



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

DENR MIMAROPA RECORDS SECTION	
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BY:	NOV 28 2022
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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-10881 FOR VIOLATION OF SECTION 68 OF PD 705 AS
AMENDED BY EO 277**

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-10881 "People of the Philippines vs. Daniel Capinpin y Opianga, et. al." for violation of Section 68 of PD 705 as amended by EO 277 .

The accused Daniel Capinpin y Opinaga and Elvis Opianga were re-arraigned and they pleaded guilty to Simple Theft defined and penalized under Article 308 in relation to Paragraph 5 of Article 309 of the Revised Penal Code.

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

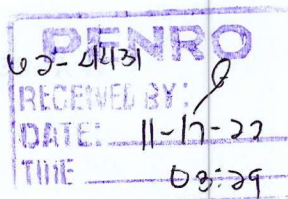
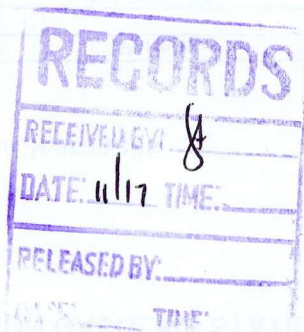
FROM : The CENR Officer

SUBJECT : DECISION OF THE REGIONAL TRIAL COURT,
RTC BRANCH 46 OF SAN JOSE, OCCIDENTAL MINDORO FOR
CRIMINAL CASE NO. R-10881 FOR VIOLATION OF SECTION 77,
PD 705 AS AMENDED

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 of the crime of simple theft and were penalized from one (1) month and one (1) day to six (6) months of imprisonment.

For information and record.


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



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

RECEIVED BY: 17-2022-1972
DATE: 14-09-2022

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIMINAL CASE NO. R-10881

-versus-

-for-

DANIEL CAPINPIN y OPIANGA, ET. AL. **VIOLATION OF SECTION 68 PD**
Accused. 705 AS AMENDED BY E.O. 277
X-----X

DECISION

This decides the instant case for **VIOLATION OF SECTION 68 P.D. 705 AS AMENDED BY E.O. 277** 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 accuses **DANIEL CAPINPIN y OPIANGA** and **ELVIS A. OPIANGA** of the crime **VIOLATION OF SECTION 68 P.D. 705 AS AMENDED BY E.O. 277** committed as follows:

That on or about the 11th day of May 2021 at around 11:20 o'clock in the morning, in Sitio Narra, Barangay Camburay, Municipality of San Jose, Province of Occidental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the accused, with intent to gain, conspiring, confederating and helping one another, did then and there, wilfully, unlawfully and feloniously, have in their possession, custody and control four (4) pieces 2x4x8 Gemelina Lumber and three (3) pieces of 2x4x10 Gemelina Lumber with total volume of 41.32 board feet amounting to Two Thousand and Sixty-Six Pesos (Php2,066.00) Philippine Currency, without any permit or authority from the Secretary of Environment and Natural Resources or his duly authorized representative, which is violation of PD 705 as amended, to the damage and prejudice of the Philippine Government.

CONTRARY TO LAW.

San Jose, Occidental Mindoro, May 12, 2021.

Signed by: 

WARREN WESLEY M. MALALAD

Prosecutor I

Roll No. 61829

IBP NO. 143353/January 8, 2021

With the assistance of counsel, both 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 already entered into plea bargaining with the prosecution and in the resulting Plea Bargaining Agreement between accused **DANIEL CAPINPIN y OPIANGA** and **ELVIS A. OPIANGA**, known as the first party and the **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**, represented by **SANCHO NIEDO, II**, Legal Researcher for and on behalf of **EFREN DELOS REYES, CENRO** and **THE PHILIPPINE NATIONAL POLICE - MUNICIPAL POLICE STATION OF SAN JOSE, OCCIDENTAL MINDORO** represented by the Arresting Officer, **PMSg NAPOLEON DALALO**, collectively known as the second party and with the conformity of the Office of the Provincial Prosecutor, represented by the handling Public Prosecutor **ROBERTO B. SANTOS**, the following terms and conditions were agreed upon:

1. That the First Party was charged for Violation of Section 68 of P. D. 705 as amended by E.O. 277;
2. That a total of 87 board feet of Rapu-rapu lumber was confiscated from accused and it is valued at Two Thousand and Sixty-Six Pesos (Php2,066.00); Philippines Currency;
3. That the First Party shall enter a plea of guilty to a lesser offense of Simple Theft defined and penalized under Article 308 in relation to Paragraph 5x of Article 309 of the Revised Penal Code as amended;
4. That with reference to the preceding stipulation, the accused is willing to plead guilty to the said charge where the imposable penalty under the same article of the Revised Penal Code as amended by RA 10951 would be Arresto Mayor in its full extent, or a prison term from One (1) month and One (1) day to Six (6) months.
5. That this is the first time the First Party was charged with the above mentioned offense/s of similar nature;
6. The First Party undertakes to adhere with the laws of the State and vows not to commit any violation of the law now and in the future;
7. That both parties hereby expressly agree to the aforementioned stipulations and conditions;
8. 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 accused **DANIEL CAPINPIN y OPIANGA** and **ELVIS A. OPIANGA** was/were re-arraigned and he/she/they

pleaded **GUILTY** to **SIMPLE THEFT** defined and penalized under Article 308 in relation to Paragraph 5 of Article 309 of the Revised Penal Code.

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 **SIMPLE THEFT** defined and penalized under **Article 308 in relation to Paragraph 5 of Article 309 of the Revised Penal Code as amended by RA 10951** and is/are hereby sentenced to suffer the penalty of Arresto Mayor in its full extent **from One (1) month and One (1) day to Six (6) months of imprisonment.**

If and when the application for probation of herein convicted accused would be approved by this Court, aside from the commitment contained on the Plea Bargaining which he/she/they vowed to perform, he/she/they is/are further mandated to submit and comply with all the terms and conditions of his/her/their probation including rehabilitation/reformation programs/treatments to be implemented by the Parole and Probation Office, following the schedule set forth by it, so long as the programs/treatments are implemented within the period of probation.

Furthermore, the (4) pieces 2x4x8 Gemelina Lumber and three (3) pieces of 2x4x10 Gemelina Lumber with total volume of 41.32 board feet amounting to Two Thousand and Sixty-Six Pesos (Php2,066.00) Philippine Currency, recovered from the accused is/are hereby ordered confiscated in favour of the government.

Let this decision be furnished to the convicted accused, his/her/their counsel, the Office of the Provincial Prosecutor, San Jose, Occidental Mindoro, The Chief of Police, Municipal Police Station, San Jose, Occidental Mindoro, Community Environment and Natural Resources Office, DENR, Barangay Labangan, 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