



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

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NOV 18 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR-MIMAROPA Region
1515 DENR By the Bay Building , Roxas Blvd.
Barangay 668, Ermita, Manila

FROM : The OIC PENR Officer

SUBJECT : **DECISION OF THE REGIONAL TRIAL COURT , BRANCH 46 ,
SAN JOSE OCCIDENTAL MINDORO FOR CRIMINAL CASE NO.
R-10880 FOR VIOLATION OF SECTION 4, PARAGRAPH 7 OF RA
9175**

Respectfully forwarded is the memorandum from CENRO San Jose, Occidental Mindoro dated November 16, 2022 pertaining to the decision of RTC Branch 46 re : Criminal Case No. R-10880 "People of the Philippines vs. Daniel Capinpin y Opianga, et. al." for violation of Paragraph 6, Section 7 Article II of RA 9175 .

The accused Daniel Capinpin y Opinaga and Elvis Opianga were re-arraigned and they pleaded guilty for violation of Paragraph 4 Section 7, RA 9175.

For your information and record

For the OIC, PENR Officer:

ROMUALDO S. TRIA
LMO III/ Chief, MES



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment and Natural Resources Office

NOV 16 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR-MIMAROPA Region
Roxas, Blvd., Ermita, Manila

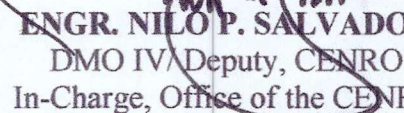
THRU : The OIC-PENR Officer
Mamburao, Occidental Mindoro

FROM : The CENR Officer


SUBJECT : DECISION OF THE REGIONAL TRIAL COURT,
RTC BRANCH 46 OF SAN JOSE, OCCIDENTAL MINDORO FOR
CRIMINAL CASE NO. R-10880 FOR VIOLATION OF SECTION 4,
PARAGRAPH 7 OF RA 9175

Respectfully submitting is the Decision of Acting Presiding Judge Ulysses D. Delgado of RTC Branch 46 of San Jose, Occidental Mindoro against Daniel O. Capinpin and Elvis A. Opianga, who was found GUILTY beyond reasonable doubt and were sentenced to pay a fine of fifteen thousand pesos (Php 15,000.00).

For information and record.


ENGR. NILO P. SALVADOR
DMO IV Deputy, CENRO
In-Charge, Office of the CENRO

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TIME: 03:29	

Republic of the Philippines
Supreme Court
Fourth Judicial Region
REGIONAL TRIAL COURT
BRANCH 46
San Jose, Occidental Mindoro

DENR - DENRU SAN JOSE
MINDAROPA REGION
RECEIVED BY: E 2022-1995
DATE: 11-11-2022

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIMINAL CASE NO. R-10880

-versus-

-for-

DANIEL CAPINPIN y OPIANGA, ET. AL.
Accused

VIOLATION OF SECTION
PARAGRAPH 4 SECTION 7
ARTICLE II RA 9175
(CHAIN SAW ACT)

X-----X

DECISION

This decides the instant case for **VIOLATION OF PARAGRAPH 4, SECTION 7 OF ARTICLE II RA 9175 (CHAINSAW ACT)** filed by the Office of the Provincial Prosecutor, San Jose, Occidental Mindoro against **DANIEL CAPINPIN y OPIANGA and ELVIS A. OPIANGA** in the information which reads as follows:

INFORMATION

The undersigned **DANIEL CAPINPIN y OPIANGA and ELVIS A. OPIANGA** of **VIOLATION OF PARAGRAPH 4, SECTION 7 ARTICLE II RA 9175** committed as follows, to wit:

That on or about the 11th day of May, 2021 at around 9:18 o'clock in the morning in Sitio Narra, Barangay Camburay, Municipality San Jose, Province of Occidental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the accused conspiring, confederating and helping one another, did then and there willfully, unlawfully and feloniously, had in their possession, custody, control one (1) unit of chainsaw, with serial number 082563, without first securing the necessary permit from the Department of Environment and Natural Resources (DENR), in gross Violation of RA 9175.

CONTRARY TO LAW.

San Jose, Occidental Mindoro, May 12, 2021.

Signed by:

WARREN WESLEY M. MALALAD
Prosecutor I

With the assistance of counsel accused was/were arraigned in a language known and understood by him/her/them and he/she/they pleaded "not guilty" to the charge. During pre-trial the defense counsel **ATTY. RYAN D. AGOOT** of the Public Attorney's Office, San Jose, Occidental Mindoro, informed the Court that the accused has/have entered into plea bargaining with the prosecution. In the resulting Plea Bargaining Agreement, the following terms and condition was agreed upon between accused **DANIEL CAPINPIN y OPIANGA and ELVIS A. OPIANGA** known as the **FIRST PARTY** and **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**, represented by **SANCHO NIEDO, III**, Legal Researcher, for and on behalf of **EFREN L. DELOS REYES**, CENR OFFICER, DENR, Barangay Labangan, San Jose, Occidental Mindoro and the **PHILIPPINES NATIONAL POLICE - MUNICIPAL POLICE STATION OF SAN JOSE, OCCIDENTAL MINDORO**, represented by **PMSg NAPOLEON DALALO**, Arresting Officer, collectively known as the **SECOND PARTY**, with the conformity of the Office of the Provincial Prosecutor rendered through the handling Public Prosecutor **ROBERTO B. SANTOS**, Assistant Provincial Prosecutor:

1. The First Party was charged for Violation of Paragraph 4, Section 7 of RA 9175;
2. The First Party is willing to plead guilty to a lesser offense under Paragraph a of Section 7, RA 9175 where the imposable penalty is Four (4) years, Two (2) months and one (1) day to Six (6) years of imprisonment or a fine of fifteen thousand pesos (Php15,000.00) but not more than thirty thousand (Php15,000.00) pesos;
3. That for purposes of this case both accused will plead guilty to Paragraph a of Section 7, RA 9175 with the Fifteen Thousand Pesos (Php15,000.00) fine as the imposable penalty;
4. That this is the first time that the First Party was charged with the above mentioned offense/s of similar nature;
5. The part commits himself/herself/themselves to render community service in the form of actively participating in patrol works, apprehension of illegally cut forest products, three-planting activities, coastal clean-up project and other similar programs of the DENR-Occidental Mindoro;
6. That both parties hereby expressly agree to the aforementioned stipulations and conditions;
7. That both parties agreed that all of the aforementioned stipulations and conditions shall be subject to the final consideration and approval of the Honorable Court.

In view, the foregoing development, the **DANIEL CAPINPIN y OPIANGA and ELVIS A. OPIANGA** was/were re-arraigned and he/she/they pleaded **GUILTY** for Violation of Paragraph a, Section 7, RA 9175.


WHEREFORE, premises considered the accused Daniel Capinpin y Opianga and Elvis A. Opianga is/are hereby found **GUILTY**, beyond reasonable doubt of the crime of **Violation of Paragraph a, Section 7, RA 9175** and each accused is/are hereby sentenced to pay the fine of **FIFTEEN THOUSAND PESOS (PHP 15,000.00)** Philippine Currency, within fifteen (15) days from receipt hereof, with subsidiary imprisonment in case of non-payment.

Furthermore, the 1) unit of chainsaw, with serial number 082563 recovered from the accused is/are hereby ordered confiscated in favor of the government.

Let this decision be furnished to the convicted accused, his/her/their counsel, the Office of the Provincial Prosecutor, Mamburao, Occidental Mindoro, Sancho Niedo, III, Legal Researcher and Mr. Efren L. Delos Reyes, CENR Officer, DENR, Barangay Labangan, San Jose, Occidental Mindoro, the Chief of Police, Municipal Police Station of San Jose, Occidental Mindoro, and the National Bureau of Investigation, Taft Ave., Manila.

SO ORDERED.

Mamburao for San Jose, Occidental Mindoro this 16th day of September 2022.


ULYSSES D. DELGADO
Acting Presiding Judge