



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
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DENR MIMAROPA RECORDS SECTION
RECEIVED
27 SEP 2022
INCOMING BY: _____ DATE NO. _____

September 15, 2022

MEMORANDUM

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

THRU : The OIC, ARD for Technical Services

FROM : The Provincial Environment and Natural Resources Officer

**SUBJECT : REQUEST FOR ORDER OF FINALITY TO THE RESOLUTION
ISSUED ON JUNE 11, 2022 RE: CONFISCATION OF ONE
HUNDRED SEVENTEEN (117) SACKS OF WOOD CHARCOAL
APPREHENDED IN BARANGAY PANGOBILIAN, BROOKE'S
POINT, PALAWAN**

This is in relation to the Resolution dated June 11, 2022 from Regional Executive Director Lormelyn E. Claudio, *CESO IV* relative the above subject.

In line with this, may we request a copy of ORDER OF FINALITY to the above-mentioned resolution. (*Resolution hereto attached*)

For information and further instruction.

Copy Furnished:
File/2022-025ACG/MES Doc. Ref. No. 2022-8365


FELIZARDO B. CAYATOC

DENR-PALAWAN
PENRO-III
RELEASED
By: Chae
Date: 20 SEP 2022 CN 22-2436



**IN RE: CONFISCATION OF ONE HUNDRED
SEVENTEEN (117) SACKS OF WOOD
CHARCOAL APPREHENDED IN
BARANGAY PANGOBILIAN, BROOKE'S
POINT, PALAWAN**

X-----X

RESOLUTION

For resolution is the *Motion for Partial Reconsideration* dated September 3, 2019, through counsel, of Link RI Logistics, Inc. (hereinafter referred to as "Link RI"), from the Order dated July 15, 2019 of this Office, the dispositive portion of which is hereunder quoted:

WHEREFORE, PREMISES CONSIDERED, the apprehended one hundred seventeen (117) sacks of wood charcoal, with an estimated fair market value of Php23,400.00 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 application for Temporary Release of one (1) unit of trailer truck with Temporary Plate No. 1301-896524 and container van registered to Link RI Logistics, Inc., represented by its Acting Branch Manager, Ms. Jenny Lou A. Aldana, **may be granted by the Hearing Officer upon posting a cash/surety bond amounting to Php3,064,858.03 pursuant to Section 9 of DAO 97-32.**

The CENRO concerned is hereby directed to file a criminal complaint against Mr. Richard Matela, Mr. Rey M. Berbal, Mrs. Fe Mahinay, and Mrs. Leona Balayo for violation of Sec. 77 of PD 705, as amended, and submit reports to this Office for monitoring purposes.

SO ORDERED.

In their Motion, Link RI raises, among others, the following issues:

1. That Link RI does not have any participation in the criminal acts nor acted in conspiracy with the Respondents;
2. That Link RI has filed criminal charges against Respondent Richard Matela;
3. That Link RI has terminated the employment of Respondent Matela for violating the company's Code of Conduct; and,
4. That Link RI commits to fully cooperate with the prosecution of the Respondents and undertakes to present the truck to the DENR/Prosecutors Office/court at any time required in the course of the proceedings.

This Office finds the Motion meritorious.

During the administrative hearing held on September 13, 2018, Mr. Matela admitted that he was called by Mrs. Fe Mahinay who requested him to load the sacks of wood charcoal from Sitio Malatgao, Brgy. Sandoval, Bataraza, Palawan to Puerto Princesa City. Mr. Rey Berbal, helper, corroborated the statement of Mr. Matela. Meanwhile, Mrs. Leona Balayo admitted ownership of the sacks of wood charcoal which were given by Spouses Caligcang as payment for debts. Link RI firmly denied any participation and knowledge in the alleged illegal activity of their employees, Mr. Matela and Mr. Berbal. Link RI stated that the conveyance was supposed to be used only for the legitimate operations or transactions of the company.

On July 12, 2019, or three (3) days before the July 15, 2019 Order signed by then RED Adornado, Link RI took action by filing a complaint-affidavit against its employee, Mr. Matela.

6-10-2022

MARLENE M. BADILL

Admin. Asst. III, Records Officer-Designat
Legal Division, DENR MIMAROPA Region

for reckless imprudence resulting in damage to property before the Office of the Provincial Prosecutor, Province of Palawan.

Further, prior to the filing of said criminal case against Mr. Matela, Link RI management already initiated a disciplinary action which found him guilty for neglect of duty. On June 17, 2019, he was dismissed from his position as truck driver and was ordered to pay the corresponding charges incurred in the incident. Mr. Berbal was likewise suspended.

Section 7, No. 3 (b) of DENR Administrative Order (DAO) No. 97-32, states that:

3 DISPUTABLE PRESUMPTIONS – In administrative proceedings conducted hereto, the following shall be considered presumptions of fact and/ or law and taken as part of the evidence unless specifically controverted and successfully overcome by a preponderance of evidence.

xxx

(b) The registered owner and/or operator/driver of a conveyance used in the commission of the offense had full knowledge and willingly participated therein by providing the conveyance for illegal purpose to which said conveyance was applied. In case the registered owner of the conveyance is a partnership or corporation, the partners and/or officers thereof had full knowledge of and granted authorization or issued instructions for the use or application of the conveyance in the commission of the offense.

Jurisprudence states that a disputable presumption has been defined as a species of evidence that may be accepted and acted on when there is no other evidence to uphold the contention for which it stands, or one which may be overcome by other evidence.¹

In this case, Link RI has shown evidence that they have no knowledge of the illegal acts of their employees and had no participation in the same. Further, they presented substantial documents to prove and controvert the disputable presumption through actions taken such as the filing of a criminal case against its erring employee and initiating disciplinary actions in accordance with company rules and policies.

WHEREFORE, premises considered, the instant *Motion for Partial Reconsideration* is **GRANTED**.

The CENRO Brooke's Point, Palawan is ordered to **PERMANENTLY RELEASE** the one (1) unit of trailer truck with Temporary Plate No. 1301-896524 and the container van registered in the name of Link RI Logistics, Inc.

SO ORDERED.

City of Manila, Philippines. JUN 11 2022

LORMELYN E. CLAUDIO, CESO IV
Regional Executive Director

Copy furnished:

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Department of Environment
and Natural Resources
MIMAROPA Region



Doc ID: 79527

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PENRO Palawan

CENRO Brooke's Point, Palawan

¹ People of the Philippines vs. Carlos de Guzman, G.R. No. 106025, February 9, 1994