



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

DENR-MIMAROPA RECORDS SECTION	
RECEIVED	
27 OCT 2022	
<input checked="" type="checkbox"/> INCOMING	<input type="checkbox"/> OUTGOING
DATE NO.	

October 20, 2022

MEMORANDUM

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

THRU : The OIC, ARD for Technical Services

FROM : The Provincial Environment and Natural Resources Officer

SUBJECT : RESOLUTION OF THE CASE OF JAY-AR DOCTOR AND ERWIN BUNTIREN WITH NPS NO. IV-08-INV-22A-0075 FOR VIOLATION OF SECTION 77 OF PD 705, AS AMENDED

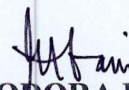
Respectfully forwarded is the memorandum of CENRO Quezon dated October 07, 2022 relative the above subject.

Per memorandum, CENRO Quezon forwarded the above-mentioned resolution to the case filed against Jay-ar Doctor and Erwin Buntired for violation of Section 77 of Presidential Decree No. 705, as amended.


Further, the said Resolution was issued on April 27, 2022 signed by Arabella Llacuna Maladaga-Pe, Assistant Provincial Prosecutor of the Office of Provincial Prosecutor of Palawan. Likewise, the dispositive portion thereof disclosed that "*Premises considered, it is respectfully recommended that an Information for VIOLATION OF SECTION 77 OF P.D. 705 as amended by Executive Order No. 277 and R.A. 7161 be filed against JAY-AR DOCTOR and ERWIN BUNTIREN before the proper court.*"

For information and record.

For the PENRO:


RHODORA B. UBANI
Supervising ECOMS/Chief, CDS
Officer-In-Charge

Copy Furnished:
CENRO Quezon, Palawan
PENRO Legal Unit, Palawan
File/2022-023ACG MES Doc. Ref. Nos. 2022-9403

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By: 
Date: 20 OCT 2022 CN: 2022-2826

2



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
National Highway, Bgy. Alfonso XIII, Quezon, Palawan
Email: cenroquezon@denr.gov.ph

October 7, 2022

MEMORANDUM


FOR : The Regional Executive Director
DENR R IVB – MIMAROPA
1515 Roxas Blvd., Ermita, Manila

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

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **RESOLUTION OF THE CASE OF JAY-AR DOCTOR AND
ERWIN BUNTIRED WITH NPS NO. IV-08-INV-22A-0075 FOR
VIOLATION OF SECTION 77 OF PD 705 AS AMENDED.**

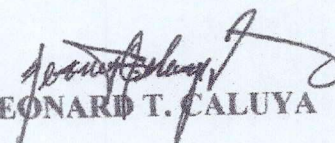
DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: 
DATE: 10-12-2022 CN 22-9403

Forwarded is the Resolution on the above-captioned complaint filed by this office, DENR-CENRO Quezon, Palawan, against respondent Jay-ar Doctor and Erwin Buntired relative to the above cited-subject for violation of Section 77 of P.D. 705, as amended by EO 277 and RA 7161.

Attached is the Resolution dated April 27, 2022 signed by Arabella Llacuna Maladaga-Pe, Assistant Provincial Prosecutor, Office of the Provincial Prosecutor of Palawan.

For your information and further instruction.


LEONARD T. CALUYA



Republic of the Philippines -
Department of Justice
OFFICE OF THE PROVINCIAL PROSECUTOR
Hall of Justice, Bgy. Sta. Monica, Puerto Princesa City

Leonard T. Caluya,
Complainant,

NPS No. IV-08-INV-22A-0075

-versus-

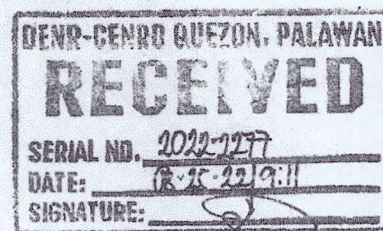
For:

Jay-ar Doctor and
Erwin Buntired,
Respondents.

**VIOLATION OF PD 705 AS AMENDED
BY EO 277 AND RA 7161**

x-----x

RESOLUTION



For resolution is the complaint for Violation of P.D. No. 705 filed by CENRO Leonard T. Caluya against respondents Jay-ar Doctor and Erwin Buntired for allegedly conspiring and/or mutually helping one another in possessing and/or transporting forest products consisting of "apitong baboi" lumber with an estimated market value of two Thousand Nine Hundred Twenty Five Pesos (P2,925) and estimated total damages of Thirty Three Thousand Six Hundred Nineteen Pesos and Forty Centavos (P33,619.40) without necessary license or permit from the appropriate government agency/authority last September 3, 2020 in Sitio Balete, Barangay Punta Baja, Rizal, Palawan.

Submitted as evidence to support the instant complaint are the following:

1. Malayang Sinumpaang Salaysay of Armando J. Batayo;
2. Malayang Sinumpaang Salaysay of Jay O. Abdulgapar;
3. CENRO Memorandum Re: Apprehension of Three Units of Motorcycle with Sidecar (locally known as "topdown") Loaded with Undocumented Lumber of "apitong baboi" having a total volume of 397 board feet in Sitio Balite, Barangay Punta Baja, Rizal, Palawan;

4. Seizure Order issued by Ma. Teresa Ayson of DENR-CENRO;
5. Seizure Receipt No. CENRO-QZN-SR-2020-10-0020;
6. Tally Sheet of the confiscated "apitong baboi" specie executed by Armando J. Batayo of DENR-CENRO;
7. Statement of Damages issued by Kathleen Khye Mozo, Forester 1 of DENR-CENRO;
8. Apprehension Receipt issued by Jay Abdulgapar and Armando Batayo;
9. Certification issued by Mercy A. Santos, Forest Technician II of DENR-CENRO dated August 13, 2021 attesting that no clearance or permit was issued to Mr. Allan Hasigan, Mr. Janilo Culis, Mr. Randy Burogod, Mr. Jay-ar Doctor and Mr. Erwin Buntired to cut/gather/possess/transport "apitong baboi" specie in Palawan;
10. Certification issued by David Gallema, Jr. dated October 14, 2020 attesting that the apprehended three (3) units of motorcycle with sidecar ("topdown") were in the custody of DENR-CENRO Quezon, Rizal Station, Rizal, Palawan; and
11. Pictures allegedly showing the marking and inventory of the confiscated evidence.

Records show that Forest Technicians Armando Batayo and Jay Abdulgapar, employees of DENR-CENRO, Quezon were conducting a patrol and surveillance operation in Sitio Balete, Barangay Punta Baja, Rizal, Palawan at about 9:30 in the evening of September 3, 2020; that in the course thereof, they chanced upon respondents on board a top-down tricycle carrying species of unidentified lumber; that when asked to produce license/permit, they failed to produce any necessary document from the appropriate government authority hence their arrest; that Abdulgapar conducted the marking and inventory of the confiscated items in the DENR-CENRO Office in Rizal, Palawan in the presence of respondents; that thereafter, Batayo and Abdulgapar conducted a scaling of the confiscated lumber which they identified as "apitong baboi" species and that Mercy A. Santos, Forest Technician II of DENR-CENRO issued a Certification attesting that no clearance/permit was issued to respondents to

cut/gather/possess/transport the said "apitong baboi" species in Palawan.

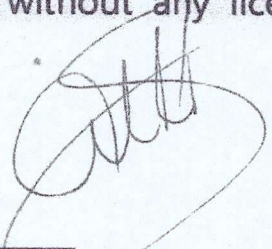
Subpoena was issued requiring respondents to submit their Counter-Affidavit and other controverting evidence for their defense. To date however none was submitted.

We now rule.

On the basis of the evidence submitted the undersigned finds probable cause that the offense under Section 77 of Presidential Decree No. 705 as amended by Executive Order No. 277 and RA 7161 was committed and that respondents are probably guilty thereof hence should be held for trial.

We find that respondents Doctor and Buntired were, at the very least, in constructive possession of the timber without the requisite legal documents. Respondents, who were helping each other, were found in the top-down tricycle loaded with 14 pieces of "*apitong baboi species*". The uncontroverted evidence sufficiently established that respondent Doctor was the driver of the vehicle and he was accompanied by his co-respondent Buntired. It is presumed that they exercised full control of the vehicle that they were driving and/or using and that they knew what its load was.

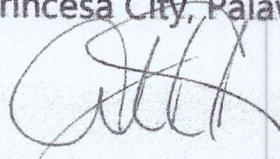
Mere possession of timber or other forest products without the proper legal documents, even absent malice or criminal intent, is illegal.¹ In this case, it was sufficiently established that their possession of lumber was made without any license or permit issued by any competent authority.



¹ Monge vs. People, 571 Phil. 472, 479 (2008).

Premises considered, it is respectfully recommended that an Information for **VIOLATION OF SECTION 77 OF P.D. No. 705 as amended by Executive Order No. 77 and RA No. 7161** be filed against **JAY-AR DOCTOR and ERWIN BUNTIRE**d before the proper court.

27 April 2022, Puerto Princesa City, Palawan, Philippines.

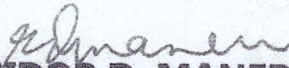


ARABELLA LLACUNA MALADAGA-PE

Assistant Provincial Prosecutor

MCLE Compliance No. VI-0003520

RECOMMENDING APPROVAL:

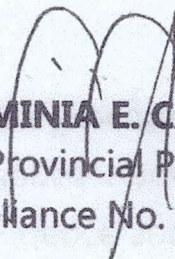


GIDOR D. MANERO

Assistant Provincial Prosecutor

MCLE Compliance No. VII-0015765

APPROVED:



HERMINIA E. CAABAY

Deputy Provincial Prosecutor

MCLE Compliance No. VII-0014955

Copy Furnished:

CENRO Leonard Caluya - Bgy. Alfonso XIII, Quezon, Palawan

Jay-ar Doctor - Bgy. Punta Baja, Rizal, Palawan

Erwin Buntired - Bgy. Punta Baja, Rizal, Palawan