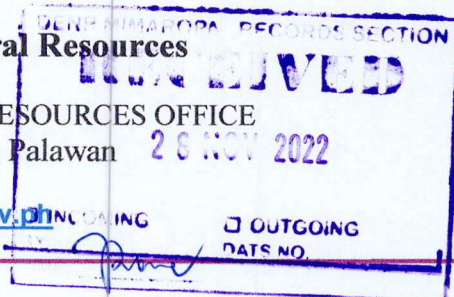




Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434 - 8791
Email Add: penropalawan@denr.gov.ph



November 18, 2022

MEMORANDUM

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

THRU : OIC, ARD for Technical Services

FROM : The Provincial Environment and Natural Resources Officer

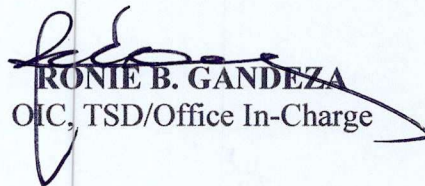
SUBJECT : NOTICE OF ISSUANCE OF ORDER IN RE: CONFISCATION OF FIVE (5) PIECES OF LUMBER OF BANGKAL SPECIES HAVING A TOTAL VOLUME OF 28 BOARD FEET AND TURN OVER OF ONE (1) UNIT OF STIHL 070 CHAINSAW WITHOUT SERIAL NUMBER AND METAL SEAL APPREHENDED IN SITIO KABONGBUNGAN, BARANGAY TARATAK, BATARAZA, PALAWAN

Respectfully forwarded is the memorandum from CENRO Brooke's Point dated October 17, 2022 relative the above subject.

Per memorandum, CENRO Brooke's Point acknowledged receipt of the subject Notice of Issuance of Order and the Order itself issued on June 03, 2022 by then Regional Executive Director Lormelyn E. Claudio, *CESO IV* received on September 20, 2022. The CENRO Personnel had already coordinated with the apprehending officer/custodian of the lumbers to obtain custody and turn over the chainsaw to PCSD. Further, preparation of documentary evidences is being harness for filing appropriate case before the Prosecutor's Office.

For information and record.

For the PENRO:


RONIE B. GANDEZA
OIC, TSD/Office In-Charge

Copy Furnished
CENRO Brooke's Point, Palawan
File/2022-024ACG MES Doc. Ref. Nos. 2022-10111

DENR-PALAWAN
PENRO-RECORDS
RELEASED
By 21 NOV 2022
Date: 22-3116



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Brooke's Point, Palawan

October 17, 2022

MEMORANDUM

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

THRU : The Provincial Environment and
Natural Resources Officer
Puerto Princesa City

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : NOTICE OF ISSUANCE OF ORDER IN RE: CONFISCATION OF
FIVE (5) PIECES OF LUMBER OF BANGKAL SPECIES HAVING
TOTAL VOLUME OF 28 BOARD FEET AND TURN OVER OF ONE
(1) UNIT OF STHIL 070 CHAINSAW, WITHOUT SERIAL NUMBER
AND METAL SEAL APPREHENDED IN SITIO KABONGBUNGAN,
BARANGAY TARATAK, BATARAZA, PALAWAN

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: *[Signature]*
DATE: 11-04-2022 22-10-11

This is to acknowledge receipt of the Confiscation Order dated June 3, 2022 regarding the above subject issued by the Regional Executive Director forwarded to this office per Memorandum dated September 21, 2022 of the OIC-TSD, PENRO Palawan received on September 29, 2022.

Please be informed that personnel of this office had already coordinated with the apprehending officers/custodian of the confiscated forest products to obtain custody and turn over of the chainsaw to PCSD. Likewise, this office is also in the process of preparation of the documentary evidences for the filing of case in court against the offender. Progress report will be submitted soonest.

For his information and record.

DENR-CENRO
BROOKES POINT
RELEASED
OCT 25 2022
DATE: _____
BY: *[Signature]*
CN: *nn-5684*

CONRADO M. CORPUZ

DENR PENRO
PALAWAN RECORDS
RECEIVED

09-202012 22-8504

Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
1515 L&S Bldg., Roxas Boulevard, Ermita, Manila

CENRO Control No.:

E-FMS No:

NOTICE OF ISSUANCE OF ORDER

IN RE : CONFISCATION OF FIVE (5) PIECES OF LUMBER OF BANGKAL SPECIES
HAVING A TOTAL VOLUME OF 28 BOARD FEET AND TURN OVER OF ONE (1)
UNIT OF STIHL 070 CHAIN SAW, WITHOUT SERIAL NUMBER AND METAL
SEAL APPREHENDED IN SITIO KABONGBUNGAN, BARANGAY TARATAK,
BATARAZA, PALAWN

TO

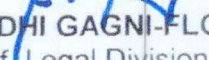
PENRO
Palawan

Greetings!

Please be informed that a Confiscation Order dated June 03, 2022 was issued by this Office
on the above-entitled subject, copy of which is enclosed. The original copy is on file in this Office.

Kindly inform this Office of the date of your receipt of this Order, for record purposes.

Date: 15 JUN 2022


Atty. GANDHI GAGNI-FLORES
Chief, Legal Division



CERTIFIED XEROX COPY
DATE: 03 JUN 2022

MARFIELD BCHOA
FORESTER/ENFORCEMENT DIVISION

IN RE: CONFISCATION OF FIVE (5) PIECES OF LUMBER OF BANGKAL SPECIES HAVING A TOTAL VOLUME OF 28 BOARD FEET AND TURN OVER OF ONE (1) UNIT OF STIHL 070 CHAIN SAW, WITHOUT SERIAL NUMBER AND METAL SEAL, APPREHENDED IN SITIO KABONGBUNGAN, BARANGAY TARATAK, BATARAZA, PALAWAN

ORDER

Records show that on April 7, 2021 at around 5:30 in the afternoon, the elements of the Second Special Operations Unit – Maritime Group (SOU-MG) Rio Tuba Detachment apprehended five (5) pieces of lumber of Bangkal species with a total volume of 28 board feet and one (1) unit of STIHL 070 chain saw, without serial number and metal seal, with estimated fair market values of PHP1,120.00 and PHP28,000.00, respectively, at Sitio Kabongbungan, Brgy. Taratak, Bataraza, Palawan. The apprehended forest products and chain saw were delivered and deposited at the Second SOU-MG Rio Tuba Detachment compound, Sitio Marahabay, Brgy. Rio Tuba, Bataraza, Palawan for temporary custody. A Seizure Order dated May 6, 2021 was issued by then OIC, CENRO Conrado M. Corpuz, Seizure Officer.

Pursuant to Section 7 of DAO 97-32, an administrative hearing was conducted on May 17, 2021 at the CENRO Brooke's Point, Palawan, presided by then OIC, CENR Officer Conrado M. Corpuz, Hearing Officer.

During the hearing, Mr. Reynaldo Moyo admitted that he was caught in the act of cutting lumber using a chain saw by the Second SOU-MG. He stated that he was hired by Mr. Edwin Hj. Sali to slice the lumber for PHP200.00 per day. He further admitted that Mr. Sali owned the chain saw.

Mr. Edwin Hj. Sali admitted ownership of the apprehended forest products, while he only borrowed the chain saw from his cousin who made him pay for it when the chain saw was apprehended. He disclosed that he paid PHP28,000.00 for the chain saw and that its registration has already expired.

After a thorough evaluation of the facts pertaining to the apprehension, seizure, and the conduct of administrative adjudication proceedings, this Office finds that there is substantial evidence against Mr. Reynaldo Moyo and Mr. Edwin Hj. Sali for violation of Section 77 of P.D. 705, as amended, and Section 7 (1) of R.A. No. 9175. This Office concurs with the recommendation of the Hearing Officer for the confiscation of the apprehended forest products and the chain saw in favor of the government.

Section 77-A of PD 705, as amended, provides for the authority of the Department Head or his duly authorized representative to order confiscation, thus, pursuant to Sections 1 and 2 of DAO No. 97-32, the following items shall be confiscated:

Section 1. (e) Forest Products – Refer to timber including **lumber xxx**

Section 2. Items Subject to Apprehension, Seizure, Confiscation and Forfeiture. –

(a) **ILLEGAL FOREST PRODUCTS** – Any forest product (s) defined in Section 1 (e) above that are removed, cut, collected, processed and/or transported: (a) without the requisite authorization or permit

xxx

(b) **MACHINERY, EQUIPMENT, TOOLS and IMPLEMENTS** – used in the possession, gathering, collecting, processing and/or transporting of illegal forest products xxx

ARD-MS/LD

On the other hand, **Section 7 (1) of R.A. No. 9175** states the penal provisions for the possession of a chain saw without permit:
Section 7. Penal Provisions.-

(1) Selling, Purchasing, Re-selling, Transferring, Distributing or **Possessing a Chainsaw Without a Proper Permit.** – Any person who sells, purchases, transfer the ownership, distributes, or otherwise disposes or **possesses a chain saw without first securing the necessary permit xxx**

However, Section 9 thereof provides that:

In the **Province of Palawan**, the provisions of this Act shall be implemented by the **Palawan Council for Sustainable Development** pursuant to Republic Act No. 7611 or the Strategic Environmental Plan for Palawan.

Furthermore, the *Rules of Procedure for Environmental Cases (AM-09-6-8-SC)* recognizes under *Rule 12 Section 1* thereof that the custody and disposition of seized items shall be in accordance with the applicable laws or rules promulgated by the concerned government agency, hence, this confiscation.

WHEREFORE, PREMISES CONSIDERED, the seized five (5) pieces of lumber of Bangkal species with a total volume of 28 board feet, with an estimated fair market value of PHP1,120.00, are hereby **CONFISCATED** in favor of the government, to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter.

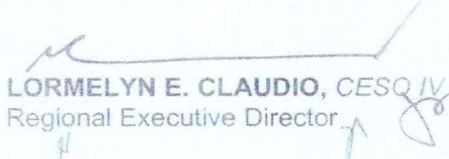
The one (1) unit of STIHL 070 chain saw without serial number and metal seal, with an estimated fair market value of PHP28,000.00, shall be turned over to the Palawan Council for Sustainable Development (PCSD) for their conduct of administrative confiscation proceedings and filing of a case in court for violation of R.A. No. 9175.

The CENRO is hereby directed to:

1. **FILE** a case for violation of Section 77 of P.D. 705, as amended, against Mr. Reynaldo Moyo and Mr. Edwin Hj. Sali;
2. **OBTAIN** full custody of the apprehended forest products from the Second SOU-MG Rio Tuba Detachment;
3. **OBTAIN** custody of the one (1) unit of STIHL 070 chain saw without serial number and metal seal for proper **TURN-OVER** to the PCSD; and,
4. **SUBMIT** reports to this Office for monitoring purposes.

SO ORDERED.

City of Manila, Philippines. JUN 3 2022


LORMELYN E. CLAUDIO, CESQ IV
Regional Executive Director

Copy furnished:

PENRO Palawan
CENRO Brooke's Point, Palawan

Palawan Council for Sustainable Development (PCSD)
Puerto Princesa City

Second SOU-MG
Rio Tuba Detachment, Bataraza, Palawan

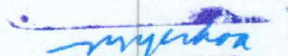


Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 71452

CERTIFIED XEROX COPY
DATE: 03 JUN 2022


MARGIE U. OCHOA
FORESTER/ENFORCEMENT DIVISION

Mr. Edwin Hj. Sali
Sitio Kabongbungan, Brgy. Taratak
Bataraza, Palawan

Mr. Reynaldo Moyo
Sitio Makulango, Brgy. Taratak
Bataraza, Palawan

ARD/MS/LD