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

NOV 28 2023

MEMORANDUM

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

THRU : The Assistant Regional Director
For Technical Services

FROM : The OIC, PENR Officer
Mamburao, Occidental Mindoro

SUBJECT : RESOLUTION NO. 2023-024 [P-2023-00011153]

Respectfully forwarded is the memorandum from CENR Officer Efren L. delos Reyes dated November 22, 2023 pertaining to the result of administrative adjudication on the apprehension of fifty (50) pieces of Gmelina lumber with a total volume of 325.73 board feet at So. Tagumpay, Barangay Mapaya., San Jose, , Occidental Mindoro.

For your information and record.

"For and in the absence of the OIC, PENRO"

ROMUALDO S. TRIA
LMO III/Chief, MES

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

NOV 22 2023

MEMORANDUM

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

THRU : The OIC-PENR Officer
Mamburao, Occidental Mindoro

FROM : The CENR Officer

SUBJECT : RESOLUTION NO. 2023-024

Respectfully submitted herewith is the Resolution No. 2023-024 as a result of administrative adjudication on the apprehended fifty (50) pieces Gmelina lumber having an aggregate total volume of 325.73 board feet at So. Tagumpay, Brgy. Mapaya, San Jose, Occidental Mindoro by personnel of DENR-CENRO San Jose on October 5, 2023.

For your information and record.

DENR-PENRO MAMBURAO
RECORDS
RECEIVED
BY:
DATE 11-23-2023
TIME

EFREN L. DELOS REYES

TSD
RELEIVED BY:
DATE 11/24/23 1:00pm
RELEASED BY:
DATE: 11/24/23 TIME 10:35am

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457-0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

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

RE: APPREHENSION OF FIFTY (50) PIECES OF ABANDONED GMELINA LUMBERS WITH DIFFERENT DIMENSIONS HAVING A TOTAL AGGREGATE VOLUME OF 325.73 BOARD FEET AT SITIO TAGUMPAY, BARANGAY MAPAYA, SAN JOSE, OCCIDENTAL MINDORO ON OCTOBER 05, 2023 AT 9:14 IN THE MORNING
X----------X

RESOLUTION No. 2023-024

This pertains to the apprehension of Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total aggregate volume of 325.73 board feet at Sitio Tagumpay, Barangay Mapaya, San Jose, Occidental Mindoro on October 5, 2023.

The facts of the subject case are as follows, to wit:

1. That, on October 5, 2023 at 9:14 in the morning, the personnel of Enforcement and Monitoring Section (EMS) of this Office conducted surveillance and patrolling within the vicinity of Sitio Tagumpay, Barangay Mapaya, San Jose, Occidental Mindoro and resulted to the apprehension of Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total aggregate volume of 325.73 board feet.

2. That, the said abandoned lumbers were marked DER-10-5-23-01 to DER-10-5-23-50 and were brought to the DENR Monitoring Station at Brgy. Murtha, San Jose, Occidental Mindoro for safekeeping purposes. (*Please see attached spot report and Apprehension Receipt.)*

3. That, the corresponding Apprehension Receipt with CENRO Control No. 2023-F501 was issued by the apprehending officers Forest Technician II Loren Kaye A. Garcia and Forest Protection Officer Ednor C. Legaspi, Jr. (*Please see attached Apprehension Receipt*)

4. That, the Seizure Receipt and Seizure Order with CENRO Control Number 2023-F501 was issued by the Seizure Officer, LMO III Rhodora A. Garcia. *(Please see attached Seizure Receipt and Seizure Order)*

5. That, a PABATID SA PUBLIKO (Notice to the Public) was posted on October 6, October 13, October 20, 2023 at the conspicuous places such as Public Market of San Jose and Brgy. Hall of Barangay Mapaya. (*Please see attached PABATID SA PUBLIKO*)

6. That, no administrative hearing was conducted due to the absence of claimant of the said abandoned forest products who appeared/coordinated with this Office despite the posting of Pabatid sa Publiko on three (3) separate dates and at the conspicuous places of the area of concern.

The issue to be resolved in this case is whether or not the Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total aggregate volume of 325.73 board feet **be confiscated in favor of the government.**

The grounds for apprehension and seizure of the forest products are valid, as the abandoned forest product is not supported with any cutting permit issued by the Office of the DENR CENRO San Jose, Occidental Mindoro.

Under the following Provision's to wit.

Presidential Decree No. 705, May 19, 1975, revising Presidential Decree No. 389 otherwise known as the Forestry Reform Code of the Philippines, as amended by Executive Order No. 277 and Republic Act No. 7161, states that:

> ***SECTION 77. Cutting, Gathering and/or collecting Timber, or Other Forest Products Without License.*** *– Any person who shall cut, gather, collect, removed 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 Articles 309 and 310 of the Revised Penal Code.*
>
> *xxx*
>
> ***SECTION 77-A. Administrative Authority of the Department Head or His Duly Authorized Representative to Order Confiscation.*** *– In all cases of violations of this Code or other forest laws, rules and regulations, the Department Head or his duly authorized representative, may order the confiscation of any forest products illegally cut, gathered, removed, or possessed or abandoned, and all conveyances used either by land, water or air in the commission of the offense and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter.*
>
> *xxx*
>
> Department Administrative Order No. 97-32
>
> ***Section 2. Items subject to apprehension, seizure, confiscation and forfeiture***
>
> a. ***ILLEGAL FOREST PRODUCTS*** *- Any forest products(s) defined in Section 1(e) above that are removed, cut, collected, processed and/or transported: (a) without the requisite authorization or permit; or (b) with incomplete required supporting documents 1; (c) with genuine authorizations or permits and/or supporting documentation that have an expired validity, have been cancelled or that contain forged entries; or (d) with spurious (fake) authorizations, permits and/or supporting documentation. In implementing these Rules, original documents shall be required at all times to actually accompany any forest products being moved or transported to any place and for any purpose. Whenever the requisite authorization and/or supporting documentation are required to but do not actually accompany the forest products, such absence constitutes a violation covered by these Rules.*
>
> *xxx*

The enumerated statements of facts, pieces of evidence and circumstances surrounding the above stated case, show that the Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total aggregate volume of 325.73 board feet shall be confiscated in favor of the government since those lumber are product of an illegal act.

Based in the case at bar, the cutting of forest products without legal documents, if proven, is a violation of Section 77 of PD 705 as amended by Executive Order No. 277 and Republic Act No. 7161, thus, subject to confiscation.

Wherefore, pursuant to Section 77 and 77-a of PD 705 as amended, Section 2 and 7 of DENR Administrative Order No. 97-32, series of 1990 and based on DENR Administrative Order 2022-10 (Revised DENR Manual of Authorities for Technical Matters), it is hereby **recommended** that the Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total

aggregate volume of 325.73 board feet shall **be confiscated in favor of the government** since those lumber are product of an illegal act.

Issued this _____ day of _____ at DENR-CENRO San Jose, Occidental Mindoro.

Prepared by:

RHODORA A. GARCIA
LMO III
Hearing Officer/Seizure Officer

Noted by:

EFREN L. DELOS REYES
CENR Officer

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

EMAIL FOR TRANSMISSION
October 6, 2023

FOR: THE REGIONAL EXECUTIVE DIRECTOR
DENR-MIMAROPA REGION

THRU: PENR OFFICER
MAMBURAO, OCCIDENTAL MINDORO

FROM: THE CENR OFFICER

PLEASE BE INFORMED THAT PERSONNEL OF ENFORCEMENT AND MONITORING SECTION OF DENR-CENRO SAN JOSE HAD APPREHENDED FIFTY (50) PCS. GMELINA LUMBER WITH DIFFERENT DIMENSIONS HAVING AN AGGREGATE TOTAL VOLUME OF 325.73 BDFT ON OCTOBER 5, 2023 AT AROUND 9:00 IN THE MORNING AT SO. TAGUMPAY CMA BRGY. MAPAYA CMA SAN JOSE CMA OCCIDENTAL MINDORO PD

BE FURTHER INFORMED THAT THE SAID FOREST PRODUCTS WERE FOUND ABANDONED AND NO CLAIMANT APPEARED DURING THE TIME OF APPREHENSION PD SAID UNDOCUMENTD FOREST PRODUCTS WAS BROUGHT TO MONITORING SATION AT BRGY MURTHA CMA SAN JOSE CMA OCCIDENTAL MINDORO PD

FOR INFORMATION CMA RECORD AND FURTHER INSTRUCTION PD

LMO II RAGUINDIN

SENDER:

MARK RANEE M. RAGUINDIN
LMO II
In-Charge, Office of the CENRO

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457-0236/(043) 742-6627
Email: cenrosanjose@denr.gov.ph

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

October 06, 2023

MEMORANDUM

FOR : The CENR Officer

THRU : The Chief, EMS

FROM : The Forest Technician II

SUBJECT : REPORT REGARDING THE APPREHENSION OF ABANDONED UNDOCUMENTED ASSORTED LUMBERS AT SITIO TAGUMPAY, BRGY. MAPAYA, SAN JOSE, OCCIDENTAL MINDORO ON OCTOBER 05, 2023

Please be informed that the undersigned apprehended abandoned and undocumented fifty (50) pieces of Gmelina lumbers with assorted dimensions (see attached tally sheet) and total volume of 325.73 board feet with estimated value of 14,657.85 Php at Sitio Tagumpay, Barangay Mapaya, San Jose, Occidental Mindoro on October 05, 2023 at exactly 09:14 hours.

Please be further informed that the said abandoned lumbers were brought and marked (DER-10-5-23-01 to DER-10-5-23-50) at the DENR Ranger Monitoring Station, Brgy. Murtha, San Jose, Occidental Mindoro for safekeeping.

The undersigned will further conduct surveillance and monitoring via UAV after the apprehension and posting of Notice of Apprehension to the concerned barangay.

Attached are the geo-tagged pictures and tally sheet.

For your information, record and further instruction.

LOREN KAYE A. GARCIA

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov

GEOTAGGED PHOTOGRAPHS (1/2)

October 05, 2023







GEOTAGGED PHOTOGRAPHS (2/2)

October 05, 2023







TALLY SHEET
APPREHENDED ABANDONED GMELINA LUMBERS
SO. TAGUMPAY, BRGY. MAPAYA,
SAN JOSE, OCCIDENTAL MINDORO
(October 05, 2023)

SPECIES	PIECES	MEASUREMENT	VOLUME
Gmelina	8	3x3x3	18.00
Gmelina	6	4x4x3	24.00
Gmelina	6	4x4x4	32.00
Gmelina	2	4x5x3	10.00
Gmelina	5	4x5x4	33.33
Gmelina	5	5x5x5	52.08
Gmelina	1	5x8x3	10.00
Gmelina	3	5x5x4	25.00
Gmelina	2	5x5x3	12.50
Gmelina	3	3x3x4	09.00
Gmelina	1	3x4x5	05.00
Gmelina	2	7x8x4	37.33
Gmelina	1	4x4x5	06.66
Gmelina	2	6x6x4	24.00
Gmelina	1	6x6x5	15.00
Gmelina	1	6x7x3	10.50
Gmelina	1	2x2x4	01.33
Total Pieces	**50 PIECES**	Total Volume	**325.73 BOARDFEET**
Estimated Value		45.00 PHP/boardfeet	**14,657.85 PHP**

Prepared by:

LOREN KAYE A, GARCUA
Forest Technician II

Republic of the Philippines
Department of Environment and Natural Resources
CENRO SAN JOSE
Address: Labangan, San Jose, Occidental Mindoro

APPREHENSION RECEIPT

CENRO Control No.:	2023 - F501
E-FMS No:	2023 - 175110 - F501

This APPREHENSION RECEIPT is issued to –

Name	Address	Civil Status	Age	Participation	Status of the Person

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, Tool and Implements that have been apprehended, to wit:

1. Forest Products:

MAJOR FOREST PRODUCTS

Kind	Item:	Source/ Origin of Forest Products	Species Grouping	Species	Pieces	Volume/Unit of Measurement	Estimated Value	Impounding Area	Custodian
LUMBER		BROY. MANAMA		Gmelina	8	3x3x3 = 18	325.73x45		DENR
		SAN JOSE OCC. MDO			6	4x4x3 = 24	14,657.85 PHP		CENRO
					6	4x4x4 = 32			SAN JOSE
					2	4x5x3 = 10			OCC. MDO.
					5	4x5x4 = 33.33			
					5	5x5x5 = 52.08			
					1	5x8x3 = 10			
					3	5x5x4 = 25			
					2	5x5x3 = 12.50			
					3	3x3x4 = 9			
					1	3x4x5 = 5			
					2	7x8x4 = 37.33			
					1	4x4x5 = 6.66			
					2	6x6x4 = 24			
					1	6x6x5 = 15			
					1	6x7x3 = 10.50			
					1	2x2x4 = 1.33			
				50 pcs		325.73 Board Feet			

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

Conveyance involved								
Type	Make/Model/Year	Plate No.	Color/Markings	CR No.	OR No.	Engine No.	Chassis No.	Accessories
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
			Estimated Value:					

If Animal			
Kind	Quantity	Gender	Color
N/A	N/A	N/A	N/A

Equipment Involved					
Type	Quantity	Details	Impounding Area	Custodian	Estimated Value
N/A	N/A	N/A	N/A	N/A	N/A

Implements Involved	
Type	Quantity
N/A	N/A

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		
OCTOBER 5, 2023 9:14 AM	OCCIDENTAL MINDORO	SAN JOSE	MAPAYA	TAGUMPAY	DENR PERSONNEL	SEC. 77 of P.D 705

Is/are hereby declare 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 5th day of Oct, year 2023 at San Jose, Occ. Mindoro.

APPREHENDING OFFICER
(Signature over Printed Name)

1. DREN KAYE A. GARCIA
   Position: FT II
   Address: DENR CENRO SJ
2. EDNOR [illegible] GASPI JR
   Position: F.P.O
   Address: SJOM
3. _____
   Position: _____
   Address: _____

WITNESSES:

_____ _____

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

1. _____
   Position: _____
   Address: _____
2. _____
   Position: _____
   Address: _____
3. _____
   Position: _____
   Address: _____
4. _____
   Position: _____
   Address: _____

Copy Received by:

_____ _____
Signature over Printed Name Date/Time

Remarks:

_____

_____

_____

Republic of the Philippines
Department of Environment and Natural Resources
CENRO SAN JOSE
Address : Labangan San Jose, Occidental Mindoro

SEIZURE ORDER

CENRO Control No.: 2023-F501
E-FMS No: 2023-175110-F501

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

1. Forest Products:

MAJOR FOREST PRODUCTS									
Kind	**Item:**	**Source/ Origin of Forest Products**	**Species Grouping**	**Species**	**Pieces**	**Volume/Unit of Measurement**	**Estimated Value**	**Impounding Area**	**Custodian**
lumber	1			Gmelina	8	3X3X3=18.00	810.00	DENR-CENRO San Jose Office Compund	LMO III Rhodora A. Garcia
	2				6	4X4X3=24.00	1,080.00		
	3				6	4X4X4=32.00	1,440.00		
	4				2	4X5X3=10.00	450.00		
	5				5	4X5X4=33.33	1,499.85		
	6				5	5X5X5=52.08	2,343.60		
	7				1	5X8X3=10.00	450.00		
	8				3	5X5X4=25.00	1,125.00		
	9				2	5X5X3=12.50	562.50		
	10				3	3X3X4=9.00	405.00		
	11				1	3X4X5=5.00	225.00		
	12				2	7X8X4=37.33	1,679.85		
	13				1	4X4X5=6.66	299.70		
	14				2	6X6X4=24.00	1,080.00		
	15				1	6X6X5=15.00	675.00		
	16				1	6X7X3=10.50	472.50		
	17				1	2X2X4=1.33	59.85		
					50	**325.73**	**14,657.00**		

Kind	Unit of Measurement	No. of Units	Estimated 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.
N/A	N/A	N/A	N/A	N/A	N/A

Conveyance Involved (Additional Details)				
Engine No.	Chassis No.	Accessories	Estimated Market Value	Custodian*
N/A	N/A	N/A	N/A	N/A

*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
N/A	N/A	N/A	N/A	N/A	N/A

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

Implements Involved			
Type	Quantity	Details	Custodian
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	Participation	Status of the Person
N/A	N/A	N/A	N/A	N/A	N/A

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

SEIZURE						
Date and Time of Seizure	Place of Seizure				Seizing Officer	Legal Basis for Seizure
	Province	City/Municipality	Barangay	Sitio		
Oct. 5, 2023 4:10 pm	OCC. MINDORO	SAN JOSE	LABANGAN	N/A	LMO III Rhodora A. Garcia	No Legal Document

Examination Conducted by Seizure Officer:

Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			

After thorough evaluation of the Apprehension Report dated **Oct. 5, 2023** 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 offender is probably guilty thereof.

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

So ordered this **5th day of October, 2023** at Brgy. Labangan, San Jose, Occidental Mindoro.

RHODORA A. GARCIA
Seizure Officer/Hearing Officer

Republic of the Philippines
Department of Environment and Natural Resources
CENRO SAN JOSE
Address : Labangan San Jose, Occidental Mindoro

SEIZURE RECEIPT

CENRO Control No.: 2023-F501
E-FMS No: 2023-175110-F501

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

1. Forest Products:

MAJOR FOREST PRODUCTS

Kind	Item:	Source/ Origin of Forest Products	Species Grouping	Species	Pieces	Volume/Unit of Measurement	Estimated Value	Impounding Area	Custodian
lumber	1			Gmelina	8	3X3X3=18.00	810.00	DENR-CENRO San Jose Office Compund	LMO III Rhodora A. Garcia
	2				6	4X4X3=24.00	1,080.00		
	3				6	4X4X4=32.00	1,440.00		
	4				2	4X5X3=10.00	450.00		
	5				5	4X5X4=33.33	1,499.85		
	6				5	5X5X5=52.08	2,343.60		
	7				1	5X8X3=10.00	450.00		
	8				3	5X5X4=25.00	1,125.00		
	9				2	5X5X3=12.50	562.50		
	10				3	3X3X4=9.00	405.00		
	11				1	3X4X5=5.00	225.00		
	12				2	7X8X4=37.33	1,679.85		
	13				1	4X4X5=6.66	299.70		
	14				2	6X6X4=24.00	1,080.00		
	15				1	6X6X5=15.00	675.00		
	16				1	6X7X3=10.50	472.50		
	17				1	2X2X4=1.33	59.85		
					50	**325.73**	**14,657.00**		

Kind	Unit of Measurement	No. of Units	Estimated 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.
N/A	N/A	N/A	N/A	N/A	N/A

Conveyance Involved (Additional Details)				
Engine No.	Chassis No.	Accessories	Estimated Market Value	Custodian*
N/A	N/A	N/A	N/A	N/A

*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
N/A	N/A	N/A	N/A	N/A	N/A

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

Implements Involved			
Type	Quantity	Details	Custodian
N/A	N/A	N/A	N/A

The subject Forest Pro[redacted]ts and other items were apprehen[redacted] while under the possession/ control/ownership of.

Name	Address	Civil Status	Age	Participation	Status of the Person
N/A	N/A	N/A	N/A	N/A	N/A

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

SEIZURE						
Date and Time of Seizure	Place of Seizure				Seizing Officer	Legal Basis for Seizure
	Province	City/Municipality	Barangay	Sitio		
Oct. 5, 2023 4:10 pm	OCC. MINDORO	SAN JOSE	LABANGAN	N/A	LMO III Rhodora A. Garcia	No Legal Document

Examination Conducted by Seizure Officer:

Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			

After thorough evaluation of the Apprehension Report dated **Oct. 5, 2023** 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 offender is probably guilty thereof.

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

So ordered this **5th day of October, 2023** at Brgy. Labangan, San Jose, Occidental Mindoro.

RHODORA A. GARCIA
Seizure Officer/Hearing Officer

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

OCT 06 2023

UNANG PABATID SA PUBLIKO

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAHULING LIMAMPONG (50) PIRASONG GMELINA NA KAHOY NA MAY IBA'T-IBANG SUKAT AT MAY KABUUANG DAMI NA 325.73 BOARD FEET NA INIWAN SA SO. TAGUMPAY, BRGY. MAPAYA, SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-5 NG OKTOBRE, 2023 SA GANAP NA ALAS 9:00 NG UMAGA.

ANG NASABING KAHOY AY DINALA SA DENR MONITORING STATION NA MATATAGPUAN SA BRGY. MURTHA, SAN JOSE PARA SA PANSAMANTALANG PANGANGALAGA.

KUNG SINUMAN ANG NAGMAMAY-ARI NG NASABING KAHOY AY MAARING MAGTUNGO SA AMING TANGGAPAN.

LUBOS NA GUMAGALANG,

RHODORA A. GARCIA
LMO III
Seizure Officer/ Hearing Officer

NOTED BY:

MARK RANEE M. RAGUINDIN
LMO II
In-Charge, Office of the CENRO

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

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

OCT 13 2023

IKALAWANG PABATID SA PUBLIKO

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAHULING LIMAMPONG (50) PIRASONG GMELINA NA KAHOY NA MAY IBA'T-IBANG SUKAT AT MAY KABUUANG DAMI NA 325.73 BOARD FEET NA INIWAN SA SO. TAGUMPAY, BRGY. MAPAYA, SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-5 NG OKTOBRE, 2023 SA GANAP NA ALAS 9:00 NG UMAGA.

ANG NASABING KAHOY AY DINALA SA DENR MONITORING STATION NA MATATAGPUAN SA BRGY. MURTHA, SAN JOSE PARA SA PANSAMANTALANG PANGANGALAGA.

KUNG SINUMAN ANG NAGMAMAY-ARI NG NASABING KAHOY AY MAARING MAGTUNGO SA AMING TANGGAPAN.

LUBOS NA GUMAGALANG,

RHODORA A. GARCIA
LMO III
Seizure Officer/ Hearing Officer

NOTED BY:

EFREN L. DELOS REYES
CENR Officer

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457- 0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph

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

OCT 20 2023

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Republic of the Philippines
Department of Environment and Natural Resources
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RE: APPREHENSION OF FIFTY (50) PIECES OF ABANDONED GMELINA LUMBERS WITH DIFFERENT DIMENSIONS HAVING A TOTAL AGGREGATE VOLUME OF 325.73 BOARD FEET AT SITIO TAGUMPAY, BARANGAY MAPAYA, SAN JOSE, OCCIDENTAL MINDORO ON OCTOBER 05, 2023 AT 9:14 IN THE MORNING
X----------X

RESOLUTION No. 2023-024

This pertains to the apprehension of Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total aggregate volume of 325.73 board feet at Sitio Tagumpay, Barangay Mapaya, San Jose, Occidental Mindoro on October 5, 2023.

The facts of the subject case are as follows, to wit:

1. That, on October 5, 2023 at 9:14 in the morning, the personnel of Enforcement and Monitoring Section (EMS) of this Office conducted surveillance and patrolling within the vicinity of Sitio Tagumpay, Barangay Mapaya, San Jose, Occidental Mindoro and resulted to the apprehension of Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total aggregate volume of 325.73 board feet.

2. That, the said abandoned lumbers were marked DER-10-5-23-01 to DER-10-5-23-50 and were brought to the DENR Monitoring Station at Brgy. Murtha, San Jose, Occidental Mindoro for safekeeping purposes. (*Please see attached spot report and Apprehension Receipt.)*

3. That, the corresponding Apprehension Receipt with CENRO Control No. 2023-F501 was issued by the apprehending officers Forest Technician II Loren Kaye A. Garcia and Forest Protection Officer Ednor C. Legaspi, Jr. (*Please see attached Apprehension Receipt*)

4. That, the Seizure Receipt and Seizure Order with CENRO Control Number 2023-F501 was issued by the Seizure Officer, LMO III Rhodora A. Garcia. *(Please see attached Seizure Receipt and Seizure Order)*

5. That, a PABATID SA PUBLIKO (Notice to the Public) was posted on October 6, October 13, October 20, 2023 at the conspicuous places such as Public Market of San Jose and Brgy. Hall of Barangay Mapaya. (*Please see attached PABATID SA PUBLIKO*)

6. That, no administrative hearing was conducted due to the absence of claimant of the said abandoned forest products who appeared/coordinated with this Office despite the posting of Pabatid sa Publiko on three (3) separate dates and at the conspicuous places of the area of concern.

The issue to be resolved in this case is whether or not the Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total aggregate volume of 325.73 board feet **be confiscated in favor of the government.**

The grounds for apprehension and seizure of the forest products are valid, as the abandoned forest product is not supported with any cutting permit issued by the Office of the DENR CENRO San Jose, Occidental Mindoro.

Under the following Provision's to wit.

Presidential Decree No. 705, May 19, 1975, revising Presidential Decree No. 389 otherwise known as the Forestry Reform Code of the Philippines, as amended by Executive Order No. 277 and Republic Act No. 7161, states that:

> ***SECTION 77. Cutting, Gathering and/or collecting Timber, or Other Forest Products Without License.*** – *Any person who shall cut, gather, collect, removed 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 Articles 309 and 310 of the Revised Penal Code.*
>
> *xxx*
>
> ***SECTION 77-A. Administrative Authority of the Department Head or His Duly Authorized Representative to Order Confiscation.*** – *In all cases of violations of this Code or other forest laws, rules and regulations, the Department Head or his duly authorized representative, may order the confiscation of any forest products illegally cut, gathered, removed, or possessed or abandoned, and all conveyances used either by land, water or air in the commission of the offense and to dispose of the same in accordance with pertinent laws, regulations or policies on the matter.*
>
> *xxx*
>
> Department Administrative Order No. 97-32
>
> ***Section 2. Items subject to apprehension, seizure, confiscation and forfeiture***
>
> a. ***ILLEGAL FOREST PRODUCTS*** - *Any forest products(s) defined in Section 1(e) above that are removed, cut, collected, processed and/or transported: (a) without the requisite authorization or permit; or (b) with incomplete required supporting documents 1; (c) with genuine authorizations or permits and/or supporting documentation that have an expired validity, have been cancelled or that contain forged entries; or (d) with spurious (fake) authorizations, permits and/or supporting documentation. In implementing these Rules, original documents shall be required at all times to actually accompany any forest products being moved or transported to any place and for any purpose. Whenever the requisite authorization and/or supporting documentation are required to but do not actually accompany the forest products, such absence constitutes a violation covered by these Rules.*
>
> *xxx*

The enumerated statements of facts, pieces of evidence and circumstances surrounding the above stated case, show that the Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total aggregate volume of 325.73 board feet shall be confiscated in favor of the government since those lumber are product of an illegal act.

Based in the case at bar, the cutting of forest products without legal documents, if proven, is a violation of Section 77 of PD 705 as amended by Executive Order No. 277 and Republic Act No. 7161, thus, subject to confiscation.

Wherefore, pursuant to Section 77 and 77-a of PD 705 as amended, Section 2 and 7 of DENR Administrative Order No. 97-32, series of 1990 and based on DENR Administrative Order 2022-10 (Revised DENR Manual of Authorities for Technical Matters), it is hereby **recommended** that the Fifty (50) pieces of abandoned Gmelina lumbers with different dimensions having a total

aggregate volume of 325.73 board feet shall **be confiscated in favor of the government** since those lumber are product of an illegal act.

Issued this _____ day of _____ at DENR-CENRO San Jose, Occidental Mindoro.

Prepared by:

RHODORA A. GARCIA
LMO III
Hearing Officer/Seizure Officer

Noted by:

EFREN L. DELOS REYES
CENR Officer

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

NOV 22 2023

MEMORANDUM

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

THRU : The OIC-PENR Officer
Mamburao, Occidental Mindoro

FROM : The CENR Officer

SUBJECT : RESOLUTION NO. 2023-024

Respectfully submitted herewith is the Resolution No. 2023-024 as a result of administrative adjudication on the apprehended fifty (50) pieces Gmelina lumber having an aggregate total volume of 325.73 board feet at So. Tagumpay, Brgy. Mapaya, San Jose, Occidental Mindoro by personnel of DENR-CENRO San Jose on October 5, 2023.

For your information and record.

EFREN L. DELOS REYES

Brgy. Labangan, San Jose, Occidental Mindoro
Tel. Number (043) 457-0236 / (043) 742-6627
Email: cenrosanjose@denr.gov.ph