



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

SEP 13 2022

MEMORANDUM

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

THRU : Assistant Regional Director
For Technical Services

FROM : The OIC PENR Officer

SUBJECT : APPREHENSION REPORT OF UNDOCUMENTED FOREST
PRODUCTS (35 PIECES OF ANABITAN LUMBER) WITH A TOTAL
VOLUME OF 294 BOARD FEET AT BARANGAY ARMADO, ABRA
DE ILOG, OCCIDENTAL MINDORO



Respectfully forwarded is the memorandum from CENR Officer Anastacio A. Santos dated September 6, 2022 regarding the above-cited subject.

While conducting an Anti-illegal Logging Operation , the personnel of PNP-MPS Abra de Ilog, Occidental Mindoro accidentally saw a pile of cut sawn lumber inside the compound of Mr, Gadiel Cortuna at So. Humabali, Barangay Armado, Abra de Ilog, Occidental Mindoro. Upon interrogation, Mr. Cortuna was not able to produce any lumber's documentation, hence, the two hundred forty nine (249) board feet of Anabitan lumber were confiscated and turned over to the DENR.

As stated in the Resolution, the case was referred to the Office of the Provincial Prosecutor but later dismissed due to lack of evidence since no search warrant was issued to the respondent at the time of the seizure . As per picture filed by both the complainant and the respondent , it is clear that that the police could not have seen the lumber from the National Road in plain view and they have to enter the premises of the respondent to gain access to the subject lumber which are located behind the house being built within the area.

On the other hand, the Administrative Case was filed against Mr. Cortuna for violation of Section 77 of PD 705 as amended . On July 19, 2022 the administrative hearing was conducted and the Hearing Officer Forester II Ariston SJ. Ramos recommends the forfeiture of the apprehended forest products in favor of the government.

For your information, review and evaluation.


ERNESTO E. TAÑADA



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
Community Environment And Natural Resources Office
So. Balud, Sto. Niño, Sablayan, Occidental Mindoro
Email: cenrosablayan@denr.gov.ph

September 6, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR-MIMAROPA Region
1515 L&S Bldg. Roxas Blvd. Ermita Manila

THRU : The Provincial Environment and Natural Resources Officer
Mamburao, Occidental Mindoro

FROM : The Community Environment and Natural Resources Officer
Sablayan, Occidental Mindoro

SUBJECT : **APPREHENSION REPORT OF UNDOCUMENTED
FOREST PRODUCTS (35 PIECES OF ANABITAN
LUMBER) WITH A TOTAL VOLUME OF 294 BOARD FEET
AT BRGY. ARMADO, ABRA DE ILOG, OCCIDENTAL
MINDORO**

Respectfully submitted herewith is the detailed report on the administrative case and criminal case filed against Mr. Gadiel Valentin Cortuna, together with other enclosures, to wit:

- I - Completed Staff Work (CSW) Report
- II - Criminal Case docketed as NPS-IV-06A-INQ-22E-00146

- 1. Apprehension Receipt
- 2. Seizure Order
- 3. Seizure Receipt
- 4. Pictures and other attachment

For your information, review, and evaluation.



FOR. ANASTACIO A. SANTOS MPA.



**COMPLETED STAFF WORK REPORT ON THE APPREHENDED
UNDOCUMENTED FOREST PRODUCTS, IN VIOLATION OF SECTION 77 OF
PD 705 AS AMENDED BY RA 7161 AND DAO 97-32, SERIES OF 1997**

I. HISTORY

The case was filed against Mr. Gadiel Cortuna, a resident of Barangay Armado, Abra de Ilog Occidental Mindoro.

That on May 20, 2022, on or about 1:40 in the afternoon, during their Anti-Illegal Logging Operations, the Abra de Ilog Municipal Police Station accidentally saw 294 bd ft. of Anabitan species inside Mr. Gadiel Cortuna's compound at So. Humabali, Brgy. Armado, Abra de Ilog Occidental Mindoro.

During the apprehension, Mr. Cortuna was asked if he have legal papers that will prove his valid ownership over the subject logs, but he answered in the negative.

The subject logs were confiscated and turned over to the DENR-CENRO Sablayan Coordinating Office at Mamburao Occidental Mindoro.

On May 21, 2022, the accused was brought to the Office of the Provincial Prosecutor at Mamburao, Occidental Mindoro for inquest proceedings. The Associate Provincial Prosecutor recommended that the case underdo a regular preliminary investigation.

On June 1, 2022, The Office of the Provincial Prosecutor dismissed the complaint file against Mr. Gadiel Cortuna for lack of evidence.

On July 19, 2022, the administrative hearing for the above apprehended illegal forest products was held at the DENR-CENRO Sablayan Coordinating Office. EMS Chief Ariston SJ. Ramos facilitated the hearing. The accused was present and was given the chance to explain himself.

OBSERVATION/FACTS

1. That during the Anti-Illegal Logging Operations of the Abra de Ilog Municipal Police Station, they apprehended 294 bd ft. of Anabitan species inside Mr. Gadiel Cortuna's compound at So. Humabali, Brgy. Armado, Abra de Ilog Occidental Mindoro.
2. That when ask for proper documentation of the said logs, Mr. Cortuna failed to present one.
3. That on May 21, 2022, the accused was brought to the Office of the Provincial Prosecutor at Mamburao, Occidental Mindoro for inquest proceedings.
4. That on June 1, 2022, the case was dismissed for lack of evidence.
5. That as stated by the Associate Provincial Prosecutor's Resolution dated June 1, 2022, the case did not fall under plain view, therefore, any evidence obtained during the apprehension will be inadmissible for any purpose in any proceeding.

6. That in the Administrative hearing conducted on July 19, 2022, Mr. Cortuna appeared and was given the chance to explain himself.

II. SUMMARY OF ADMINISTRATIVE PROCEEDINGS


It appears that the accused were caught by the Abra de Ilog Municipal Police Station. He was caught in possession of undocumented forest products which is in violation of Section 77 of PD 705 as amended by RA 7161.

Section 77 clearly states that possessing forest products without proper documents or permit from the proper authority is a violation under PD 705.

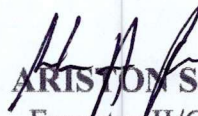
III. RECOMMENDATION

Based on the above statement of facts and result of the complaint filed, it is hereby recommended that all forest products and chainsaws still be forfeited in favor of the government.

Prepared by:


KARREEN D. ALVAREZ
Forest Technician II

Noted by:


ARISTON S.J. RAMOS
Forester II/Chief, EMS

July 19, 2022

ADMINISTRATIVE ADJUDICATION
For Violation of PD 705
Administrative Case No. : 2022-07-19- **23**

ANG ADMINISTRATIBONG PAGDINIG AY GINANAP NGAYONG IKA- 19 NG HULYO 2022 SA GANAP NA IKA- 10:48 NG UMAGA SA TANGGAPAN NG DENR-CENRO SABLAYAN COORDINATING OFFICE, MAMBURAO KANLURANG MINDORO SA LAYUNING MABIGYAN NG LINAW ANG ILANG BAGAY TUNGKOL SA NAHULING KAHUY NA HUMIGIT KUMULANG 294 BDFT NA ANABITAN NA WALANG KAUKULANG DOKUMENTO NA NAHULI NG GRUPO NG ABRA DE ILOG MUNICIPAL POLICE STATION NOONG IKA- 21 NG MAYO, 2022.

PAALALA:

Ginoong Gladiel Cortuna, kayo po ay inimbitahan na dumalo sa pagdinig na ito upang marinig ang inyong panig ukol sa pagkakahuli ng kahoy na humigit kumulang 294 bdft.. na Anabitan na walang kaukulang dokumento na nahuli ng mga kagawad ng Abra de Ilog Municipal Police Station.

Karapatan ninyo na sumagot o manahimik lamang sa mga katanungan sa inyo. Ang inyong mga sasabihin o isasagot ay maaaring gamitin pabor o laban sa inyo sa anumang hukuman.

1. TANONG: Naiintindihan mo ba ang iyong karapatan?

SAGOT:

Opo.

2. TANONG: Ikaw ba ay handang magsabi ng katotohanan at pawang katotohanan lamang.

SAGOT:

Opo.

3. TANONG: Kung ganon maari na po ba tayong magpatuloy sa pagdinig?

SAGOT:

Opo.

4. TANONG: Maari mo ba ipakilala ang iyong sarili?

SAGOT:

Ako po si Gladiel Cortuna, 31 taong gulang, may asawa. Nakatira sa Barangay Armado, Abra de Ilog, Occidental Mindoro. Ako po ay isang magsasaka.

Gladiel Cortuna

5. TANONG: Nakakaintindi ka ba ng tagalog? Maalam ka ba magbasa at magsulat?

SAGOT:

Opo.

6. TANONG: Tanong ko lang, bakit ka nandito ngayon sa aming opisina?

SAGOT:

Upang mabigyn ng linaw ang usapin sa pagkakahuli sa kahoy.

7. TANONG: Sino humuli sa iyo? Mga pulis po.

SAGOT: Si Murillo po.

8. TANONG: Paano mo nalaman na mga pulis sila.

SAGOT:

Nakauniform po.

9. TANONG: Pagkahuli sa iyo, saan ka dinala?

SAGOT:

Sa presinto po

10. TANONG: Ano ang nahuli sa iyo?

SAGOT:

Anabitan po.

11. TANONG: Saan ka nahuli ng mga pulis?

SAGOT:

Bale ang kahoy po ay nasa likod ng bahay naming, dahil nandoon ang pinapagawa ko po na bahay.

12. TANONG: Titulado ba itong lupa mo?

SAGOT: Opo.

13. TANONG: May dala ba silang search warrant bago ka nila hinuli?

SAGOT:

Wala po.

For Carlos

14. TANONG: Nabanggit mo na ang mga kahoy ay nasa loob ng iyong bakuran. Ito bang kahoy na ito ay nakatago o kita sa daanan?

SAGOT:

May takip po na tolda sa mismong likod bahay, hindi po natatanaw sa labasan.

15. TANONG: Nakulong ka ba?

SAGOT:

Hindi po.

16. TANONG: Ano ang nangyari sa kaso?

SAGOT:

Nadismis po.

17. TANONG: May kasama ka bang nahuli?

SAGOT:

Wala po. Ako lamang po.

18. TANONG: May permit ba ang mga kahoy na nasa bakuran mo?

SAGOT:

Wala po.

19. TANONG: Bibigyan kita ng pagkakataon na magsalita at sabihin ang iyong gustong iparating sa aming opisina. Anong gusto mong sabihin?

SAGOT:

Wala nap o.

20. TANONG: Meron ka pang gusto idagdag o ibawas sa iyong salaysay?

SAGOT:

Wala na po.

Handwritten signature:
Rafael Enabed

21. TANONG: Handa mo bang lagdaan ang iyong salaysay o isinagot sa aming katanungan.

SAGOT:

Opo.

22. TANONG: At kung sakali po ba na kayo ay muling imbitahan dito sa aming opisina, handa po ba kayong bumalik o makipag-usap muli para sa karagdagang katanungan?

SAGOT:

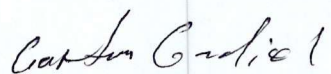
Opo.

23.. TANONG: Kung ganon, pansamantala nating tatapusin ang administratibong pandinig na ito.

SAGOT:

Opo.

Sinumpaan at nilagdaan ngayong ika-20 ng Hulyo taong 2022 sa ganap na ika- 11:00 ng Umaga sa tanggapan ng CENRO Sablayan, Coordinating Office Mamburao Occ. Mindoro.

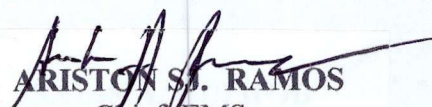

GEADIEL VALENTIN CORTUNA
Nagsalaysay

SAKSI:




KARREEN D. ALVAREZ
Forest Technician II

Hearing Officer:


ARISTON S. RAMOS
Chief/EMS

Republic of the Philippines
Department of Environment and Natural Resources
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
Address Sablayan, Occidental Mindoro

APPREHENSION RECEIPT

CENRO Control No.:	CS07012-75-21-7000
E-FMS No.:	

This APPREHENSION RECEIPT is issued to -

Name	Address	Civil Status	Age		Status of the Person
GADIEL CORTUNA	BRGY. ARMADO, ABRA DE ILOG, OCC. MINDORO				

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 for the following Forest Products, Conveyances, Machinery / equipment, tools and Implements that have been apprehended, to wit:

1. Forest Products:

MAJOR FOREST PRODUCTS															
Kind	Item	Source/ Origin of Forest Products	Species Grouping	Species	Pcs.	Estimated Volume or BD.FT.							Estimated Value	Impounding Area	Custodian
GOOD LUMBER	1			ANABITAN	2	2	X	10	X	18	60.00	BD.FT	Php 3,600.00	DENR PENRO COMPOUND	CENR OFFICER
	1			ANABITAN	4	2	X	5	X	18	60.00	BD.FT	Php 3,600.00	DENR PENRO COMPOUND	CENR OFFICER
	1			ANABITAN	29	2	X	2	X	18	174.00	BD.FT	Php 10,440.00	DENR PENRO COMPOUND	CENR OFFICER
TOTAL					35						294.00	BD.FT	Php 17,640.00		

Minor Forest Products															
Kind	Unit of Measurement				No. of Units				Estimated Value				Custodian		
N/A															

Conveyance involved															
Type	Make/Model/Year	Plate No.	Color/Markings	CR No.	OR No.					Engine No.		Chassis No.	Accessories		

If Animal															
Kind				Quantity				Gender				Color			

Equipment Involved															
Type															

Implementation Involved															
Type															

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

APPREHENSION									
Date and Time of Apprehension	Place of Apprehension							Apprehending Officer	Factual Legal Basis for Apprehension
	Province	City/ Municipality	Barangay		Sitio				
MAY 21, 2022	Occidental Mindoro	ABRA DE ILOG	ARMADO					MPS-ABRA DE ILOG	Violation of Sec 77 of PD 705

Is/ are hereby declairing under apprehension on the following FACTUAL reasons:

The subject forest products, conveyances, machinery/equipment, tool and implements and others apprehended should be kept and protected from defacement in any manner, destruction or loss and should not be altered or removed until otherwise ordered by the Secretary of the Department of Environment and Natural Resources or his duly authorized representative.

Done this 21st day of May year 2022 at Sablayan, Occidental Mindoro.

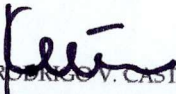
APPREHENDING OFFICERS
(Signature over Printed Name)

3. PSMS LAMIR A. MURILLO
Position: Investigator
Address: MAMBURAO, OCC. MINDORO

OWNER/CLAIMANT/REPRESENTATIVE/DRIVER
(Signature over Printed Name)

1. GADIEL VALENTIN CORTUNA
Address: BRGY. ARMADO, ABRA DE ILOG, OCC. MDO

WITNESSES
(Signature over Printed Name)

1.  RODRIGO V. CASTILLO
Position: Forest Ranger
Address: MAMBURAO, OCCIDENTAL MINDORO

2. PSSg MICHAEL G. TACUYO
Position: Arresting Officer
Address: Abra de ILog, Occ. Mindoro

Signature over Printed Name

Signature over Printed Name

3. PCpl XANDER V. ILDEFONSO
Position: Arresting Officer
Address: Abra de ILog, Occ. Mindoro

Signature over Printed Name

4
Position:
Address:

Signature over Printed Name

Remarks:

Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
MIMAROPA REGION
Community Environment and Natural Resources
Sablayan, Occidental Mindoro

SEIZURE RECEIPT

No. _____

The following apprehended items with Apprehension Receipt No. _____ are administrative seizure pursuant to Section 77 of PD 705.

A. FOREST PRODUCTS

MAJOR FOREST PRODUCTS

Kind	Item	Species Grouping	Species	Pcs.	Estimated Volume or BD.FT.						Estimated Value
GOOD LUMBER	1		ANABITAN	2	2	X	10	X	18	60.00 BD.FT	Php 3,600.00
GOOD LUMBER	1		ANABITAN	4	2	X	5	X	18	60.00 BD.FT	Php 3,600.00
GOOD LUMBER	1		ANABITAN	29	2	X	2	X	18	174.00 BD.FT	Php 10,440.00
TOTAL				35	294.00 BD. FT						17,640.00

Note: Please use another sheet if necessary.

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

1. GADIEL VALENTIN, BRGY. ARMADO, ABRA DE ILOG, OCC. MDO

B.

Name of Registered Owner: _____ Address: _____

Type of Vehicle: _____ Model: _____ With Plate # _____

Engine/Motor Serial No. _____ Chassis Serial No. _____

Certificate of Registration No.: _____ Field Office: _____

C. EQUIPMENT/TOOL AND OTHER IMPLEMENTS (Briefly describe the physical appearance and condition of each and estimated value/ Names/ Address of possession/owner).

These items are apprehended at Brgy. Armado, Abra de Ilog, Occ. Mdo. on May 20, 2022

Due to _____ and the same items are
(State reason/s or offense committed)

Delivered to DENR CENRO Coordinating Office on May 21, 2022

Further, these apprehended items are now deposited at DENR PENRO COMPOUND for safe keeping.

That the undersigned hereby acknowledge that the above listed item(s) are now under ADMINISTRATIVE SEIZURE and that I, as authorized Seizing Officer, assume the possession and control for the purpose of custodial egis,

Therefore issue this Seizure Receipt No. _____ this

ANASTACIO A. SANTOS

CENR Officer

Republic of the Philippines
Department of Environment and Natural Resources
CENRO Sablayan, Occidental Mindoro

IN RE: _____

SEIZURE ORDER

CENRO Control No.: MCO
E-FMS No:

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 hereby ordered seized, to wit:

FACTS

A. FOREST PRODUCTS

MAJOR FOREST PRODUCTS													
Kind	Item	Source/ Origin of Forest Products	Species Grouping	Species	Pcs.	Estimated Volume or BD.FT.						Estimated Value	
GOOD LUMBER	1			ANABITAN	2	2	X	10	X	18	60.00	BD.FT	Php 3,600.00
GOOD LUMBER	1			ANABITAN	4	2	X	5	X	18	60.00	BD.FT	Php 3,600.00
GOOD LUMBER	1			ANABITAN	29	2	X	2	X	18	174.00	BD.FT	Php 10,440.00
TOTAL					35. Pcs							294.00 BD.FT	Php 17,640.00

Minor Forest Products											
Kind	Unit of Measurement			No. of Units					Estimated Value	Custodian	
N/A											

Conveyance involved													
Type	Make/Model/Year	Plate No.	Color/Markings	CR No.	OR No.					Engine No.		Chassis No.	Accessories

If Animal													
Kind		Quantity						Gender				Color	

Equipment Involved													
Type													

Implementation Involved													
Type													

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

APPREHENSION									
Date and Time of Apprehension	Place of Apprehension							Apprehending Officer	Factual Legal Basis for Apprehensi
	Province	City/ Municipali	Barangay			Sitio			
MAY 20, 2022 (AM)	Occidental Mindoro	ABRA DE ILOG	ARMADO					MPS-ABRA DE ILOG	Violation of Sec 77 of PD 705

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


Name	Address	Civil Status	Age	Participation	Status of the Person
GADIEL VALENTIN CORTUNA	BRGY. ARMADO, ABRA DE ILOG, OCC. MINDORO				

After through evaluation of the Apprehension Report dated _____, 2022
Submitted by _____ 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 DENR laws and regulations
have been violated and that the offender is probably guilty of _____.

The specific violations committed are as follows:

- SECTION 77, P.D 705
- _____
- _____

So ordered this 21st day of May, year 2022 At Sablayan, Occidental Mindoro.


ANASTACIO A. SANTOS
CENR OFFICER
SEIZURE OFFICER

Copy furnished: _____

C. EQUIPMENT AND OTHER IMPLEMENTS (Briefly describe the physical appearance and
These items are apprehended at Brgy. Armado, Abra de Ilog, Occ. Mindoro on May 20, 2022.

Republic of the Philippines
Department of Justice
National Prosecution Service
OFFICE OF THE PROVINCIAL PROSECUTOR

Mamburao, Occidental Mindoro
oppmamburaoooksimin@gmail.com

MPS-ABRA DE ILOG, OCC. MINDORO,

Represented by:

PSSg MICHAEL G. TACUYO, and

PCpl XANDER V. ILDEFONSO,

Complainant,

-versus-

NPS-IV-06a-INQ-22E-00146

For: Viol. of Sec. 77, PD 705, as
amended

GADIEL CORTUNA y VALENTIN,

Respondent.

x-----x

RESOLUTION

For resolution is the complaint of the **MUNICIPAL POLICE STATION, ABRA DE ILOG, OCCIDENTAL MINDORO**, against **GADIEL CORTUNA y VALENTIN** of Sitio Humabali, Barangay Armado, Abra de Ilog, Occidental Mindoro, for violation of Sec. 77, PD 705, as amended.

In support thereof are the: **1.)** JA of PSSg Michael G. Tacuyo; **2.)** JA of PCpl Xander V. Ildefonso; **3.)** Turned Over of Confiscated/Seized Items; **4.)** Inventory of Confiscated/Seized Items; **5.)** Acknowledgment Receipt; and **6.)** Pictures.

The instant case was originally referred to this Office for Inquest Proceedings. However, in the resolution issued therefor, and for reasons cited therein, the undersigned recommended that the case undergo a regular preliminary investigation instead, hence the case at bar.

From the police's submissions, it appears that on May 20, 2022 at around 1:40 in the afternoon, elements of the Abra de Ilog Municipal Police Station were conducting Anti-Illegal Logging operation within their jurisdiction, when they accidentally saw a pile of cut sawn lumber of respondent.

When asked for the lumber's documentation, respondent could not produce any, thus he was arrested. The 249 board feet of Anabitan lumbers were confiscated and turned over to the DENR.

In his defense, respondent argued that the lumbers obtained from him are fruit of the poisonous tree, thus inadmissible in evidence in any proceedings in view of the constitutional guarantee enshrined in the Constitution.

He added that the police could not have seen the lumbers from the street, in plain view, as the same were located behind the house being constructed and is covered by a *tolda*. In support thereof, he appended pictures¹ showing the relative position of the house and the supposed location of the lumbers confiscated vis-à-vis the National Road

As the said lumbers were inside his premises, the police's entry therein, unarmed with a search warrant, is in violation of his right against unreasonable searches and seizures.

Witnesses Jover Mateo and Joseph Damiray corroborates the material averments of the respondent.

We resolve to dismiss the instant case.

From the picture filed by the respondent, it is clear that the police could not have seen the lumbers from the National Road – **in plain view**. The police would have to enter the premises of the respondent to gain access to the lumber which are then behind the house being constructed, and are covered by a *tolda*. It should be noted that the pictures filed by both the complainant and the respondent substantially jives as to the relative position of the questioned lumbers.

It cannot be denied that the police were unarmed with a search warrant at the time of the seizure and the subsequent arrest.

Sec. 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.² (Emphasis supplied.)

Sec. 3. (1) x x x

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.³ (Emphasis supplied.)

¹ Annex "1" and series, Sinumpaang Kontra-Salaysay of Gadiel V. Cortuna.

² Sec. 2, Art. III, 1987 Constitution.

³ Sec. 3, Id.

The Supreme Court has consistently held that [E]vidence obtained and confiscated on the occasion of such unreasonable searches and seizures are deemed tainted and should be excluded for being the proverbial fruit of a poisonous tree.⁴

Moreover, the record is bereft of any incidents with which the police may anchor their probable cause to enter the respondent's premises, conduct search and arrest his person.

Such being the case, the lumbers confiscated from respondent cannot be used in evidence against him in any proceedings, including the one before us now.

WHEREFORE, premises considered, and for lack of evidence, the instant case is hereby **DISMISSED**.


The Municipal Police Station, Abra de Ilog, Occidental Mindoro, having custody of the respondent, Gadiel V. Cortuna, is hereby ordered to release his person from their custody, unless held for other lawful causes.

SO RESOLVED

Mamburao, Occidental Mindoro; June 1, 2022.

STEPHEN A. LAMANILAO⁵
Associate Provincial Prosecutor

Approved:


DANTE V. RAMIREZ⁶
Provincial Prosecutor

cc: All concerned.

⁴ Peralta vs. People, 838 SCRA 350.

⁵ Roll of Attorneys No. 57985; MCLE Compliance No. VII-0012014; IBP 196269 = January 5, 2022.

⁶ Roll of Attorneys No. 35426; MCLE Compliance No. VII-0013781.



UNANG PABATID

July 11, 2022

G. GLADIEL CORTUNA
Barangay Armado
Abra de Ilog, Occidental Mindoro

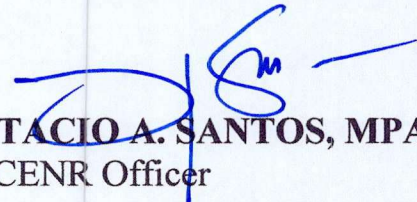
Ginoo,

Ito po ay may kaugnayan sa mga kahoy na natagpuan sa inyong pagmamay-ari na may daming 294 bdft. noong ika-21 ng Mayo, 2022 sa Barangay Armado, Abra de Ilog, Occidental Mindoro na pawang walang pahintulot mula sa aming opisina.

Dahil po dito, kayo ay aming isasailalim sa isang pandinig (Administrative Hearing) tungkol sa paglabag sa "Violation of Section 77 of PD 705"..Ang pagdinig ay gaganapin sa ika-10:00 ng umaga, July 19, 2022 sa tanggapan ng DENR-CENRO Sablayan Coordinating Office, Mamburao, Occidental Mindoro.

Inaasahan po namin ang inyong pakikiisa.

Gumagalang,


FOR. ANASTACIO A. SANTOS, MPA
CENR Officer

July 13, 2022
Cortina Gladriel

AAP ATTENDANCE - July 19, 2022

Name	Signature	Contact No.
1. Gadiol Cortuna	Cortuna Gadiol	09361945934
2. Romelyn Rojas	Romelyn Rojas	09555392377
3. Karen Alvarez		
4.		



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA
OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
ABRA DE ILOG MUNICIPAL POLICE STATION
Barangay Poblacion, Abra De Ilog, Occidental Mindoro



TURNED OVER OF CONFISCATED/SEIZED ITEMS

THIS IS TO CERTIFY that the following evidence were properly turned over to the Barangay Official of Barangay Armado this municipality at about 1:20 PM, May 20, 2022 at Sitio Humabali, Barangay Armado Abra De Ilog, Occidental Mindoro to wit:

QTY	DESCRIPTION	Brdft
2 pcs	2X10X18 Anabitan specie marked as GVC 20-05-22-1	60 brdft
2 ⁴ pcs	2X5x18 Anabitan specie marked as GVC 20-05-22-2	60 brdft
29 pcs	2x2x18 Anabitan specie marked as GVC 20-05-22-3	174 brdft

TOTAL ³⁹⁴ Board feet

Turned over by:

PCMS Lamir A Murillo
Chief Investigator

Turned over to received by:

Adolfo Ulayao Damiray
Barangay Captain

WITNESSES TO INVENTORY:

PSSg Michael G Tacuyo
Arresting Officer

PCpl Xander V Idefonso
Arresting Officer

Gadiel Valentin Cortuna
Respondent

**NARRATIVE
ACKNOWLEDGEMENT RECEIPT**

TO WHOM IT MAY CONCERN:

THIS IS TO ACKNOWLEDGE THE RECEIPT from _____
Occidental Mindoro, to wit:

No. of Pieces	Dimension	Species	Estimated Value	Remarks/bd.ft	
2	2X10X18	Anabiton		60	CVC, 20-5-22-1
4	2X5X18	Anabiton		60	CVC, 20-5-22-2
29	2X2X18	Anabiton	10,290.00	174	CVC 20-5-22-3
				294	
UNIT	MODEL	MARKINGS	ENGINE #	CHASIS #	PLATE No.

Note: The above mentioned will be transported from _____, Occidental Mindoro to DENR-CENRO Sablayan, Coordinating Office for additional documentation and safekeeping.

Received this 21 day of MAY at Occidental Mindoro.

TURNED OVER BY: PCMS LARRY A. MURILLO

Agency/Address: PAP Abra de Ilog, MPS Abra de Ilog Occ, mdo

Time and Date: 10:AM MAY 21 2022

RECEIVED BY: RODRIGO CASTILLO

Agency/Address: DENR CENRO SABLAYAN

Time and Date: 10:03 am / may 21, 2022



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA
OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
ABRA DE ILOG MUNICIPAL POLICE STATION
Barangay Poblacion, Abra De Ilog, Occidental Mindoro



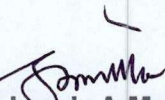
INVENTORY OF CONFISCATED/SEIZED ITEMS

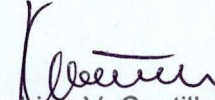
THIS IS TO CERTIFY that the undersigned has seized and taken the possession of the herein items described below from arrested suspect, at about 1:40 PM, May 20, 2022 at Sitio Humabali, Barangay Armado, Abra de Ilog, Occidental Mindoro. to wit:

QTY	DESCRIPTION	Brdft
2 pcs	2X10X18 Anabitan species marked as GVC 20-05-22-1	60 brdft
4 pcs	2X5x18 Anabitan species marked as GVC 20-05-22-2	60 brdft
29 pcs	2x2x18 Anabitan species marked as GVC 20-05-22-3	174 brdft

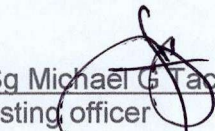
TOTAL **394**

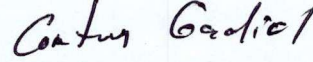
A copy hereof was furnished to the witnesses who was/were present during the inventory of the above described property/items/articles.

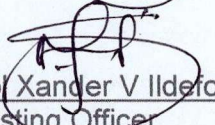

PCMS Lamir A Murillo
Chief Investigator
Inventory officer


Rodrigo V. Castillo
Team Leader Forest Ranger
DENR, Mamburao, Occidental Mindoro

WITNESSES TO INVENTORY:


PSSg Michael G Tacuyo
Arresting officer


Mr. Gadiel Valentin Cortuna
Respondent


PCpl Xander V Ildelfonso
Arresting Officer