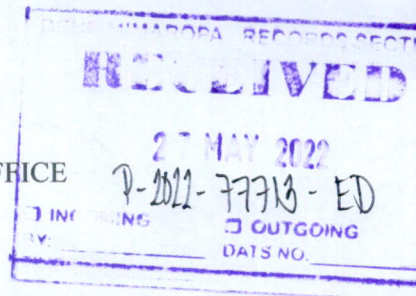




Republic of the Philippines  
**Department of Environment and Natural Resources**  
MIMAROPA Region  
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Bgy. Sta. Monica, Puerto Princesa City, Palawan  
Telfax No. (048) 434 - 8791  
Email Add: [penropalawan@denr.gov.ph](mailto:penropalawan@denr.gov.ph)



March 20, 2022

**MEMORANDUM**

**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 :** FOLLOW-UP THE REQUEST FOR ORDER OF FINALITY FOR  
THE APPREHENDED 545.87 BD. FT. AKLE AND BURAWIS  
LUMBERS LOADED ON L300 BEARING PLATE NO. TJR 610,  
APPREHENDED ON JUNE 22, 2007 AT BRGY. SAN MANUEL,  
PUERTO PRINCESA CITY

Respectfully forwarded is the memorandum of CENRO Puerto Princesa, Palawan dated March 12, 2022 relative the above subject.

Per memorandum, CENRO Puerto Princesa requested and followed-up the issuance of Order of Finality for the above subject case which was forwarded at the Regional Office on December 13, 2021 and March 7, 2022 respectively.


The Confiscation Order for the apprehended lumbers was issued on August 5, 2010 (*copy hereto attached*) and the conveyance was temporarily released to the owner Mrs. Merla R. Gonzales duly secured with Surety Bond of the Certificate of Title No. 129859 in the name of Mr. Arly D. Racuya.

The Decision (*copy hereto attached*) of the criminal case filed in court was issued on November 15, 2019 and the accused Mr. Richard Dela Cruz had already served his sentence. Please be informed that Mr. Arly D. Racuya is consistently asked for the release of his Title being used for the temporary release of the subject conveyance.

In view of the above, we concur with CENRO recommendation to issue the Order of Finality and for the release of the Title (bond).

For information and further instruction.

For the PENRO:

  
**JOHNNY P. LILANG**  
OIC Chief, Technical Services Division  
Office In-Charge

Copy Furnished:  
CENRO Puerto Princesa, Palawan  
File/2022-004ACG MES Doc. Ref. No. 2022-4077

DENR-PALAWAN  
PENRO-RECORDS  
**RELEASED**

By \_\_\_\_\_  
Date: \_\_\_\_\_ CN 22-1272  
MAY 20 2022





Republic of the Philippines  
Department of Environment and Natural Resources  
MIMAROPA Region  
**COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE**  
**PUERTO PRINCESA CITY**

**MEMORANDUM**

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

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

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

**SUBJECT :** **FOLLOW-UP THE REQUEST FOR ORDER OF FINALITY FOR THE APPREHENDED 545.87 BD FT AKLE AND BURAWIS LUMBERS LOADED ON L300 BEARING PLATE NO. TJR 610, APPREHENDED ON JUNE 22, 2007 AT BRGY. SAN MANUEL, PUERTO PRINCESA CITY**

**DATE :** **May 12, 2021**

**DENR DENRO  
PALAWAN RECORDS  
RECEIVED**

BY:   
DATE: 05-13-2022 CN 22-4077

This is to follow-up the request for the issuance of Order of Finality for the above subject which was forwarded to your office dated December 13, 2021 and March 7, 2022. This case was on June 22, 2007 re: apprehension of transporting naturally grown trees lumbers of Akle and Burawis with a total volume 545.787 board feet loaded in L300 bearing Plate No. TJR-610, confiscated at Brgy. San Manuel Puerto Princesa City.

Order of confiscation for lumbers was issued on August 5, 2010 and conveyance was temporarily released to the owner Mrs. Merla R. Gonzales secured with surety bond of the certificate of title No. 129859 in the name of Mr. Arly Dipon Racuya. Decision of the case filed in court was issued on November 15, 2019 and the accused has already served his sentence. Mr. Racuya is frequently coming to our office since last year requesting for the release of his title used in securing the temporary release of the said conveyance. Given that the driver had already served his sentence in jail and his old age, he is hoping that his land title will be released soonest possible time.

For information, consideration and approval.

**RELEASED**

TO: 1973  
DATE: 5-13-22  
BY:

**PEDRO A. VELASCO**



Republic of the Philippines  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
MIMAROPA REGION  
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE  
Puerto Princesa City, Palawan

March 07, 2022

MEMORANDUM

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

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

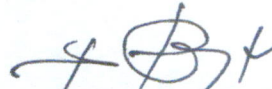
**FROM :** The CENRO

**SUBJECT :** FOLLOW-UP RE: REQUEST FOR ORDER OF FINALITY FOR THE  
APPREHENDED 545.87 BD.FT AKLE AND BURAWIS LUMBERS  
LOADED ON L300 BEARING PLATE NO. TJR 610, APPREHENDED AT  
BRGY. SAN MANUEL, PUERTO PRINCESA CITY

DENR PENRO  
PALAWAN RECORDS  
RECEIVED  
BY:                       
DATE: 03-09-2022 N

This is to follow-up our request for the issuance of Order of Finality regarding the above subject case. Our request for the issuance was thru a memorandum, thru channel, from this office dated December 13, 2021(copy attached).

For approval.

  
**PEDRO A. VELASCO**  
Development Management Officer IV  
OIC-CENRO

DENR MIMAROPA REGION  
CENRO PUERTO PRINCESA  
RECEIVED  
NO: 664  
DATE: 3-8-22  
BY:

9/1/07  
11-15-17  
OK

Republic of the Philippines  
**REGIONAL TRIAL COURT OF PALAWAN**  
Fourth Judicial Region  
**BRANCH 52**  
Puerto Princesa City

**PEOPLE OF THE PHILIPPINES,**  
Complainant

**CRIM. CASE NO. 22637**

versus

for

**RUBEN MEDINA and RICHARD  
DELA CRUZ,**

Accused.

X-----X

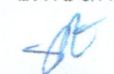
**VIOL. OF SEC. 78 OF PRES.  
DECREE NO. 705 AS AMENDED  
BY E.O. NO. 277 AND P.D. NO  
1559**

**DECISION**  
**(As to accused Richard Dela Cruz)**

Accused Ruben Medina (accused Ruben from hereon) and Richard Dela Cruz (accused Richard from hereon) stand charged with violation of Section 78 of Presidential Decree No. 705 as amended by Executive Order No. 277 and Presidential Decree No. 1559. The accusatory portion of the Information<sup>1</sup> filed by the City Prosecution Office of Puerto Princesa is quoted hereunder, to wit:

That on or about the 22<sup>nd</sup> day of June 2007, at Bgy. San Manuel, Puerto Princesa City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, did then and there willfully and feloniously cut and destroyed thirty seven (37) pcs. of Akle and Burawis Lumber with a total volume of 545.87 bd. Ft. with the estimated value of THREE HUNDRED TWENTY EIGHT THOUSAND FIVE HUNDRED FIFTY FIVE (P328,555.00) PESOS, Philippine Currency, representing the regular forest charges, surcharges, market value, moral and exemplary damages to the environment and the Government, and thereafter took possession, custody and control of the same with the use of a L-300 Van bearing Plate No. TJR-610, without first securing the necessary permit and/or license from the proper authorities, to the damage and prejudice of the government in the amount of

<sup>1</sup> Filed on September 14, 2007

  
**ATTY. LILIBETH C. AJES-LAURENT**  
CLERK OF COURT  
CERTIFIED VERIFICATION



THREE HUNDRED TWENTY EIGHT THOUSAND  
FIVE HUNDRED FIFTY FIVE (P328,555.00) PESOS,  
Philippine Currency.

CONTRARY TO LAW.

Finding probable cause, this Court issued a Warrant of Arrest for the apprehension of accused Ruben and accused Richard on October 2, 2006. On November 26, 2007 accused Ruben was committed for detention at the City Jail of Puerto Princesa City.

On February 14, 2008, accused Ruben was arraigned, he pleaded not guilty to the crime charged against him, and thereafter pre-trial ensued on July 22, 2008. On October 5, 2010, the Court sentenced accused Ruben on account of his a plea bargain agreement.

Accused Richard was apprehended and was committed for detention at the City Jail of Puerto Princesa City on February 23, 2012. On March 2, 2012, he posted a surety bond for his provisional liberty. Thereafter on March 20, 2012, he was arraigned and entered a plea of not guilty. On June 18, 2012, the pre-trial ensued and was terminated. Thereafter, trial on the merits ensued

#### VERSION OF THE PROSECUTION

To prove its case, the prosecution presented the following witnesses, Elmore Maquitoque (Maquitoque from hereon), SPO3 Antonio N. Magbanua (SPO3 Magbanua from hereon) and Edgardo Rivera (Rivera from hereon)


Maquitoque stated<sup>2</sup> that he was a government employee of the DENR as Forest Ranger. In connection with the confiscation on June 23, 2007 of various species of Akle and Burawis lumber, he made a computation of the market value, forest charges and the total amount of damages due to the government and the environment, and that he was able to arrive at the computation based on the formula fixed for the market value. The lumber seized consist of 37 Burawis and Akle lumber with a total volume of 545.87 board feet and that as computed the total value of the damages due to the government amounted to P328,555.00. Lastly, he identified the Statement of Akle and Burawis lumber<sup>3</sup> that he prepared and the Tally Sheet.

SPO3 Magbanua stated<sup>4</sup> a member of PNP assigned at CIDG, provincial command, Tiniguiban, Puerto Princesa City, narrated that on June 22, 2007, while he was at their office at PNP Barangay Tiniguiban, Puerto Princesa City, he received a call from an informant that a certain passenger L300 van with plate number TJR-610 was loaded with prohibited and illegal lumber at Barangay

<sup>2</sup> TSN, October 21, 2013

<sup>3</sup> Exhibit "B"

<sup>4</sup> TSN, August 11, 2014

  
**ATTY. LILIBETH C. AJOS-LAURENT**  
CLERK OF COURT V  
CERTIFIED XEROX COPY



Bacungan, Puerto Princesa City and the said lumber would be brought to Puerto Princesa City proper. He called for assistance the Bantay Gubat to verify the information, and upon the arrival of Joven Soriano, Elmer Abarientos, Rommel Aborot and certain Naval, they proceeded to Barangay Bacungan to verify the information. While they were traversing the national highway along Barangay Sta. Lourdes, they noticed a van from Barangay Bacungan which they tried to flag down. However, the driver of the van did not stop but instead continued traversing the road towards Puerto Princesa City. They immediately tailed the said van until they were able to overtake it at Barangay San Manuel, Puerto Princesa City. Then, they secured the van to make sure that it would not be driven away. They then saw lumber inside it. They learned that the driver was accused Ruben and the passenger was accused Richard. He identified himself as member of the PNP and the members of the Bantay Gubat introduced themselves also. They asked for the legal documents of the said lumber, but the accused could not show any document. Upon inquiry, accused Richard informed them that he was only the caretaker of the said lumber, however, he did not mention who the owner was. They immediately brought the freshly cut Akle and Burawis lumber to the PNP Office for documentation and scaling and later on turned it over to the Office of Bantay Gubat for impounding at the City Hall of Puerto Princesa. Lastly, he prepared the Pinagsamang Sinumpaang Salaysay<sup>5</sup> which he and the members of the Bantay Gubat signed.

Rivera stated<sup>6</sup> that he was a member of the KAAC Bantay Gubat on June 22, 2007. He was the one who scaled the lumber that was recovered from the accused on board the L300 van bearing plate number TJR-610. He prepared the Tally Sheet<sup>7</sup> which was the basis of the Apprehension Receipt.

Thereafter, the prosecution rested its case.

#### VERSION OF THE ACCUSED

To countermand the evidences presented by the prosecution, the accused testified in his defense.


Accused Richard testified<sup>8</sup> that in 2007 he worked as a helper/conductor of a multicab. On June 22, 2007, at 6:00 o'clock in the evening he went home to Sitio Casicaan, Barangay Bacungan to change clothes and then afterwards he waited for a vehicle going to Puerto Princesa City to go to the house of his sibling at Burgos Street. He flagged down a shuttle van and boarded the same. He seated himself near the driver because he was the only passenger. While they were on their way to the city proper, their vehicle was suddenly flagged down by a motorcycle along Barangay Sta. Lourdes, Puerto Princesa City. He did not know the reason why they were being flagged down. The driver did not stop and kept

<sup>5</sup> Exhibit "A"

<sup>6</sup> TSN, March 16, 2015

<sup>7</sup> Exhibit "D"

<sup>8</sup> TSN, October 22, 2019

  
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on moving. He told the driver to stop because he wanted to alight from the van but the driver did not accede to his request and continued driving the van. He felt nervous as it occurred to him that there might be some cargo on the vehicle that was concealed. It was only then he noticed that there was a tarpaulin covering some lumber inside the van. He asked the driver if the lumber had legal documents and the driver replied that somebody would meet him. The CIDG was able to corner them at Barangay San Manuel, Puerto Princesa City. They alighted from the van and were brought to the Office of the CIDG. They were asked about the ownership of the lumber but he did know. Hence, he was incarcerated for one night. The following morning he was sent home. Later, police officers came to his house and arrested him because of illegal logging.

### RULING OF THE COURT

Section 77 (formerly Section 68) of Presidential Decree No. 705, as amended by Presidential Decree No. 1559 and Executive Order No. 277, provides, that:

Section 77. Cutting, gathering and/or collecting Timber or other Forest Products without license.  
- Any person who shall cut, gather, collect, or remove 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; *Provided*, That in the case of partnerships, associations or corporations, the officers who ordered the cutting, gathering, collection or possession shall be liable, and if such officers are aliens, they shall, in addition to the penalty, be deported without further proceedings on the part of the Commission on Immigration and Deportation.

The Court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed, as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found.

  
**ATTY. LILIBETH C. AJOS-LAURENTI**  
CLERK OF COURT  
CERTIFIED VERIFICATION



In a case,<sup>9</sup> it has been held by the Supreme Court that there are three (3) distinct and separate offenses punished under Section 77 (formerly Section 68) of P.D. No. 705, as amended, to wit:

Section 68 penalizes three categories of acts: (1) the cutting, gathering, collecting, or removing of timber or other forest products from any forest land without any authority; (2) the cutting, gathering, collecting, or removing of timber from alienable or disposable public land, or from private land without any authority; and (3) the possession of timber or other forest products without the legal documents as required under existing forest laws and regulations.

A reading of the Information will disclose that the accused is charged under the *second* and *third* modes of commission of the crime of Violation of Section 77 (formerly Section 68) of Presidential Decree No. 705, as amended, i.e., *cutting, gathering, collecting, and removing* timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land without any authority and, thereafter, *possessing* the same without the legal documents as required under existing forest laws and regulations.

There is absolutely no evidence to prove the *second* mode. But anent the *third* mode, there is no question on the existence of the thirty-seven (37) pieces of Akle and Burawis lumber with a total volume of 545.87 bd. ft. Their existence is attested to by the testimonies of the witnesses and the Statement of Lumber<sup>10</sup> issued on the occasion. There is also no question that the lumber was discovered onboard the L-300 Van with Plate Number TJR-610 being driven by accused Medina with accused Richard as the overseer of the lumber on June 22, 2007 along the National Highway at Barangay San Manuel, Puerto Princesa City. And there is no question that the accused had no legal documents required for the possession of the same under existing forest laws and regulations. These are not disputed by the accused.

What the accused contends is that he had no knowledge of and did not own the said lumber because he was merely a passenger of the said van. The contention is without merit.

It has been ruled by the Supreme Court in one case<sup>11</sup> that the crime of possession of timber or other forest products without the legal documents as required under existing forest laws and regulations under the *third* mode is a *malum prohibitum*, thus:

<sup>9</sup> Merida vs. People, G.R. No. 158182, June 12, 2008

<sup>10</sup> Supra

<sup>11</sup> People vs. Que, G.R. No. 120365, December 17, 1996



x x x

Mere possession of forest products without the proper documents consummates the crime. Whether or not the lumber comes from a legal source is immaterial because E.O. 277 considers the mere possession of timber or other forest products without the proper legal documents as *malum prohibitum*. (emphasis supplied)

Clearly, to prove the crime of possessing lumber, timber or other forest products without the legal documents required under existing forest laws and regulations, only two (2) facts are required to be established by the prosecution, *first*, that the accused, even though not the owner, was caught in possession of the timber or forest products, and *second*, that he had no permit to possess the same. The prosecution has discharged this burden in this case.

These two (2) facts having been proved by the prosecution, it is the conclusion of the Court that the accused committed the crime of illegal logging under the *third* mode. This is notwithstanding the testimony of the accused that he was merely a passenger of the said vehicle and he did not know that there was lumber loaded inside the said van when he boarded the same. The testimony of accused Richard went, thus:<sup>12</sup>

x x x

Q You mentioned earlier that at around 6:00 o'clock in the evening of June 22, 2017 you were bound for Puerto Princesa City, and you were waiting for vehicle to board at that time, were you able to leave Sitio Casicaan at that time?

A There was a shuttle which stopped.

Q You mentioned that a shuttle stopped, were you able to board the said shuttle?

A Yes, I boarded in that shuttle.

Q You mentioned you were on your way to the town proper on the said date, in what area of the town proper were you bound on that day?

A At Burgos St. to the house of my sibling.

Q What was your purpose in going to your sibling at that time?

A I stayed there every time I was the conductor of the multi-cab.

Q Mr. Witness, you mentioned that you boarded a certain shuttle van in the night of June 22, 2017,

<sup>12</sup> Exhibit "1" Malayang Salaysay



- which part of Sitio Casicaan were you able to see the van that you boarded?
- A In front of the house.
- Q Were there any other persons who boarded in the said vehicle that you boarded in that night?
- A None, ma'am.
- Q You were the only person who boarded that vehicle going to Puerto Princesa town proper?
- A Only the driver.
- Q Was there any untoward incident that happened while you were boarding that vehicle which you boarded in that night?
- A Yes, ma'am.
- Q What is that incident, Mr. Witness?
- A When we were on our way to the town proper around the area of Barangay Sta. Lourdes there was a motorcycle who followed the shuttle van and then the rider of the motorcycle was flagging to stop the shuttle van.
- Q You mentioned, Mr. Witness, that you were able to see that someone riding a motorcycle was flagging the driver of the shuttle you were boarded in to stop, do you know who was driving the motorcycle on that night?
- A No, ma'am.
- Q Do you know the reason why the person riding the motorcycle was flagging the driver of the shuttle?
- A I do not know, ma'am.
- Q What happened next, Mr. Witness, after you saw that incident?
- A The driver did not stop but he kept on moving and that motorcycle kept on following us.
- Q What did you do, Mr. Witness, when the driver of the shuttle van refused to stop?
- A I told the driver to stop because I will get off in the shuttle van.
- Q What did the driver of the shuttle told you?
- A The driver kept on driving.
- Q How did you react, Mr. Witness, when the driver of the shuttle refused to stop?
- A I felt nervous that maybe there was some cargo inside the vehicle that was covered.
- Q Mr. Witness, do you know what were the objects inside the shuttle van that you boarded?



- A I noticed that inside of the tarpaulin was a piece of lumber.
- Q Mr. Witness, which part of the shuttle were you seated at that time?
- A I was seated beside the driver.
- Q You mentioned that you were able to see cargo boarded on the shuttle that you were in at that time, and you mentioned that you were able to see lumber covered with tarp, what did you feel, Mr. Witness, upon seeing that object boarded on the said vehicle?
- A I felt nervous that it might be illegal and has no document.
- Q Considering that you mentioned that you got nervous because the wood boarded has no papers, did you say anything from the driver of the van?
- A I asked the driver if he has document and he told me that somebody will meet him.
- Q What happened next, Mr. Witness, after your conversation with the driver?
- A The CIDG was able to cornered us at San Manuel then we alighted from that vehicle.
- Q What happened next after the vehicle was cornered by the CIDG?
- A We boarded and went to the office of the CIDG.

It must be noted that the thrust of the above-quoted testimony of accused Richard is that he was merely a passenger of the van and had no personal knowledge that there was lumber loaded in the said van when he boarded thereon. It was already when they were traversing the National Road leading to Puerto Princesa City that he noticed that there was lumber inside the vehicle. But it was too late for him to do anything on the matter because, by then, the police officers and the employees of the DENR had flagged down the van and he could not show any document regarding the transportation of the lumber, making the situation worse.

Verily, the testimony of accused Richard is in the nature of denial and, therefore, inherently weak. And it is not corroborated by any clear and convincing evidence. The Court, thus, cannot give credence to the defense of the accused. Consequently, it does not exculpate him of the criminal charge.

Going now to the penalty to be imposed on accused Richard, Section 77 (formerly Section 68) of Presidential Decree No. 705, as amended by Presidential Decree No. 1559 and Executive Order No. 277, makes reference to Articles 309 and 310 of the Revised Penal Code for the same. And recently, the Congress amended the Revised Penal Code, including Article 309 thereof, with the passage



of Republic Act No. 10951 that took effect on September 16, 2017. Though the criminal charge against the accused was filed with the Court as early as September 14, 2007, the amendatory provisions of Republic Act No. 10951 can be given retroactive effect for being beneficial to accused Richard.

In the determination of the imposable penalty under Article 309, as amended, the value of the property stolen in the present case must be taken into consideration it being the basis for the said penalty. As stated in the Information and the testimony given to Court by witness Elmore who computed the same based on the existing DAO 97-32 and 2000-63, the accused is charged with having in his possession lumber and timber with a total environmental damages of Three Hundred Twenty Eight Thousand Five Hundred Fifty Five (P328,555.00) Pesos. ✓

Article 309 of the Revised Penal Code, as amended by R.A. No. 10951, provides, thus:

Art. 309. Penalties. – Any person guilty of theft shall be punished by:


3. The penalty of *prisión correccional* in its minimum and medium periods, if the value of the property stolen is more than Twenty thousand pesos (P20,000) but does not exceed Six hundred thousand pesos (P600,000).

x x x

The imposable penalty provided for in Article 309 should be qualified as stated in Article 310 of the Revised Penal Code, to wit:

Art. 310. Qualified theft. – The crime of theft shall be punished by the penalties next higher by two degrees than those respectively specified in the next preceding articles xxx (emphasis supplied).

Hence, the imposable penalty on accused Richard is *prisión mayor* in its medium and maximum periods. Pursuant to the Indeterminate Sentence Law, the imposable penalty of *prisión mayor* in its medium and maximum periods should be modified for the determination of the penalty to be imposed on accused Richard. Under the provisions of the said statute, the penalty to be imposed should have a maximum term to be taken from the imposable penalty taking into consideration the presence of any mitigating or aggravating circumstances and a minimum term should be taken from the penalty next lower in degree, i.e. *prisión correccional* in its maximum period to *prisión mayor* in its minimum period

  
ATTY. LILIBETH O. AYES-LAURIENTE  
CLERK OF COURT  
CERTIFIED XEROX COPY



WHEREFORE, PREMISES CONSIDERED, accused Richard Dela Cruz is hereby found **GUILTY** beyond reasonable doubt of Violation of Section 77 of P.D. No. 705, as amended by Presidential Decree No. 1559 and Executive Order No. 277, and is hereby meted the indeterminate sentence of seven (7) years, as minimum, to eleven (11) years of *prision mayor*, as maximum.

The thirty-seven (37) pieces of Akle and Burawis lumber with a total volume of 545.87 board feet are forfeited and confiscated in favor of the government to be disposed of through public auction.

IT IS SO ORDERED.

At Puerto Princesa City, this 15<sup>th</sup> day of November 2019.

ANGELO R. ARIZALA  
Judge

Copy furnished:

- ✓ 1. City Prosecutor's Office
  - ✓ 2. Public Attorney's Office
  - ✓ 3. Richard Dela Cruz
  - ✓ 4. Supreme Court
  - ✓ 5. OCC
  - ✓ 6. NBI - 812-18419
  - ✓ 7. File - 11-21-19
- W/ 11/28/19  
11/15/2019

ARA/lal/mds

ATTY. LILIBETH A. JACINTO  
CLERK OF COURT V  
CERTIFIED XEROX COPY





Republic of the Philippines  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
REGION IV-B MIMAROPA  
L&S Building, 1515 Roxas Boulevard, Ermita, Manila

File No. 1515  
New Case No. 1515  
has already  
been covered

IN RE :

FORFEITURE OF THIRTY - SEVEN (37) PIECES OF BURAWIS AND  
AKLE LUMBER WITH AN EQUIVALENT TOTAL VOLUME OF ABOUT  
1.29 CU. M. (545.79 BD. FT.) AND TEMPORARY RELEASE OF ONE (1)  
UNIT JITNEY MITSUBISHI L300 BEARING PLATE NUMBER TJR - 610  
APPREHENDED AT BRGY. SAN MANUEL, PUERTO PRINCESA CITY,  
PALAWAN

ORDER

Records show that on June 23, 2007, a Composite - Team of Kilos Agad Action Center (KAAC) - Bantay Gubat City Government personnel and CIDG elements apprehended Thirty - seven (37) pieces of Burawis and Akle lumber with an equivalent total volume of about 1.29 cu. m. (545.79 bd. ft.) and One (1) Unit Jeepney Mitsubishi L300 bearing Plate No. TJR - 610 along the National Highway of Barangay San Manuel, Puerto Princesa City, Palawan. Subject items are presently deposited at KAAC Compound, Barangay San Pedro, Puerto Princesa City and placed under the custody of Tony Laab for safekeeping pending further investigation.

Pursuant to Section 7, DAO 97-32, an Administrative Hearing was conducted on July 03, 2007. During the Hearing, Mr. Rommel Aborot of Kilos Agad Action Center (KAAC) claimed that on the evening of June 22, 2007 their Office received an information from the North Sector, Bantay Gubat that there was a Shuttle Van bearing Plate No. TJR 610 bound for Puerto Princesa City loaded with lumber. The Team tried to stop the vehicle at Barangay Sta. Lourdes, Puerto Princesa City, Palawan but did not stop. They chased the said VAN and finally, they overtook the Van in Barangay San Miguel. It was confirmed that the Van was loaded with lumber without legal documents. The Van was driven by one Ruben Medina and accompanied by one Richard dela Cruz.

Forest Ranger Delfin Alfaro, Team Leader of DENR Sta. Lourdes Monitoring Station, testified that on June 22, 2007 at about 10 o'clock P.M., together with the elements of KAAC, they apprehended a Van loaded with undocumented lumber.

Per Pinagsamang Sinumpaang Salaysay of PO3 Antonio Nangit Magbanua, Jr., active PNP member assigned with the Criminal Investigation and Detection Group (CIDG) based at Barangay Tiniguiban, Puerto Princesa City together with Joven Soriano, Rommel Aborot, Edwin Naval and Elmer Javarez, members of Kilos Agad Action Center (KAAC) - Bantay Gubat of City Government, they claimed that on June 22, 2007 at about 7:45 PM, they received an information that a Passenger VAN with Plate No. TJR-610 will be loading illegal lumber at Brgy. Bacungan, Puerto Princesa City. They proceeded to the target area and while on their way at Brgy. Sta. Lourdes they saw the coming passenger L-300 VAN and tried to stop it but it did not stop so they chased the said VAN and finally cornered it in Brgy. San Manuel, Puerto Princesa City. They discovered that the VAN was loaded with undocumented 37 pieces of Akle and Burawis lumber with a total volume of about 545.79 bd. ft.



On the part of Mr. Miguel Gonzales, husband of the registered vehicle Owner, Mrs. Merla Gohzales, stated that Ruben Medina, has been their driver for two (2) months. That on June 22, 2007 he (Miguel) was in their farm lot in Barangay Napsan, Palawan. That on June 23, 2007, he went to see Ruben Medina in his residence to collect the "daily boundary" for the Van but he (Ruben) was not around. Barangay Kagawad Rowena sent him a text - message informing that his Van was apprehended by KAAC elements in Barangay San Manuel loaded with lumbers.

Mr. Richard dela Cruz failed to attend the said Hearing despite said Notice sent to him.

Criminal Complaint was already filed before the City Prosecutors Office on July 24, 2007 against Ruben Medina and Richard dela Cruz for violation of Section 77 (formerly Section 68) of PD 705 as amended by E.O. 277 and further by R.A. 7161.

The subject conveyance was Temporarily Released on July 6, 2007 in favor of the registered owner after complying with all the requirements pursuant to Sec. 9 of DAO 97-32 known as "1997 Rules for the Administrative Adjudication of Illegal Forest Products and the Machineries, Equipments, Tools and Conveyance Used in Connection Therewith".

WHEREFORE, FOREGOING PREMISES CONSIDERED, the apprehended Thirty-seven (37) pieces of Burawis and Akle lumber with a total volume of about 1.29 cu. m. (545.79 bd. ft.) are hereby **ORDERED FORFEITED** in favor of the government while the One (1) unit Jitney Mitsubishi L300 bearing Plate No. TJR-610 is hereby **ORDERED TEMPORARILY RELEASED** to its registered Owner, Merla Gonzales who has neither knowledge nor participation in the commission of the offense, after complying with all the requirements set forth under to Section 9, DAO 97-32.

SO ORDERED

Manila, Philippines, AUG 05 2010 2010.

  
ANTONIO G. PRINCIPLE, CESO III  
Regional Executive Director

