



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

OCT 12 2022

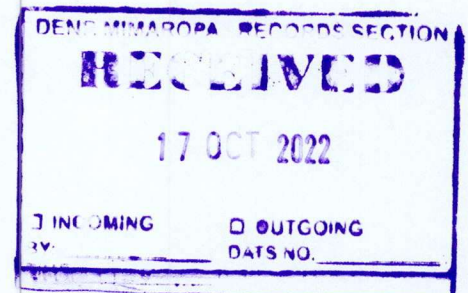
MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region
1515 L & S Building , Roxas, Blvd.
Ermita , Manila

THRU : The Assistant Regional Director
For Technical Services

FROM : The OIC, PENR Officer

SUBJECT : DECISION OF THE REGIONAL TRIAL COURT, BRANCH 46, SAN
JOSE, OCCIDENTAL MINDORO RE: CRIMINAL CASE NO. R-10652
FOR VIOLATION OF SECTION 77 OF PD 705 AS AMENDED



Respectfully forwarded is the memorandum of CENR Officer Efren L. delos Reyes dated September 29, 2022 relative to the above-cited subject.

Mr. Lito M. Palomo who was charged for violation of Section 68 of PD 707 as amended by E.O 277 is 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.

For your information and record.


ERNESTO E. TAÑADA



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

SEP 29 2022

MEMORANDUM

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

THRU : The OIC-PENR Officer
Mamburao, Occidental Mindoro

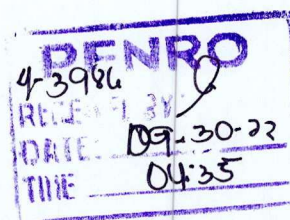
FROM : The CENR Officer

SUBJECT : DECISION OF THE REGIONAL TRIAL COURT, BRANCH 46,
SAN JOSE, OCCIDENTAL MINDORO FOR CRIMINAL CASE NO.
R-10652 FOR VIOLATION OF SECTION 77, PD 705 AS AMENDED

Respectfully submitting are the photocopies of the Decision coming from the Regional Trial Court Branch 46 against LITO PALOMO, JR. y MONTEZER, who were found GUILTY beyond reasonable doubt of the crime of SIMPLE THEFT defined and penalized under Article 308 in relation to Paragraph 4 of Article 309 of the Revised Penal Code.

For information and record.

EFREN L. DELOS REYES



Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457-0236 / (043) 742-6627
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Republic of the Philippines
Supreme Court
Fourth Judicial Region
REGIONAL TRIAL COURT
BRANCH 46
San Jose, Occidental Mindoro

RECEIVED BY: 07-23-2023
#2023-16345
MINAROPA REGION
GENERAL COURT SAN JOSE

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIMINAL CASE NO. R-10652

-versus-

-for-

LITO PALOMO, JR. y MONTEZER,
Accused

VIOLATION OF SECTION 68
P.D. 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 **LITO PALOMO, JR. y MONTEZER** in the information which reads as follows:

INFORMATION

The undersigned accuses **LITO PALOMO, JR. y MONTEZER** the crime of **VIOLATION OF SECTION 68 P.D. 705 AS AMENDED BY E.O. 277** committed as follows:

That on or about the 28th day of December 2022 at around 10:00 o'clock in the evening, along the National Highway, Barangay Nicolas, Municipality of Magsaysay, Province of Occidental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the accused, with intent to gain did then and there, willfully, unlawfully and feloniously, had in his possession, custody and control four (4) pieces 1x6x8 Dita Lumber, five (5) pieces 1x6x10 Dita lumber and four (4) 1x6x8 An-an lumber with total volume of 57 board feet, amounting to **TWO THOUSAND SEVEN HUNDRED 36 PESOS (Php2,736.00)** Philippine Currency, loaded on a Skygo Archer Motorcycle, color red and black, without any permit or authority from the Secretary of Environment and Natural Resources or his duly authorized representative which is in Violation of P.D. 705 as amended, to the damage and prejudice of the Philippine Government.

CONTRARY TO LAW.

San Jose, Occidental Mindoro, December 29, 2020.

Signed by:

ROBERTO P. EVANGELISTA

With the assistance of counsel, (each) accused was/were arraigned in a language known and understood by him/her/them and he/she/they each pleaded "not guilty" to the charge. However, during pre-trial, the defense counsel informed the Court that the accused has entered into a plea bargaining with the prosecution. That in the resulting Plea Bargaining Agreement between accused **LITO PALOMO, JR. y MONTEZER**, known as the first party and the **DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**, represented by **ATTY. SANCHO NIEDA** III- Legal Researcher, DENR, San Jose, Occidental, and the **PHILIPPINE NATIONAL POLICE - MUNICIPAL POLICE STATION OF MAGSAYSAY, OCCIDENTAL MINDORO**, represented by **PPSg FERDINAND G. PAGUIA**, the Arresting Officer known as the second party and with the conformity of the Office of the Provincial Prosecutor, through the handling Public Prosecutor **ROBERTO B. SANTOS**, the following terms and conditions were agreed upon:

1. The First Party was charged for Violation of Section 68 of Presidential Decree No. 705 as amended by E.O. 277;
2. That the total volume of the lumbers involve in the subject case is 57 board feet, valued at Twenty-nine Thousand Nine Hundred Forty Pesos (P2,736.00) Philippines Currency;
3. 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 5 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 imprisonment from One (1) month/s 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 agree 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 **LITO PALOMO, JR. y MONTEZER** was/were re-arraigned and he/she/they each 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 **LITO PALOMO, JR. y MONTEZER** 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 each is/are hereby sentenced to suffer the penalty of **Arresto Mayor in its full extent or**


If and when the application for probation of 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 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 control four (4) pieces 1x6x8 Dita Lumber, five (5) pieces 1x6x10 Dita lumber and four (4) 1x6x8 An-an lumber with total volume of 57 board feet, amounting to TWO THOUSAND SEVEN HUNDRED 36 PESOS (Php2,736.00) Philippine Currency, recovered from the accused is/are hereby ordered confiscated in favor of the government.

Let this decision be furnished to each of the convicted accused, his/her/their respective counsel, the Office of the Provincial Prosecutor, Mamburao, Occidental Mindoro, the second party, namely: Atty. Sancho Nieda, III, DENR, Barangay Labangan, San Jose, Occidental Mindoro and the Chief of Police, Municipal Police Station of Magsaysay, Occidental Mindoro, and the National Bureau of Investigation, Taft Ave., Manila.

SO ORDERED.

Mamburao for San Jose, Occidental Mindoro this 7th day of June 2022.


ULYSSES D. DELGADO
Acting Presiding Judge