

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

OUTGOING DATS NO.

RED

October 04, 2022

MEMORANDUM

FOR

The Regional Executive Director

DENR-MIMAROPA Region

1515 L and S Bldg., Roxas Boulevard

Ermita, Manila

THRU

OIC, ARD for Technical Services

FROM

The Provincial Environment and Natural Resources Officer

SUBJECT

MINUTES OF **ADMINISTRATIVE** HEARING ON THE APPREHENSION AND **SEIZURE** OF ONE (1) UNIT MOTORCYCLE WITHOUT PLATE NUMBER WITH SIDECAR (TOPDOWN) LOADED WITH SIX (6) PIECES OF IPIL LUMBERS WITH A TOTAL VOLUME OF 101.60 BOARD FEET AT SITIO

KATIRINGAN, BRGY. IRAAN, RIZAL, PALAWAN

Respectfully forwarded is the memorandum of CENRO Quezon, Palawan dated September 19, 2022 relative the above subject.

Per memorandum, the apprehension was made on June 07, 2022 at around 1:15 A.M. by the personnel of PNP Rizal Station at Sitio Katiringan, Barangay Iraan, Rizal, Palawan. The PNP team responded to the relayed information and intercepted a motorcycle with sidecar or topdown loaded with undocumented six (6) pieces (101.60 board feet) lumber of Ipil species. The estimated fair market value of the motorcycle is Php40,000.00 and the 101.60 bd. ft. lumber of Ipil is Php5,080.00 respectively.

The involved person was Mr. Cerio Kinlit Percinito, a resident of Sitio Guilingan, Barangay Iraan, Rizal, Palawan. The transport of lumbers without pertinent permits from DENR is a violation of Section 77 Presidential Decree No. 705, as amended. The PNP Rizal filed a criminal complaint before the Office of Provincial Prosecutor against the suspect on July 05, 2022 with NPS Docket No. INV-22G-0667.

The apprehended items were hauled, turned-over and deposited at DENR CENRO Quezon, Rizal Station compound, located at Barangay Punta Baja, Rizal, Palawan under the custody of ECOMS II Michael V. Joven for safekeeping. The notice of hearing dated July 29, 2022 was sent to all concerned parties in relation to DAO 1997-32. The administrative hearing was conducted on August 04, 2022 at DENR CENRO Quezon, Palawan.

We concur with the CENRO recommendation for the issuance of confiscation order of the apprehended conveyance and forest product in favor of the government.

Copy Furnished: CENRO Quezon, Palawan File/2022-017ACG/MES Doc. Ref. No. 2022-8847 DENR-PALAWAN
PENRO-RECORDS
RELEASED
Huea

By
Date: 05 OCT 2022 402- 1597

MIMAROPA Region

COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE National Highway, Bgy. Alfonso XIII, Quezon, Palawan

Contact No.: 0917-160-4920 Email: cenroquezon@denr.gov.ph

September 21, 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

SUBMISSION OF MINUTES OF ADMINISTRATIVE HEARING APPREHENSION AND SEIZURE OF ONE (1) UNIT ON MOTORCYCLE WITHOUT PLATE NUMBER WITH SIDECAR (TOPDOWN) LOADED WITH SIX (6) PIECES OF IPIL LUMBERS WITH A TOTAL VOLUME OF 101.60 BOARD FEET AT SITIO

KATRINGAN, BRGY. IRAAN, RIZAL, PALAWAN WITHOUT

LEGAL DOCUMENTS.

Forwarded herewith the memorandum dated September 19, 2022 of Forester David E. Gallema Jr. Hearing Officer containing the summary of minutes of Administrative Hearing and pertinent documents relative to the above cited-subject for violation of Section 77 of P.D. 705, as amended by EO 277 and RA 7161.

Attached hereto are the following, to wit:

- 1. Transcript of Administrative Hearing conducted dated August 4, 2022;
- 2. Notice of Administrative hearing dated July 5 & July 29, 2022;
- 3. Attendance sheet;
- 4. Turned-Over Receipt dated June 8, 2022;
- 5. Memorandum Report of ECOMS II Michael V. Joven dated June 13, 2022 re: scaling & inventory of lumber;
- 6. Tally sheet of scaled lumber;
- 7. Seizure order;
- 8. Seizure receipt:
- 9. Certificate of custody;
- 10. Pictures:
- 11. Memorandum Report of Apprehending officers (PNP-Rizal) dated June 7, 2022;
- 12. Confiscation Receipt;
- 13. Statement of Damages:
- 14. CENRO Certification;
- 15. Criminal complaint filed by Philippine National Police Rizal Station, Rizal, Palawan;
- 16. Pinag-samang Malayang Sinumpaang Salaysay ng Pag aresto at Reklamo ng PNP-Rizal personnel.

9-23-22

04) :

For your information and further instruction.



COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920 Email: cenroquezon@denr.gov.ph

September 19, 2022

DENR-CENRO QUEZON, PALAWAN

DATE: SIGNATURE:

MEMORANDUM

FOR

The Community Environment and

Natural Resources Officer

FROM

The Hearing Officer

SUBJECT

MINUTES OF ADMINISTRATIVE HEARING ON THE **APPREHENSION** OF AND **SEIZURE** ONE (1) UNIT MOTORCYCLE WITHOUT PLATE NUMBER WITH SIDECAR (TOPDOWN) LOADED WITH SIX (6) PIECES OF IPIL LUMBERS WITH A TOTAL VOLUME OF 101.60 BOARD FEET AT SITIO

KATIRINGAN, BRGY. IRAAN, RIZAL, PALAWAN

Submitted herewith the minutes of the Administrative Confiscation Proceedings together with pertinent documents anent the above-cited subject treated under DAO 97-32. The hearing was conducted on August 4, 2022 at DENR-CENRO Quezon, Palawan.

Please be informed that prior to the conduct of hearing, a notice of hearing was given to the respondent informing them of their privilege to exercise their rights to hire a legal counsel of their own choice pursuant to the provisions of the New Constitution of the Philippines. However, despite the considerable period of time since the notice of hearing was served, this office did not received any notice or motion from the respondent to re-schedule the hearing due to non-hiring of lawyer.

Further informed that during the scheduled date of hearing, the respondent asserted to proceed the hearing even without the assistance of their own legal counsel.

I. FACTS OF THE CASE:

WHAT:

Apprehension and seizure of six (6) pieces of Ipil lumbers having a total

volume of 101.60 board feet.

WHEN:

On or about 1:15 AM of June 7, 2022

WHERE:

Sitio Katiringan, Brgy. Iraan, Rizal, Palawan

WHO:

Cerio Kinlit Percinilio, resident of Sitio Guilingan, Brgy. Iraan, Rizal,

Palawan.

HOW:

On or about 1:15 AM of June 7, 2022 upon responding information received, Pcpl Felix Arevalo Ponciano, Jr. and other members of Rizal MPS intercepted a motorcycle with sidecar locally known as "Topdown" loaded with undocumented Ipil lumbers driven by a certain Cerio Kinlit Percinilio at Sitio Katiringan, Brgy. Iraan, Rizal, Palawan Due to lack of permit presented by the respondents, they declared arrest and apprehension. They brought the suspects together with the apprehended items at PNP Rizal Station for further investigation and proper disposition.

II. PRESENTATION OF PARTIES INVOLVED (Apprehending Officers and Respondents):

1. During the hearing, the apprehending officers were not present but they were able to submit their "Malayang Sinumpaang Salaysay". Based on the malayang sinumpaang salaysay of Pcpl Felix Arevalo Ponciano, Jr. while he is on duty, they received information regarding the alleged transport of illegal forest products at Sitio Katiringan, Brgy. Iraan, Rizal. With the instruction of their MPS Chief, they responded the information received and had intercepted a motorcycle with sidecar locally known as "Topdown" loaded with undocumented Ipil lumbers driven by a certain Cerio Kinlit Percinilio together with her wife, residents of Sitio Guilingan, Brgy. Punta Baja, Rizal, Palawan.

During on-site investigation, the suspects were not able to present any legal documents to justify their possession and transport of lumbers. Immediately, the suspects were informed of their violation and their constitutional rights under Miranda Doctrine.

Subsequently the group of Pcpl Felix Arevalo Ponciano, Jr declared arrest and apprehension. They brought the suspects and the apprehended items at PNP Rizal Station for further investigation and proper disposition.

2. In the same hearing, Mr. Cerio Kinlit Percinilio disclosed that there was no corresponding documents for the transport of the lumbers, but he explained that the Ipil lumbers is not his, he was just hired by his relative to haul and deliver the said lumbers. Mr. Cerio Percinilio failed to identify the name of his relative as the owner of the lumbers

Further, Cerio Kinlit Percinilio disclosed that the motorcycle with side car (topdown) he used in transporting the Ipil lumbers is owned by his son.

III. APPLICABLE LAWS AND POLICIES:

1. Section 77 of PD 705 as amended or Revised Forestry Code of the Philippines "Cutting, Gathering and/or collecting Timber or other Forest Products Without License- any person who shall cut, gather, collect, 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 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.

•2. Department Administrative Order No. 97-32 dated 1997 Rules for the Administrative Adjudication of Illegal Forest Products and the Machinery, Equipment, Tools and Conveyances used in the commission of crimes.

IV. FINDINGS/EVALUATION

- 1. The transport and possession of forest products (six pieces of Ipil lumbers having a total volume of 101.60 board feet) is not covered by appropriate DENR documents/permit, hence a patent violation of Section 77 of PD 705 as further amended;
- 2. In view of the above statements and facts presented, it was found that there were sufficient and convincing evidences to support the finding of probable cause to charge **MR. CERIO KINLIT PERCINILIO** for violation of Section 77 of PD 705 as further amended by E.O. 277 and R.A. 7161;

V. RECOMMMENDATION

1. In view of the above findings and evaluation, it is recommended that the one (1) unit motorcycle with sidecar and six (6) pieces of Ipil lumbers having a total volume of 101.60 board feet board feet be confiscated in favor of the government.

NOTE: The MPS Rizal, Palawan had already filed the corresponding criminal case against the respondent.

For his information and further evaluation/instruction.

Hearing Officer



COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920

Email: cenroquezon@denr.gov.ph

PEOPLE OF THE PHILIPPINES

CENRO Admin Case No. QZN-AC 2022-06-013

Plaintiff,

-versus -

-for-

CERIO KINLIT PERCINILIO

Violation of Sec. 77 (formerly Sec. 68 of PD 705 as ameneded by EO 277 series of of 1987 and RA 7161)

Respondent.

TRANSCRIPT OF ADMINISTRATIVE HEARING (Katitikan ng Pagdinig Administratibo)

Katitikan ng ginawang pagdinig sa nahuling topdown na may kargang mga kahoy na walang kaukulang dokumento na ginanap noong August 4, 2022 sa ganap na 10:00 ng umaga sa DENR CENRO Quezon, Bgy. Alfonso XIII, Quezon, Palawan.

DAVID E. GALLEMA, JR.

Hearing Officer

CATHERINE F. REGIS

Stenographer

Mga dumalo

Katungkulan/Tanggapan/Tirahan

David E. Gallema, Jr. Catherine F. Regis Cerio Kinlit Percinilio Rosebilla Percinilio Chief, MES/Hearing Officer – CENRO Quezon, Pal. FR/Stenographer – CENRO Quezon, Palawan Bgy. Punta-baja, Rizal, Palawan (Owner & driver)

Bgy. Punta-baja, Rizal, Palawan (Wife)

Paunawa: Bago pormal na pinasimulan ang pagdinig ay isang maikling panalangin muna ang isinagawa kasunod ang pagbanggit/pagtawag sa pangalan ng mga dumalo.

Hearing Officer:

Sa bisa ng Seksyon 45 ng PD 705 na nag-gawad sa akin ng kapangyarihan na magsagawa ng ganitong uri ng pagdinig alinsunod sa mga probisyon ng DAO 97-32, ang pagdinig sa nasamsam na top down na may kargang kahoy na may kabuoang bulto na 101.6 board feet noong June 7, 2022 sa Sitio Katiringan, Bgy. Iraan, Rizal, Palawan na walang kaukulang dokumento na nahuli ng PNP-Rizal Personnel ay promal na pong sisimulan. Ikaw (respondent) ay nabigyan ng sapat na panahon mula ng isilbi sa iyo ang pabatid, at ikaw rin ay naabisuhan na mayroon kang karapatan na kumuha ng iyong sariling abogado alinsunod sa ating saligang batas para gumabay sa iyo sa pagdinig na ito. Ganun paman, wala kaming natanggap na abiso o motion galing sa iyo upang ipagpaliban ang pagdinig na ito dahil wala kang nahanap na abogado. Sa gayon, itutuloy po ba natin ang pag dinig na ito kahit wala kang abogado?

Respondents:

Opo, itutuloy.

H.O

Sa pagpapatuloy, ako po ay maglalatag ng ilang patnubay upang maisagawa natin ng matiwasay ang pagdinig na ito. Hinihiling ko ang katahimikan sa lahat na nagsipagdalo. Mahigpit na ipinagbabawal ang anumang gawain na makakagambala sa daloy ng pagdinig na ito at ang paggamit ng masasama at hindi kanais-nais na mga salita. Ang ipinatawag ay mabibigyan ng sapat na oras upang maglahad at maipaliwanag ang kanyang panig. Kung kayat, kung sino lang ang tinatanung ay siya lamang ang sasagot. Maliwanag po ba?

Page 1 of 4

Attendees

Opo.

H.O.

Sa ipinatawag ngayong umaga (respondent), mayroon ka bang dalang mga dokumento

may kaugnayan sa mga nahuling produktong gubat na gusto niyong ipresenta ngayong

umaga?

Respondent:

Wala po.

H.O

Bagamat wala ang mga miyembro ng PNP Rizal na apprehending officer, si PCpl Felix Arevalo Ponciano Jr. ay nagsubmit ng kanyang Malayang Sinumpaang Salaysay. Ayon sa kanyang Sinumpaang Salaysay, binanggit niya na noong ika -7 ng Hunyo, 2022 ganap na 12:30 ng umaga habang sila ay naka duty sa Rizal Municipal Police Station ay nakatanggap sila ng impormasyon na may kasakukuyang nagkakarga at mag tatransport ng mga illegal na kahoy sa Sitio Katiringan, Bgy. Iraan, Rizal, Palawan. Agad nilang ipina-alam sa kanilang hepe na si PMAJ Juromel Fiel Rojo ang nasabing impormasyon, pagkatapos ay agad silang bumuo ng grupo para agarang magsagawa ng operasyong pulis. Nang marating nila ang lugar ay nakita nila at naabutan ang isang motorsiklong may side car (topdown) na may kargang kahoy at agad silang nag pakilalang mga Pulis. Tinanong nila ang mga pangalan at kung may kaukulang permit sila sa nasabing mga kahoy, ngunit wala itong naipakitang kahit anong legal na dokumento/permit. Nalaman din nila na ang pangalan ng suspect ay si Cerio Kinlit Percinilio, 61 taong gualng, may asawa, magsasaka, Cebuano, ipinanganak noong January 20, 1961 sa Zamboanga Del Sur at kasalukuyang nakatira sa Sitio Guilingan, Bgy. Iraan, Rizal, Palawan. Nang wala siyang naipakitang permit sa kanilang ginawang pag karga ng kahoy ay agad nilang inaresto ito humigit kumulang 1:15 ng umaga sa nasabing araw at ipinaalam ang kanyang illegal na ginawa na dahilan ng pag-aresto at ipinaalam din ang kanyang mga karapatan ayon sa RA 7438 sa salitang kaniyang nauunawaan. Ang nasabing suspek at nakumpiskang kahoy at top down ay agad dinala sa himpilan ng Pulisya para ma-kustodiya at sumailalim sa imbestigasyon at tamang desposisyon.

H.O

Sa ating pagpapatuloy, kayo po Mr. Cerio Kinlit Percinilio, maari ka bang tumayo itaas ang iyong kanang kamay magpakilala at mangangakong magsasabi ng pawang katotohanan lamang?

C. Percinilio:

.

Ako po si Cerio Kinlit Percinilio, 61 years old, may asawa at anak, nakatira sa Sitio Guilingan, Bgy. Iraan, Rizal, Palawan. mangangakong mag sasabi ng pawang katotohanan lamang.

H.O

Ano po ang hanap buhay niyo?

C. Percinilio:

Mag sasaka po.

H.O

Ilan po anak niyo?

C. Percinilio:

Anim (6) po.

H.O

Ikaw ba ang may-ari ng top down?

C. Percinilio:

Hindi po, sa anak po kay Michael sir, Iyong kahoy po hindi din sakin, nagkataon lang po na humingi ng tulong at kamag-anak ko rin kaya tinulongan ko ay kaso nahuli.

H.O

Kayo lang nag byahe noong time na iyon?

C. Percinilio:

0

Dalawa po kami ni Misis.

H.O

Sino po ang may-ari ng kahoy?

C. Percinilio:

Kamag anak ko po.

H.O

Mag kano po ang hauling?

C. Percinilio:

Tag 10 po per board feet.

H.O: Taga saan yong kamag anak niyo?

C. Percinilio: Taga Guilingan din.

H.O : Saan niyo po hinakot iyong kahoy?

C. Percinilio: Sa Manggahan po.

H.O : Ilang besis kayo nagkahot?

C. Percinilio: Isang besis lang po.

H.O : Alam niyo ba na bawal ang ginawa ninyo?

C. Percinilio: Opo, alam man namin ay kaso nag hinge man ng tulong, tinulongan namin.

H.O: Tumulong po kayo pero kayo naman po ang kawawa, tandaan po natin na Pulis

po ang nakahuli sa inyo at sila po ang mag sasampa ng kaso sa inyo. Ano po ang

pinapagawa ng kamag anak mo kuya?

C. Percinilio: Bahay po.

H.O: Marami pang Ipil diyan?

C. Percinilio: Wala nadin po, Parang sa Bunog sir marami.

H.O : Saan na iyong nag tistis ng Ipil?

C. Percinilio: Wala na din po diyan nagtakas na natakot din po kasi sir.

H.O: Ganun, ipaliwanag ko lang po sa inyo sir kung sino po ang naaktohan na pumutol,

nagtistis o kung kanino naaktohan na nagbiyahe man at nasayo iyong kahoy ay

ikakarga talaga sa iyo iyong paglabag.

H.O : May karagdagan ka pa kuya?

C. Percinilio: Wala na po.

H.O : Gusto ko lang bigyang diin na ang pagdinig na ito ay nakatuon lamang sa nahuling

top down na may kargang kahoy, dito ay tinitingnan kung may kaukulang permit/papeles o wala ang nasamsam, gagawa po tayo ng mga recommendation batay na rin sa mga pahayag ng magkabilang panig at sa mga dokumentong ipinasa ng mga apprehending officers. Ito po ay ipapadala sa DENR Regional Office para sa kaukulang aksyon at disposisyon. Yamang wala na akong maitatanong, dito ko na tinatapos ang pagdinig sa umagang ito. Maraming salamat po sa inyong

kooperasyon.

The hearing ended at 11:00 AM

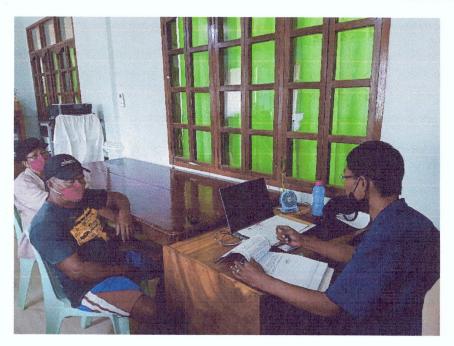
I HERE BY CERFIFY that the above statements are true and correct to the best of my knowledge & belief.

CATHERINE F. REGIS
Forest Ranger/ Stenographer

DAVID F. GALLEMA, JR. Chief, MES/Hearing Officer







The above pictures show Mr. **CERIO KINLIT PERCINILIO** during the Administrative Hearing conducted on August 4, 2022 at DENR-CENRO Quezon, Palawan.





COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920

Email: cenroquezon@denr.gov.ph

July 5, 2022

MR. CERIO KINLIT PERCINILLO

Sitio Tagbiao-biao Bgy. Punta-baja, Rizal, Palawan

Ginoong Percinillo,

Isang Makakalikasang Pagbati!

Ang sulat na ito ay tungkol sa isang (1) unit na topdown na may kargang kahoy na nahuli ng PNP-Rizal sa Purok Calupisan, Brgy. Punta-baja, Rizal, Palawan noong June 7, 2022.

Kaugnay po nito, kayo ay aming inaanyayahan na dumalo sa gaganaping Administrative Hearing dito sa tanggapan ng DENR - CENRO Quezon, Rizal Station, Rizal, Palawan sa July 13, 2022 ganap na ika 9:00 ng umaga upang magpaliwanag at marinig ang inyong panig. Kayo rin ay pinapayuhan na kumuha ng iyong abogado na gagabay sa inyo sa naturang pagdinig at mag dala din ng mga dukumento na kinakailangan sa pagdinig. Ang hindi po ninyo pag tugon sa aming imbitasyon ay nangangahulugan na inyo pong ipinapaubaya ang inyong karapatan na marinig ang inyong panig. Ang mga dukumento na sa aming pag-iingat may kaugnayan sa pag kahuli ng isang (1) unit na topdown na may kargang kahoy at testimonya ng PNP-Rizal ay gagamitin naming basehan upang gumawa ng legal na aksyon laban sa inyo.

Kami po ay lubos na umaasa na nabigyan namin kayo ng wasto at maayos na impormasyon/paanyaya at pinapayuhan po kayo na gumamit ng Face Mask sa naturang pagdinig.

Gumagalang,

"For the CENRO

ENGR. ROSITA F. CASTULO DMO IV/ Officer In-charge"



COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920

Email: cenroquezon@denr.gov.ph

IKATLONG PABATID

July 29, 2022

MR. CERIO KINLIT PERCINILLO

Sitio Tagbiao-biao Bgy. Punta-baja, Rizal, Palawan

Ginoong Percinillo,

Isang Makakalikasang Pagbati!

Ang sulat na ito ay tungkol sa isang (1) unit na topdown na may kargang kahoy na nahuli ng PNP-Rizal sa Purok Calupisan, Brgy. Punta-baja, Rizal, Palawan noong June 7, 2022.

Kaugnay po nito, kayo ay aming inaanyayahan na dumalo sa gaganaping Administrative Hearing dito sa tanggapan ng DENR - CENRO Quezon, Rizal Station, Rizal, Palawan sa August 4, 2022 ganap na ika 10:00 ng umaga upang magpaliwanag at marinig ang inyong panig. Kayo rin ay pinapayuhan na kumuha ng iyong abogado na gagabay sa inyo sa naturang pagdinig at mag dala din ng mga dukumento na kinakailangan sa pagdinig. Ang hindi po ninyo pag tugon sa aming imbitasyon ay nangangahulugan na inyo pong ipinapaubaya ang inyong karapatan na marinig ang inyong panig. Ang mga dukumento na sa aming pag-iingat may kaugnayan sa pag kahuli ng isang (1) unit na topdown na may kargang kahoy at testimonya ng PNP-Rizal ay gagamitin naming basehan upang gumawa ng legal na aksyon laban sa inyo.

Kami po ay lubos na umaasa na nabigyan namin kayo ng wasto at maayos na impormasyon/paanyaya at pinapayuhan po kayo na gumamit ng Face Mask sa naturang pagdinig.

Gumagalang,

HONARD T CALUY CENRO



COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920

Email: cenroquezon@denr.gov.ph

ADMINISTRATIVE HEARING

DENR-CENRO Quezon, Rizal Station, Rizal, Palawan.

Date: August 4,2022 / 10:66 AM

ATTENDANCE

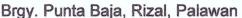
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Republic of the Philippines National Police Commission

PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA

PALAWAN POLICE PROVINCIAL OFFICE RIZAL MUNICIPAL POLICE STATION





June 8, 2022

TURNED-OVER RECEIPT

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT the following confiscated/seized items apprehended on June 7, 2022 approximately 1:15 AM at Sitio Katiringan, Brgy. Iraan, Rizal, Palawan to one Cerio Kinlit Percinilio, 61 years old, married, farmer, cebuano, born on January 20, 1961 at Zamboanga Del Sur and presently residing at Sitio Guilingan, Brgy. Iraan, Rizal, Palawan who were caught in the act of possession, control and custody of fresh cut lumbers on board his motorcycle with side car (Top down) without any legal documents presented which is a clear violation of PD 705 were respectfully turned over to the DENR-Rizal Station, to wit:

- 1. 1-Unit motorcycle with side car (Top down) Motor star 125, color Red, no plate number and with Chassis No. LAMSAKJD7J0009746; and
- 2. **6-pcs 4x4x12.7** of Ipil species approximately 101.6 board feet with estimated market value of Php 45.00 per Board feet and with approximate total Market Value of Php 4, 572.00.

Turned-over by:

PSMS Francis Dionne DT Francisco Investigator On-Case

Rizal MPS

Turned-over to:

Michael V. Joven

ECOM6-II, TL Rizal Station

DENR



COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920

Email: cenroquezon@denr.gov.ph

June 13, 2022

SIGNATURE:

MEMORANDUM

FOR

The Community Environment and

Natural Resources Officer

Quezon, Palawan

THRU

The Chief, MES

FROM

Michael V. Joven

ECOMS II

SUBJECT

REPORT ON SCALED LUMBERS APPREHENDED BY

RIZAL MUNICIPAL POLICE OFFICERS AT BRGY.

IRAAN, RIZAL, PALAWAN

This pertains with the letter request by Police Major Juromel Fiel Rojo, Officer In-charge of Rizal Municipal Police Station, Rizal, Palawan dated June 8, 2022 re scaling of sown lumbers apprehended at Brgy. Iraan, Rizal, Palawan.

Please be informed that the personnel of Monitoring and Enforcement Section immediately proceeded to the said area to conduct actual scaling of apprehended sown lumbers together with PNP-Rizal personnel. There are 6 pieces of different sizes of Ipil lumbers with a total volume of 101.6 board feet. (pls. see attached tally sheet). The said apprehended forest product is hauled and being custody to the Rizal-MPS and turned-over to DENR CENRO-Quezon, Rizal Station compound for safekeeping and proper disposition.

Attached with this is the Tally sheets and Geo-tagged photos.

For his information and further instruction.

MICHAEL



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Quezon, Palawan

TALLY SHEET OF APPREHENDED IPIL LUMBERS AT, BGY. IRAAN, RIZAL, PALAWAN BY PNP RIZAL PERSONNEL ON JUNE 7, 2022

Quantity	Unit	Description	Volume (bd.ft.)
6	Pcs.	4 X 4 X 12.7 - IPIL	101.6
6	Pcs.	TOTAL	101.6

Prepared by:

MICHAEL V. JOVEN ECOMS II



COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920 Email: cenroquezon@denr.gov.ph

Pursuant to the provision of P.D 705 as amended by E.O No. 277 and DENR Administrative Order No. 97-32 Series of 1997 the following forest products are ordered seized, to Wit:

SEIZURE ORDER

FACTS

1. Forest Products

Kind	Item:	Source/Origin of Forest Products	Species	Pieces	Volume/Unit of Measurement	Estimated fair market Value	Impounding Area	Custodian
Lumber	Lumber	Brgy. Iraan, Rizal, Palawan	Ipil	6	101.6 board feet	Php 5,080.00	DENR- CENRO Quezon, Rizal Station, Rizal, Palawan	ECOMS II. Michael V. Joven

	Minor Forest Products						
Kind	Unit of Measurement	No. of Units	Estimated fair market value	Custodian			
N/A	N/A	N/A	N/A	N/A			

Conveyance Involved

Type	Make/Model/Year	Plate No.	Color/Markings	CR No.	OR No.
Motorcycle	Motor Star 125	N/A	Red	N/A	N/A

Conveyance Involved (Additional Details)						
Engine No. /Body No.	Chassis No.	Accessories	Estimated Fair	Custodian		
			Market Value	. 1		
Defaced	LAMSAKJD7J0009746	N/A	Php 40,000.00	ECOMS II. Michael V. Joven		

^{*}Turned over to the highest officer of the Regional Office concerned if government-owned vehicle.

			If Animal			
Kind	Quantity	Gender	Age (Adult/Young)	Color	Custodian	Estimated Fair Market
N/A	N/A	N/A	N/A	N/A	N/A	N/A

	Equipment Involved						
Type	Quantity	Details	Custodian	Estimated Fair Market Value			
N/A	N/A	N/A	N/A	N/A			

	Implements Involved						
Туре	Quantity	Details	Custodian	Estimated Fair Market Value			
N/A	N/A	N/A	N/A	N/A			

The subject Forest Products and other items were apprehended while under the possession/control ownership of.

Name	Address	Civil Status	Age	Participa tion	Status of the Person
Mr. Cerio Kinlit Percinilio	Brgy. Iraan, Rizal, Palawan	Married	61	Owner /Driver	Released

2. The subject Forest Products and other items have undergone the following Seizure proceedings.

			SEIZURE							
Date and	Date and Place of Seizure Time of								Seizing	Legal Basis
Seizure	Province	City/Municipality	Barangay	Sitio	Officer	for Seizure				
June 20, 2022 1:00 PM	Palawan	Rizal	Punta-baja	N/A	David E. Gallema, Jr.	Apprehension Receipt,				
						pursuant to DAO 97-32				

Examination Conducted by Seizure Officer:

Persons Examined (Apprehending Officer & Witnesses)	Date	Time	Place
PCpl Felix Arevalo Ponciano, Jr.	June 20,2022	1:00 PM	Bgy. Punta-baja, Rizal Palawan

After thorough evaluation of the Apprehension Report dated <u>June 7, 2022</u> and all relevant documents submitted, and after examining personally the apprehending officers and witnesses of the apprehension about the violation committed, it was determined that there is prima facie evidence that existing laws and DENR regulations have been violated and that the offenders is probably guilty thereof.

Hence, the foregoing forest products/conveyance/equipment are hereby ordered seized and now under government custody (except government-owned vehicles).

So, ordered this 20th day of June year 2022 at Brgy. Punta-baja, Rizal, Palawan.

AVIDE GALLEMA, JI SEIZIVRE OFFICER



COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920 Email: cenroquezon@denr.gov.ph

SEIZURE RECEIPT No. CENRO-QZN-SR-2022-07-0018

The following apprehended items with Apprehension Receipt are administrative seizure pursuant to Section 3 of DAO 97-32

A. FOREST PRODUCTS

Species	No. of Pieces	Dimension/Finish Products	Volume (Bd/Ft)	Estimated Value
Ipil	6	See Attached tally sheet	101.6 board feet	Php 5,080.00
Total	6		101.6 board feet	Php 5, 080.00

Name/ Address of on-site offenders and nature of participation:

NAME	ADDRESS	NATURE OF PARTICIPATION
Mr. Cerio Kinlit Percinilio	Bgy. Iraan, Rizal, Palawan	Driver

B. CONVEYANCE

Name of Registration/Owner:

CERIO KINLIT PERCINILIO

Address:

Bgy. Iraan, Rizal, Palawan

Type of Vehicle:

Motorcycle (top down) Motor Star 125

Model:

Red

Color: Engine/Motor Serial No. :

Defaced

Chassis Serial No.:

LAMSAKJD7J0009746

Plate No.:

N/A

Estimated Fair Market Value:

Php 40,000.00

C. EQUIPMENT/TOOL AND OTHER IMPLEMENTS (Briefly describe the physical appearance and condition of each item and estimate fair market value). N/A

The items was apprehended by PNP-Rizal personnel at Bgy. Iraan, Rizal, Palawan on June 7, 2022 for illegal transport of forest product without legal documents which is violation of section 77 of PD 705 as amended.

The subject forest products are under the custody of ECOMS II. **Michael V. Joven, Officer** In-charged of DENR-CENRO Quezon, Rizal Station. Further, these apprehended items are now deposited at DENR-CENRO Quezon, Rizal Station, Bgy. Punta-baja, Rizal, Palawan.

That the undersigned hereby acknowledge that the above listed item(s) are now in **ADMINISTRATIVE SEIZURE** and that **I**, as authorized Seizing Officer, assume the possession and control for the custodial legis, pending the conduct of administrative confiscation proceedings for their disposition.

Therefore issue this Seizure Receipt *No. <u>CENRO-OZN-SR-2022-07-0018</u>* this <u>June 20</u>, <u>2022</u> at DENR-CENRO Quezon, Rizal Station, Rizal, Palawan.

DAVID E. GALLEMA, JR. Seizure Officer



COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920 Email: cenroquezon@denr.gov.ph

June 13, 2022

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the apprehended One (1) unit Motorcycle (*Topdown*) Motor Star 125, color red, without plate number, with chassis number LAMSAKJD7J0009746 driven by **Mr. Cerio Kinlit Percinillo,** loaded with Six (6) pieces of different sizes of Ipil lumbers with a total volume of 101.6 board feet which was apprehended at , Bgy. Iraan, Rizal, Palawan, last June 7, 2022, has been turn-over at DENR-CENRO Quezon, compound for safekeeping and proper disposition in accordance with DAO 97-32.

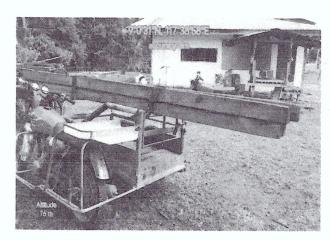
The forest products and conveyance were under the custody of the undersigned ECOMS II Michael V. Joven of DENR-CENRO, Quezon, Rizal Station, Rizal, Palawan.

MICHAEL V. JOVEN ECOMS II/In-Charge, Rizal Station

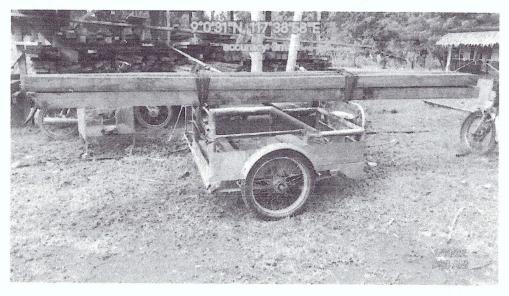


COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917-160-4920 Email: cenroquezon@denr.gov.ph







Geo-tagged photos of apprehended 101.6 board feet of Ipil lumbers apprehended by PNP Rizal personnel at Barangay Iraan, Rizal, Palawan on June 7, 2022.

Prepared by:

MICHAEL V. JOVEN ECOMS I



Photo taken during the actual arrest of the suspect for violation of PD 705



Republic of the Philippines NATIONAL POLICE COMMISSION PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA

PALAWAN POLICE PROVINCIAL OFFICE MINIARO PALAWAN POLICE PROVINCIAL OFFICE

RIZAL MUNICIPAL POLICE STATION



Brgy. Punta Baja, Rizal, Palawan

MEMORANDUM

FOR

: Provincial Director

Palawan Provincial Police Office

Brgy. Tiniguiban, Puerto Princesa City, Palawan

(Attn: C, PIDMU)

FROM

: Acting Chief of Police

SUBJECT: Report on Violation of PD 705

DATE

: June 7, 2022

1. What: Report on Violation of PD 705.

2. Where: Sitio Katiringan, Brgy. Iraan, Rizal, Palawan.

3. When: June 7, 2022 approximately 1:15 AM.

4. Who:

Suspect identified as Cerio Kinlit Percinilio, 61 years old, married, farmer, cebuano, born on January 20, 1961 at Zamboanga Del Sur and presently residing at Sitio Guilingan, Brgy. Iraan, Rizal, Palawan.

5. How: On June 7, 2022 approximately 12:30 AM this MPS received information pertaining to an on-going illegal logging activity at above-mentioned place. Thereafter, personnel of this MPS conducted police operation on illegal logging activity led by PMAJ JUROMEL F ROJO, ACOP that resulted to the arrest of above-named suspect approximately 1:15 AM of same date, who were caught in the act of possession, control and custody fresh cut lumbers on board his motorcycle with side car (Top down) Motor star 125, color Red, no plate number and with Chassis No. LAMSAKJD7J0009746 without any legal documents presented. The seized/confiscated lumbers are 6 pcs 4x4x12.7 of Ipil species approximately 101.6 board feet with estimated market value of Php 45.00 per Board feet and with approximate total Market Value of Php 4, 572.00. The arrested suspect including the confiscated items are now under the custody of Rizal MPS for proper disposition. Team returned approximately 1:45 AM on same date. A case of Violation on PD 705 is being prepared for filing in prosecution. IOC PSMS Francis Dionne DT Francisco with CP# 0908-391-9080.

6. Progress report will Follow.

JUROMEL FILL ROJO

Police Major

Acting Chief of Police



Republic of the Philippines National Police Commission PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA

PALAWAN POLICE PROVINCIAL OFFICE RIZAL MUNICIPAL POLICE STATION

Brgy. Punta Baja, Rizal, Palawan



RIZMPSIN-

June 7, 2022

CONFISCATION RECEIPT

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that one Cerio Kinlit Percinilio, 61 years old, married, farmer, cebuano, born on January 20, 1961 at Zamboanga Del Sur and presently residing at Sitio Guilingan, Brgy. Iraan, Rizal, Palawan is apprehended by the PNP personnel of Rizal MPS approximately 01:15 A.M of June 7, 2022 at Sitio Katiringan, Brgy. Iraan, Rizal, Palawan who were caught in the act of possession, control and custody of fresh cut lumbers on board his motorcycle with side car (Top down) without any legal documents presented which is a clear violation of PD 705 and now under temporary custody of Rizal Municipal Police Station for proper disposition were as follows:

1. 1-Unit motorcycle with side car (Top down) Motor star 125, color Red. no plate number and with Chassis No. LAMSAKJD7J0009746; and

2. 6-pcs 4x4x12.7 of Ipil species approximately 101.6 board feet with estimated market value of Php 45.00 per Board feet and with approximate total Market Value of Php 4, 572.00.

REFUSED TO SIGN Mr. Cerio Kinlit Percinilio

Respondent

Apprehending Officer

STATEMENT OF DAMAGES ON APPREHENDED ONE (1) UNIT MOTORYCYCLE (TOPDOWN) LOADED WITH IPIL LUMBER DRIVEN BY MR.CERIO KINLIT PERCINILLO AT BGY. IRAAN, RIZAL, PALAWAN

RECAPITULATION

i .			
TOTAL ENVIRONMENTAL DAMAGES:	10xMV+RFC+S (Pesos)	60,672.80	60,672.80
REG. FOREST SURCHARGE(S):	(FC X 300%) (Pesos)	3,594.60	3,594.60
REG. FOREST HARGES (RFC)	Total (Pesos)	1,198.20	1,198.20
REG.	Per cu. m. (Pesos)	3,000.00	
DAO 97-32	XIO OF MV (Pesos)	50,800.00 3,000.00 1,198.20	50,800.00
MARKET VALUE (MV)	Total (Pesos)	5,080.00	5,080.00
MARK		50.00	
VOLUME	bd. ft.	101.60	101.60
0 >	cu.m.	0.3994	0.3994
SPECIES		Ipil	
NO. OF	9	9	

BASIC INFORMATION:

A. NAME OF PRODUCT - Lumber

B. NAME OF SPECIES

- Sec. 3 DAO 87-80 (0.3994 cu.m.) - Premium D. TOTAL VOLUME C. SPP. GROUP

- 2021-11

E. FOREST CHARGES

F. MARKET VALUE

G. ENVIRONMENTAL DAMAGES I. TOTAL DAMAGES H. SURCHARGES

- Sec. 7, DAO 87-80

- Sec. 10, DAO 97-32

- 50.00/Bd.Ft.

- PhP 60, 672.80

NOTE: Forest Charges based on DENR Administrative Order No. 2021-11 Pursuant to Republic Act 7161.

CERTIFICATION

This is to certify that the amount of Php 60, 672.80 represents the Actual Damages plus Moral and Exemplary Damages, which is 10X the sum of Market Value plus Forest Charges and Surcharge which is 300% of the Total Charges of 6 pieces of apprehended Ipil lumber with a total volume of 0.3994 cubic meter or 101.6 board feet at Bgy. Iraan, Rizal, Palawan.

Prepared by:

Reviewed by:

DAVID E

KATHIZEENEKHYE MOZO

Attested by:

Forester II/OIC, MES



COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE

National Highway, Bgy. Alfonso XIII, Quezon, Palawan Contact No.: 0917 160 4920

Email: cenroquezon@denr.gov.ph

June 17, 2022

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that this Office has not issued any transport permit to Mr. Cerio Kinlit Percinillo as of this date.

This certification is issued to substantiate the filing of criminal complaint against the above subject person for violation of Section 77 of P.D. 705 as amended.

Prepared by:

RAMSES CASTILLO
For. I/Chief, Utilization &
Permitting Section

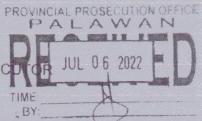
Attested by:

ROSALYN S. JASMIN
Land Management Officer H
In-Charge, Regulation &
Permitting Section.

CONFORME:

ONARD T CALUY

Republic of the Philippines DEPARTMENT OF JUSTICE OFFICE OF THE PROVINCIAL PROSEC PROVINCE OF PALAWAN City of Puerto Princesa



PEOPLE OF THE PHILIPINES Plaintiff

Inv-226-0667 NPS#

Cerio Kinlit Percinilio Accused

For "Violation of PD 705"

COMPLAINT

The undersigned investigator of Rizal Municipal Police Station hereby accuses the suspect Cerio Kinlit Percinilio for Violation of PD 705, committed as follows:

That on 7th day of June 2022 more or less 01:15 in the morning the abovenamed suspect did, then and there using his motorcycle with side car (top down) willfully, unlawfully and feloniously found in his possession, control and custody pieces of fresh cut lumbers of Ipil species without legal documents presented.

CONTRARY TO LAW.

July 5, 2022, Rizal, Palawan

PSMS FRANCIS DIONNE DI FRANCISCO PNP Investigator, Rizal MPS

EXHIBITS:

- 1. Affidavit of arrest and complaint
- Photograph of confiscated/seized lumbers
 Geo-tagged photos from DENR
 Tally sheet from DENR
 Confiscation receipt
 Recapitulation from DENR

- 7. Others

SUBSCRIBED AND SWORN to before me this 5th day of July 2022 at Broy, Punta Baja, Rizal, Palawan, Palawan.

> PMAJ JUROMEL FIEL ROJO Person administering oath by virtue of

sec. 50 of RA 6975 as amended by RA 8551

REPUBLIKA NG PILIPINAS) LALAWIGAN NG PALAWAN) S.S. BAYAN NG DR. JOSE P. RIZAL)

MALAYANG SINUMPAANG SALAYSAY NG PAG ARESTO AT REKLAMO

Ako si PCpl Felix Arevalo Ponciano Jr. nasa hustong gulang kawani ng Pambansang Pulisya ng Pilipinas at kasalukuyang nakatalaga sa Rizal Municipal Police Station, Rizal, Palawan matapos makapanumpa ng ayon sa itinadhana ng ating Bagong Saligang Batas ay nagsasalaysay ng mga sumusunod:

- 1. Na, noong ika- 7 ng Hunyo 2022 sa ganap na alas 12:30 ng umaga habang kasalukuyang naka duty ako sa opisina ng Rizal Municipal Police Station ay naka tanggap kami ng impormasyon na may kasalukuyang may-nagkakarga at nag-tatransport ng mga ilegal na kahoy sa Sitio Katiringan, Brgy, Iraan, Rizal, Palawan.
- 2. Na agad naming ipina-alam sa aming hepe ng pulisya ng Rizal Municipal Police Station na si PMAJ JUROMEL FIEL ROJO ang nasabing impormasyon, pagkatapos ay agad syang bumuo ng grupo para agarang magsagawa ng operasyong pulis hingil sa pagkarga at pagtatransport ng mga ilegal na kahoy sa nasabing lugar.
- 3. Nang marating namin ang lugar ay nakita namin at naabutan ang isang motorsiklong may side car (topdown) at may sakay na kahoy. Agad kaming nagpakilalang mga Pulis ng Rizal Municipal Police Station. Tinanong namin ang kanyang pangalan at kung may kaukulang permit siya sa nasabing mga kahoy na nakasakay sa kanyang topdown. Ngunit wala siyang maipakitang kahit anong legal na dokumento/permit.
- 4. Na nalaman namin na ang pangalan niya ay si Cerio Kinlit Percinilio, 61 taong gulang, may-asawa, magsasaka, cebuano ipinanganak noong January 20, 1961 sa Zamboanga Del Sur at kasalukuyang nakatira sa Sitio Guilingan, Brgy, Iraan, Rizal, Palawan
- 5. Nang wala siyang maipakitang kaukulang legal na dokumento ni ano-man sa kanyang ginawang pagkarga at pagtatransport ng mga kahoy ako (PCpl Felix Arevalo Ponciano Jr.) ay agad syang inaresto humigit kumulang 1:15 ng umaga sa nasabing araw at ipinaalam sa kanya ang kanyang pagkakamali/ilegal na ginawa na dahilan ng pag-aresto habang ipina-paalam ang kanyang mga karapatan ayon sa RA 7438 sa salitang kanyang nauunawaan.
- Nang akin ng ma-aresto ang nasabing suspek at makumpiska ang mga kahoy sakay ng topdown ay agad syang dinala sa Himpilan ng

MAY KARUGTONG NA SALAYSAY SI PCPL PONCIANO JR.:

KARUGTONG NA SALAYSAY NI PCPL PONCIANO JR.:

Pulisya para ma-kustodiya kasama ng mga nakumpiskang kahoy at topdown para sumailalim sa imbestigasyon at tamang desposisyon.

7 Na, pansamantala ay wala na akong masasabi pang iba at kung meron man ay sa korte ko nalang sasabihin at ginawa ko ang salaysay na ito upang patunayan na ang mga nakalahad sa itaas ay totoo bilang patunay sa lahat ng ito, ako ay kusang loob na lumagda sa ibaba na hindi pinilit tinakot o binigyan ng anumang pabuya ng sinoman.

PCpl Felix Arevalo Ponciano Jr. PNP ID #21C0500235 (Nagsalaysay)

SINUMPAAN AT PINATOTOHANAN sa harap ko ngayong ika-5 ng Hulyo 2022 dito sa bayan ng Dr. Jose P. Rizal. Pinatutunayan ko na ang nagsalaysay ay aking nasiyasat at ako ay may sapat na paniniwala na siya ay kusang-loob at malayang nagsalaysay.

PMAJ JUROMEL FIEL ROJO

Person administering an oath by virtue of sec. 50 of RA 6975 as amended by RA