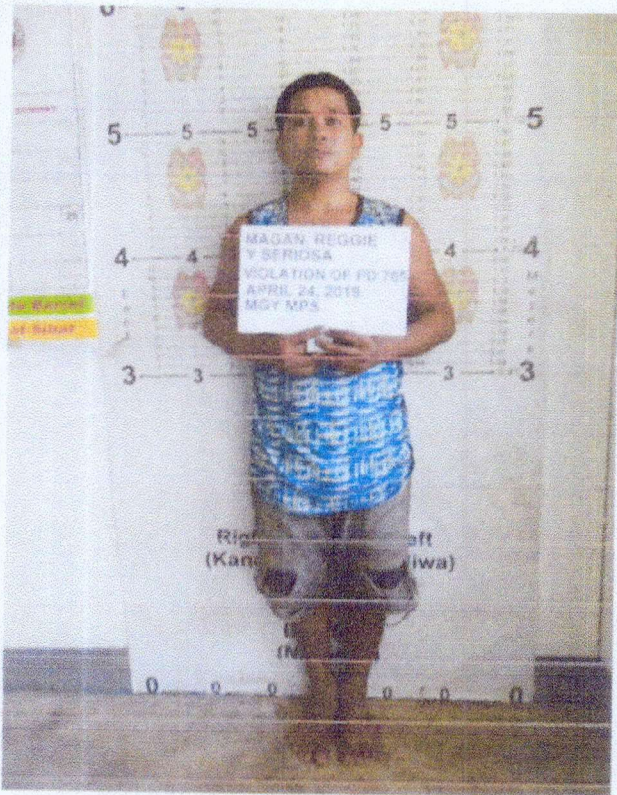
Blotter Entry Nr. 3180



LOOKING MUG SHOTS

NAME OF SUSPECT: MAGAN REGGIE SERIOSA
(Family) (First) (Middle)

Blotter Entry Nr. 3180





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 SJOM: (Enforcement Unit)
Supervision

EMAIL FOR TRANSMISSION
April 25, 2019

FOR: THE REGIONAL EXECUTIVE DIRECTOR
DENR-IVB, MIMAROPA
ERMITA, MANILA

THRU: ARD FOR TECHNICAL SERVICES
DENR-IVB, MIMAROPA
ERMITA, MANILA

FROM: CENRO SAN JOSE
OCCIDENTAL MINDORO

PLEASE BE INFORMED THAT PERSONNEL OF MAGSAYSAY MUNICIPAL POLICE HEADED BY PSSgt. VON J. MORTOS HAD TURNED-OVER TO THIS OFFICE THE APPREHENDED ONE (1) UNIT MOTORCYCLE RUSI 150 COLORED BLACK WITH GALVANIZED SIDECAR CMA BEARING PLATE NUMBER 3729VV CMA CHASSIS NUMBER RSPTC15050001858 AND ENGINE NUMBER RSP150/QO1858 LOADED WITH EIGHT (8) SACKS OF UNDOCUMENTED CHARCOAL AT SO. MAKINAY CMA BARANGAY PACLOLO CMA MAGSAYSAY CMA OCCIDENTAL MINDORO ON APRIL 24, 2019 AT AROUND 7:20 IN THE EVENING PD

THE CONVEYANCE AND FOREST PRODUCTS WERE OWNED BY A CERTAIN MR. REGGIE SERIOSA MAGAN CMA HOWEVER CMA CONVEYANCE AND FOREST PRODUCTS ARE SUBJECTED TO APPREHENSION PD

PLEASE BE FURTHER INFORMED THAT THE SAID CONVEYANCE AND FOREST PRODUCTS IS UNDER THE CUSTODY OF DENR-CENRO SAN JOSE FOR SAFEKEEPING PURPOSES AND NOW PENDING FOR ADMINISTRATIVE PROCEEDINGS AS PER DAO 97-32 PD

FOR HIS INFORMATION AND RECORD PD


FORESTER DELOS REYES

SENDER:

EFREN L. DELOS REYES
Officer-in-Charge

Republic of the Philippines
Department of Environment and Natural Resources
CENRO SAN JOSE
Address : Labangan San Jose, Occidental Mindoro

SEIZURE ORDER

CENRO Control No.: 2019- F248
E-FMS No: 2019-175110 - F248

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:

MAJOR FOREST PRODUCTS

[illegible]

Minor Forest Products

Kind	Unit of Measurement	No. of Units	Estimated Value	Custodian
Charcoal	Sacks	1	1200.00	

Conveyance Involved

Type	Make/ Model/ Year	Plate No.	Color/Markings	CR No.	OR No.
Tricycle	RUSI TC 150	3729 VV	Black		

Conveyance Involved (Additional Details)			
Engine No.	Chassis No.	Accessories	Custodian*
RW 162 PMS/JAD67706	RWCLPK 20 XFE 007706		

*turned over to the highest officer of the Regional Office concerned if government-owned vehicle.

If Animal					
Kind	Quantity	Gender	Age (Adult/Young)	Color	Custodian

Equipment Involved				
Type	Quantity	Details	Estimated Value	Custodian

Implements Involved			
Type	Quantity	Details	Custodian

The subject Forest Products and other items were apprehended while under the possession/ control/ownership of.

Name	Address	Civil Status	Age	Participation	Status of the Person
Carlos P delo Cruz	Pacolo Region 10 Occ. mdo.	Married	64/yo	driver	

2. The subject Forest Products and other items have undergone the following Seizure proceedings.

SEIZURE						
Date and Time of Seizure	Place of Seizure				Seizing Officer	Legal Basis for Seizure
	Province	City/Municipality	Barangay	Sitio		
April 25, 2019 9:30 A.M	Occ. mdo	San Jose	Lubayan			Violation of Sec. 77 of P.D 905 as amended by E.O 399.


Examination Conducted by Seizure Officer:

Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			

After thorough evaluation of the Apprehension Report dated April 24, 2019 and all relevant documents submitted, and after examining personally the apprehending officers and witnesses of the apprehension about the violation committed, it was determined that there is prima facie evidence that existing laws and DENR regulations have been violated and that the offender is probably guilty thereof.

Hence, the foregoing forest products/conveyance/equipment/implement are hereby ordered seized and now under government custody (except government-owned vehicles).

So ordered this 25 day of April year 2019 at


HECTOR S. ARAGON, JR.
SEIZURE OFFICER
HEARING OFFICER

Copy furnished:

APPREHENSION RECEIPT

This APPREHENSION RECEIPT is issued to -

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:

MAJOR FOREST PRODUCTS

Minor Forest Products

Conveyance involved

Type	Make/Model/Year	Plate No.	Color/Markings	CR No.	OR No.	Engine No.	Chassis No.	Accessories
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APPREHENDING OFFICER
(Signature over Printed Name)

1. Von J. Mortos
Position: PSSgt.
Address: Magsaysay MPS
2. _____
Position: _____
Address: _____
3. _____
Position: _____
Address: _____

4. _____
Position: _____
Address: _____
5. _____
Position: _____
Address: _____
6. _____
Position: _____
Address: _____

WITNESSES:

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

1. Reggie Srisoa Magan.
Position: _____
Address: _____
2. _____
Position: _____
Address: _____
3. _____
Position: _____
Address: _____

3. _____
Position: _____
Address: _____
5. _____
Position: _____
Address: _____
6. _____
Position: _____
Address: _____

Copy Received by:

Signature over Printed Name

Signature over Printed Name

Date/Time

Date/Time

If Animal			
Kind	Quantity	Gender	Color

Equipment Involved			
Type	Quantity	Estimated Value	Custodian

Implements Involved	
Type	Quantity

2. The subject Forest Products and other items have undergone the following Apprehension proceedings.

APPREHENSION						
Date and Time of Apprehension	Place of Apprehension				Apprehending Officer	Factual Legal Basis for Apprehension
	Province	City/Municipality	Barangay	Sitio		
April 24, 2019 7:20 PM	Occ. Mdo	Magsaysay	Pactolo	Makinao	PNP Magsaysay	Violation of Sec. 27 of P.D. 905 as amended by E.O. 274

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

- the respondent is transporting forest products w/o legal documents /
- permits from the DENR
-

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 24th day of April, year 2019 at _____.

Republika ng Pilipinas)
LALAWIGAN NG KANLURANG MINDORO) S.S
BAYAN NG MAGSAYSAY)

SINUMPAANG SALAYSAY

Ako si **PSSgt Von Jose Mortos**, nasa hustong gulang, may asawa, alagad ng batas na nakatalaga sa Magsaysay Municipal Police Station at kasalukuyang naninirahan sa Barangay Pobalcion, Magsaysay, Occidental Mindoro matapos makapanumpa ng ayon sa bagong saligang batas ay nagsasabi ng mga sumusunod.

PANGUNANG SALITA

Ang nagtatanong sa akin sa affidavit kong ito ay si PCpl Luis F Corpuz Jr, na isang pulis na nakatalaga sa Investigation Section Magsaysay Municipal Police Station, Magsaysay, Occidental Mindoro. Ginanap ang pagtatanong niya sa akin sa loob ng Police Station gaya ng mga sumusunod:

(ANG NAGSALAYSAY AY PINAHIWATIGAN O PINAALALAHANAN NG LAHAT NG KANYANG MGA KARAPATAN ALIN SUNOD SA ITINATADHANA NG BAGONG SALIGANG BATAS)

MGA TANONG AT SAGOT

01. TANONG - **PSSgt Von Jose Mortos**, 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.
03. TANONG - Maari mo bang sabihin sa pagsisiyasat na ito ang iyong tunay na pangalan at iba pang mapagkakakilanlan sa iyong tunay na pagkatao?
SAGOT - Ako si **PSSgt Von Jose Mortos**, nasa hustong taong gulang, may asawa alagad ng batas na nakatalaga sa Magsaysay Municipal Police Station at kasalukuyang naninirahan sa Barangay Pobalcion, Magsaysay, Occidental Mindoro
04. T - Ano ang dahilan at naririto ka sa aming tanggapan at nagbibigay ng iyong Malaya at kusang loob na salaysay?

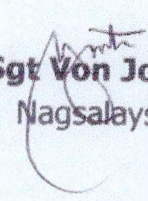
PAHINA 2. KARUGTONG NG SALAYSAY NI PSSgt Von Jose Mortos NGAYONG IKA- 24 ng Abril 2019 .

- S- Upang magbigay ng salaysay kaugnay sa isinagawang operasyon ng Magsaysay Municipal Police Station laban sa ipinagbabawal na pagbyabyahe ng uling o paglabag sa PD 705 (Illegal Logging/Charcoal) na naganap sa Sitio Makinay, Brgy. Paclolo, Magsaysay, Occidental Mindoro.
05. T - Kailan at saan nangyari ang paghuli o operasyon laban sa ipinagbabawal na pagbyabyahe ng uling o PD 705 (Illegal Logging/Charcoal) At ano ang naging partisipasyon mo dito?
- S - Humigit Kumulang sa 7:00 ng gabi April 24, 2019, sa Sitio Makinay, Brgy. Paclolo, Magsaysay, Occidental Mindoro ako ay naatasang mag-aresto sa driver o suspect.
06. T - Maari mo bang isalaysay ang buong pangyayari sa isinagawa ninyong paghuli o operasyon laban sa pagbyabyahe ng uling o PD 705 (Illegal Logging/Charcoal) sa Sitio Makinay, Brgy. Paclolo, Magsaysay, Occidental Mindoro?
- S - Noong ika-24 ng Abril 2019, ang oras ay humigit kumulang sa ika 07:00 ng gabi ay nakatanggap ng impormasyon ang aming Himpilan ng Pulisya ng Magsaysay mula sa aming isang confidential asset na may nagbyabyahi ng uling sa Sitio Makinay, Brgy. Paclolo, Magsaysay, Occidental Mindoro. Na agad kaming pinulong ng aming Officer In-Charge (OIC) na si Police Captain GERRY H OLAR. At pagkatapos agad kaming pumunta ni PCMS Alexander R Garcia sa Sitio Makinay, Brgy. Paclolo, Magsaysay, Occidental Mindoro upang isagawa ang paghuli sa nasabing pagbyabyahe ng uling o PD 705 (Illegal Logging/Charcoal). At bandang 07:20 ng gabi ng Abril 24, 2019, pagdating namin sa lugar sa Sitio Makinay, Brgy. Paclolo, Magsaysay, Occidental Mindoro nakita namin ni PCMS Alexander R Garcia ang sinabi ng aming asset na may nagbyabyahe ng uling sa Sitio Makinay Brgy. Paclolo, Magsaysay ang isang Rusi TC 150, na kulay itim na may plakang 3729 VV na may galvanize sidecar (tricycle) na may sakay na mga uling (Charcoal) At nang hanapan namin ng kaukulang papeles para ibyahe (Permit to transport) ang driver na si Reggie Seriosa Magan ay wala itong maipakita sa amin ng Permit to Transport kaya siya ay aking inaresto at Aming dinala ang kanyang motorsiklo na may galvanize side car (Tricycle) kasama ang walong sakong uling na sakay nito na may halagang humigit kumulang sa isang libo dalawangdaang peso (Php1,200.00) Na habang inaaresto ko ang suspek ay ipinaalam ko sa kanya na siya ay may karapatang manahimik, ipagtanggol ang sarili sa pamamagitan ng pagpili niya ng manananggol at kung hindi nila kayang magbayad ay bibigyan sila ng libreng abogado ng gobyerno, at gayundin ang kanyang karapatan upang makipagtalastasan sa mga kaanak at kaibigan. At siya ay aming dinala sa Magsaysay Health Office para ipasuring medical.

**PAHINA 3. KARUGTONG NG SALAYSAY NI PSSgt Von Jose Mortos NGAYONG
IKA- 24 ng Abril 2019.**

07. T - Ano pa ang mga sumunod na pangyayari ?
S - Matapos namin siyang hulihin ay dinala namin siya sa Magsaysay sa Police Station para sa pagdudukumento.
08. T - Wala na akong gustong itanong sa iyo. Handa mo bang lagdaan ang salaysay mong ito na walang tumakot, pumilit o nagbigay ng pabuya sa iyo at binubuo ng tatlong (4) pahina?
S - Opo.

WAKAS NG SALAYSAY:


PSSgt Von Jose Mortos
Nagsalaysay

OATH

SUBSCRIBED AND SWORN to before me this 25 APR 2019 day of April 2019 at San Jose, Occidental Mindoro.

ATTESTATION

I attest to the fact that I personally supervised the taking of the affidavit from **PSSgt Von Jose Mortos** and the result was reduced in the judicial affidavit. And, I further attest that the questions asked to the complainant and his answers to the same were faithfully recorded and that no one assisted or coached the complainant when he answered the question asked of him.

PCpl Luis F Corpuz Jr
Investigator

OATH AND CERTIFICATION

SUBSCRIBED AND SWORN to before me this 25 APR 2019 day of April 2019 at San Jose Occidental Mindoro. I hereby certify that I have examined the herein affiant under oath and that I am satisfied that he voluntarily executed and understood his statement



26 APR 2019

NOTICE OF ADMINISTRATIVE HEARING

MR. REGGIE S. MAGAN
Brgy. San Roque II,
San Jose, Occidental Mindoro

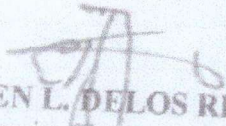
Dear Mr. Magan,

Ito po ay patungkol sa nahuling isang (1) unit ng tricycle RUSI TC150, kulay itim na may Plate Number 3729VV, Engine Number RSP150/QO1858 at Chassis Number RSPTC150500001858 na may kargang walong (8) sakong uling na nahuli ng mga tauhan ng PNP Magsaysay noong Abril 24, 2019 ganap na 7:20 ng gabi sa Brgy. Paclolo, Magsaysay, Occidental Mindoro.


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

Kayo po ay aming inaanyayahan dito sa aming opisina sa **ika-2 ng Mayo, 2019** bandang 2:00 ng hapon dito sa aming tanggapan.

Nagpapasalamat,


EFREN L. DE LOS REYES
Officer-in-Charge

Received by:


REGGIE MAGAN

Brgy. Labangan, San Jose, Occidental Mindoro
Telephone No. 043-457-0236
Email Address: denrcenro_sanjose@yahoo.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

May 2, 2019

SUBJECT: ATTENDANCE ON THE ADMINISTRATIVE PROCEEDING RE: APPREHENSION OF ONE (1) UNIT TRICYCLE RUSI 150, COLOR BLACK, PLATE NUMBER 3729VY, ENGINE NUMBER RSP150/QO1858 AND CHASSIS NUMBER RSPTC15050001858 LOADED WITH EIGHT (8) SACKS OF UNDOCUMENTED CHARCOAL WHICH WAS APPREHENDED BY PNP MAGSAYSAY LAST APRIL 24, 2019 AT PACOLO, MAGSAYSAY, OCC. MINDORO

NAME	ADDRESS	AGE	GENDER	PARTICIPATION	CONTACT NO.	SIGNATURE
RESGUE MAGAN	SAN BOQUE II SSDM	35	MALE	OWNER OF CHARCOAL	09071695839	
MARYJEAN M. BAROLA	DENR- CENRO	40	FEMALE	SPROGRAPHER	09459304067	
HELEN J. AGUIRRE-S.	ACR- CENRO	47	MAGE	PERSONAL ATTACH	09187646541	
ROS, VON O MONTAÑA	MLA MP, Molo, Mindoro	36	MALE	PROSECUTOR OFFICE	09092101722	




Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

ACKNOWLEDGEMENT RECEIPT

This is to acknowledgement receipt the turned over of one (1) unit Motorcycle RUSI 150 colored Black with galvanized sidecar bearing Plate Number 3729VV, chassis number RSPTC15050001858, Engine Number RSP150/QO1858 and eight (8) sacks of undocumented charcoal which was apprehended by personnel of Magsaysay Municipal Police on April 24, 2019 at around 7:20 in the evening at So. Makinay, Brgy. Paclolo, Magsaysay, Occ. Mindoro without any legal permit or documents issued by this Office.

Done at CENRO San Jose, Occidental Mindoro, this 25th day of April, 2019


JOMAR B. SERQUINA
Forester I/ Chief, EMS

Brgy. Labangan, San Jose, Occidental Mindoro
Telephone No. 043-457-0236
Email Address: denrcenro_sanjose@yahoo.com