

Republic of the Philippines
Department of Environment and Natural Resources
OFFICE OF THE REGIONAL EXECUTIVE DIRECTOR
DENR-MIMAROPA REGION
1514 L and S Building, Roxas Boulevard, Manila

DENR MIMAROPA RECORDS SECTION	
RECEIVED	
BY:	
DATE:	JUN 28 2022
TIME:	

**IN RE: CONFISCATION OF EIGHTEEN (18) SACKS OF WOOD
CHARCOAL AND ONE (1) UNIT OF CHARIOT RUSI 125, WITHOUT
PLATE NUMBER, APPREHENDED IN QUEZON STREET, BARANGAY
POBLACION, MAGSAYSAY, OCCIDENTAL MINDORO.**

CASE NO. _____

MS. ROSEMARIE MALIGAYA
Movant.

X-----X

MOTION FOR RECONSIDERATION

Movant Rosemarie Maligaya, by herself, unto this Honorable Office, most respectfully
avers:

PREFATORY STATEMENT

Under Article 2180 of the Civil Code, otherwise known as Vicarious Liability, an employer is only liable for the act or omission of his/her employee if the latter is acting within the course or scope of his/her employment. But if the employee is performing an act not authorized by the employer, the latter cannot be made liable for such an act.

TIMELINESS

That respondents received a copy of the Confiscation Order on JUN 03 2022, under the rule's respondents have until JUN 13 2022, within which to submit their Motion for Reconsideration to the said order, hence this pleading is within the reglementary period to file the same;

FALLO

**DISPOSITIVE PORTION OF THE CONFISCATION ORDER WHEREFORE,
PREMISES CONSIDERED**, the apprehended eighteen (18) sacks of wood charcoal with an estimated fair market value of P4,500.00 and one (1) unit of Chariot RUSI 125 (color blue), without plate number, are hereby **CONFISCATED** in favor of the government, to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter.

GROUND FOR THE MOTION

The movant did not commit any violation of the alleged crime of Presidential Decree (PD) No. 705 as amended.

ARGUMENTS

That the Office has committed a mistake by making its confiscation order of One (1) Unit of Chariot RUSI 125 without plate number for the reason of "Absence of affidavits, supporting documents and other evidence in violation of Section 77 of PD No. 705 as amended;

Here, the movant Rosemarie Maligaya did not cut, gather, collect, removed timber or other forest products. Movant is only the owner of the Charion, RUSI 125 color blue, without plate number. (please see attached RUSI 125, color blue OR/CR copy as a proof of ownership);

Moreover, the movant Rosemarie Maligaya, has nothing to do on what her temporary driver had did, because she is running a legitimate Water Refilling Station" business. (please see attached business permit stating the name of its owner and its address);

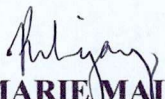
Further, Ms. Rosemarie Maligaya attended the administrative hearing made by DENR CENRO San Jose, clearly stated and it must be included in the minutes of the said hearing, that she did not know nor given any permission to its driver to pickup any kind of Forest Products particularly charcoals. That her driver Rolly Domingas is only her temporary driver for her Water Refilling Station as her legitimate driver is out for that day. (all of this is captured by the recording/minutes during the administrative hearing);

Moving further, that the illegal activity was only in behalf of Mr, Rolly Domingas and it is his own responsibility to pickup the said Illegal Forest Products – Charcoal, and he uses the conveyance a Chariot RUSI 125, color blue without a plate number, and without any authority and knowledge from its true owner Ms. Rosemarie Maligaya , and Domingas had already cleared the movant from the transaction.

PRAYER

WHEREFORE, premises considered, it is most respectfully prayed for that this Motion for Reconsideration be GRANTED and that the confiscation order be recalled for lack of merit. Such other reliefs as are just and equitable under the circumstances are likewise prayed for.

_____ San Jose, Occidental Mindoro, Philippines.


ROSEMARIE MALIGAYA
SAN JOSE, OCCIDENTAL MINDORO.

Copy Furnished:

Efren L. delos Reyes
CENR Officer
CENRO, San Jose Occidental Mindoro

NOTICE AND EXPLANATION

**The Receiving Clerk
Office of the Regional Executive Director
DENR-MIMAROPA Region
Manila**

Please submit the foregoing Motion for Reconsideration to the most respectful Honorable Regional Executive Director immediately upon receipt hereof without any oral nor written arguments.

Copies of the foregoing motion were filed and served through registered mail.

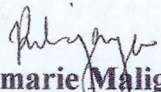

Rosemarie Maligaya

VERIFICATION

I, **ROSEMARIE MALIGAYA**, of legal age, Filipino and resident of Dona Consuelo Subdivision, San Jose Occidental Mindoro, respectively after having been duly sworn to in accordance with law do hereby depose and say;

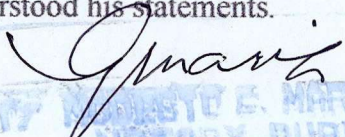
1. That I the owner of Chariot Rusi 125, color blue with no plate number has cause the preparation of the aforequoted Motion for Reconsideration; all the allegations stated therein are all true and correct to the best of my knowledge and belief and based on authentic records; that the factual allegations therein have evidentiary support or, if specifically so identified will likewise have evidentiary support after a reasonable opportunity for discovery.

IN WITNESS WHEREOF, I have hereunto affixed my signature below this ____ day of June 2022 at San Jose, Occidental Mindoro.


Rosemarie Maligaya
Affiant

JUN 08 2022

SUBSCRIBED and sworn to before me this _____ in San Jose, Occidental Mindoro. I hereby certify that I have examined the affiant under oath and that I am satisfied that he voluntarily executed and understood his statements.


NOTARY PUBLIC
PTR NO. 1767017 I, 1-4-22
IBP NO. 176502, 12-22-20
ROLL NO. 19232
SAN JOSE, OCCIDENTAL MINDORO

DOC. NO. 774
PAGE NO. 67
BOOK NO. 407
SERIES OF 2022

REPUBLIKA NG PILIPINAS)
BAYAN NG SAN JOSE)
LALAWIGAN NG KANLURANG MINDORO)S.S.

X----- X

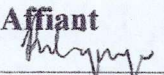
SINUMPAANG SALAYSAY

Ako si **Gng. Rosemarie Maligaya**, __taong gulang, at kasaluyang nakatira sa **Dona, Consuelo Subd, Brgy. Pagasa, San Jose, Occidental Mindoro**. Matapos makapanumpa alinsunod sa pinaguutos ng batas ay malaya at kusang loob na nagsasalaysay ng mga sumusunod

1. Na, ako ang nagmamayari ng isang Water Refilling Station na matatagpuan sa Brgy. Poblacion, Magsaysay, Occidental Mindoro.
2. Na, ako din ang nagmamay ari ng isang Chariot RUSI 125, walang plaka at may engine no. RW162FMKJCO14410 with chassis no. RWCLHKJ9KPO144410.
3. Na, si Rolly Domingas ay itinalaga lang naming na "temporary driver" ng aming Chariot sa kadahilang wala ang totoo naming tsuper na nagmamaneho ng aming RUSI chariot para makapag deliver ng mga inorder na tubig.
4. Na, hindi ko binigyan ng anumang pahintulot si Rolly Domingas na kumuha ng mga uling habang nasa oras ng trabaho, bagkus, ay itinakas nya ang aming sasakyan ng walang pahintulot at lingid sa aming kaalaman.
5. Na, kung aking nalaman na hindi nya ito gagamtin sa pag deliver ng mga tubig ay ito ay aking **mariing tututulan**.

Bilang patotoo sa lahat ng nakasaad sa itaas ako ay lalagda ngayong _____ dito sa Magsaysay, Occidental Mindoro

Affiant



Rosemarie Maligaya

OATH AND CERTIFICATION

JUN 08 2022

SUBSCRIBED and sworn to before me this _____ in San Jose, Occidental Mindoro. I hereby certify that I have examined the affiant under oath and that I am satisfied that he voluntarily executed and understood his statements.


[Signature]
NOTARY PUBLIC

PTA NO. 4792017I, 1-4-22
ISE NO. M0502, 12-22-20
ROLL NO. 14432
SAN JOSE, OCCIDENTAL MINDORO

DOC. NO. 7175
PAGE NO. 63
BOOK NO. 649
SERIES OF 2022



REPUBLIC OF THE PHILIPPINES
Unified Multi-Purpose ID



CRN-006-0094-0944-4

SURNAME

MALIGAYA

GIVEN NAME

ROSEMARIE

MIDDLE NAME


NIFAS

SEX

FEMALE

DATE OF BIRTH

1965/02/06



ADDRESS

1150 KAIMITO ROAD DONA CONSUELO
SUBD PAS ASA SAN JOSE MINDORO
OCCIDENTAL PHL 5100



For TELESERVICE call: 1-800-8-8474747 (GLOBE) 1-800-10-8474747 (SMART / PLDT)

- Do not disclose your Personal Identification Number (PIN).
- The use of this card is governed by the terms and conditions embodied in the LANDBANK ATM CARD Agreement and all future amendments thereto.
- If found, please return to any LANDBANK branch.
- In case of ATM card capture, please do not cut/paraphrase.
- Use your ATM card to pay your purchases at BancNet affiliated merchants.
- For inquiries, call (02) 405-7000 or 1-800-10-405-7000 (PLDT TOLL FREE).

BancNet

Card No.: 02038 5111 4500 740
Account No.: 5116 4552 52

 **LANDBANK**

110-3-8





Republic of the Philippines
DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE
East Avenue, Quezon City
LTO R4B, NEW REGISTRATION UNIT

LTO Form No. 3



CERTIFICATE OF REGISTRATION

CR

No. **36554821-2**

DATE: **11/04/2019**

(MM-DD-YYYY)

MV File No. 0403-00000209820	PLATE NO.	ENGINE NO. RW162FMKJC014410	CHASSIS NO. RWCLHKJ9KP014410
RENOVATION	PISTON DISPLACEMENT 175	NO. OF CYLINDERS 1	FUEL GAS
MAKE RUSI	SERIES CHARIOT 175	BODY TYPE TRIKE	BODY NO. 2019
GROSS WT. 1040	NET WT. 520	SHIPPING WT. 520	NET CAPACITY 520

ROSEMARIE NIPAS MALIGAYA

TELEPHONE NO./CONTACT DETAILS

PAG-ASA SAN JOSE OCCIDENTAL MINDORO REGION 4

ENCUMBERED TO

DETAILS OF FIRST REGISTRATION	O.R. 002019175127778	O.R. DATE 10/31/2019	AMT. 864.06
-------------------------------	-----------------------------	-----------------------------	--------------------

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 proof of payment. Any unauthorized erasure or alteration hereon will invalidate this document.

REGISTRANT'S SIGNATURE

EDGAR C. GALVANTE

BY: **HILARION E. ULER**
Signature/Date

LTO Form No. 2B

Republic of the Philippines
DEPARTMENT OF TRANSPORTATION
LAND TRANSPORTATION OFFICE
East Avenue, Quezon City



Field Office: **LTO R4B, NEW REGISTRATION UNIT** Field Office Code: **0403**

OFFICIAL RECEIPT **1751277780** DATE: **10/31/2019**

RECEIVED FROM (Last name, First name, MI)
MALIGAYA, ROSEMARIE NIPAS

ADDRESS (No., Street, City, Municipality, Province Zip Code)
36554821-2

PAYMENT DETAILS		BREAKDOWN OF PAYMENT	
Transaction: VNEW01	010403103120190190 - 01	Cost of Plates	120.00
Posted: Oct 31 2019	PRIVATE: Motorcycle with Side C	Cost of Stickers	12.50
36554821-2		Legal Research Fund	10.00
File No.: 040300000209820		MVLC	300.00
Plate No. 36554821-2		Penalty	150.00
Gross Weight: 1040		Penalty 50% Tax	7.50
RENEW ON OR BEFORE 01/01/2020		50% Tax	15.00
		Transfer Fee	50.00
		License - CR Issuance	30.00
		Comp Fee	169.06
		Nothing Follows	
		TOTAL AMOUNT PAID	864.06

THE SUM OF (in pesos)

Eight Hundred Sixty Four And 06/100 Pesos Only

MODE OF PAYMENT

CASH

CHIEF OF OFFICE

Electronic Signature/Date

CASHIER

Signature/Date



This certifies that

MNK WATER REFILLING STATION

(BARANGAY)

POBLACION, MAGSAYSAY, OCCIDENTAL MINDORO, REGION IV-B (MIMAROPA)

is a business name registered in this office pursuant to the provisions of Act 3883, as amended by Act 4147 and Republic Act No. 863, and in compliance with the applicable rules and regulations prescribed by the Department of Trade and Industry.

This certificate issued to

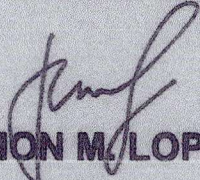
NOMER NIFAS MALIGAYA

is valid from 21 June 2019 to 21 June 2024 subject to continuing compliance with the above-mentioned laws and all applicable laws of the Philippines, unless voluntarily cancelled.

In testimony whereof, I hereby sign this

Certificate of Business Name Registration

and issue the same on 21 June 2019 in the Philippines.


RAMON M. LOPEZ
Secretary

Business Name No. 1039718

This certificate is not a license to engage in any kind of business and valid only at the scope indicated herein.



QTCL307110063937



Republic of the Philippines
Province of Occidental Mindoro
MUNICIPALITY OF MAGSAYSAY

-oo0oo-

OFFICE OF THE MUNICIPAL MAYOR

BUSINESS PERMIT

Is hereby granted to

MNK WATER REFILLING STATION

(Business Name/Trade Activity)

Corner Mabini & Quezon Street, Barangay Poblacion, Magsaysay, Occidental Mindoro

(Business Address)

NEW/RENEWAL of permit is hereby granted to **MR. NOMER N. MALIGAYA** resident of Barangay Poblacion, Magsaysay Occidental Mindoro, Philippines to engage/maintain/ operate (**WATER STATION**) business within his/her premises with a gross income of **TWO HUNDRED FORTY THOUSAND PESOS ONLY. (PHP. 240,000.00)** This business shall establish within this **MUNICIPALITY.**

Provided however that all necessary fees and other charges shall be paid to the Municipal Treasurer or his/her duly authorized representative before starting/ continuing said business and shall comply with the rules and regulation pertinent thereto.

This permit shall expire on December 31, 2022

ISSUED this 28th day of April 2022 at Magsaysay, Occidental Mindoro

CESAR M. TRIA JR.

Municipal Mayor

Permit No: MGY. -**237-2022**

Paid under OR No.:3690123

Amount: Php. 1,700.00

Dated: April 10, 2022

Transparent Responsible Innovative Administration

Address: LGU Government Office, 6F Municipal Building, Occidental Mindoro, Philippines 5104
Email Address: lgumagsaysayoccmn@gmail.com