



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

MAR 29 2023

MEMORANDUM

FOR : The Regional Executive Director
MIMAROPA Region
1515 DENR By the Bay Building, Rm 401
Barangay 668, Ermita, Manila

THRU : The Assistant Regional Director
For Technical Services

FROM : The OIC, PENR Officer

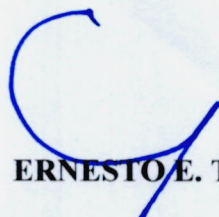
SUBJECT : DECISION OF THE REGIONAL TRIAL COURT, RTC BRANCH 45 OF
SAN JOSE, OCCIDENTAL MINDORO FOR CRIMINAL CASE NO. R-
11280 FOR VIOLATION OF SECTION 77, PD 705 AS AMENDED



Respectfully forwarded is the memorandum of CENR Officer Efren L. delos Reyes dated March 21, 2023 relative to the above-cited subject.

The accused Mr. Jonathan U. Barbers was found guilty beyond reasonable doubt of the offense penalized under paragraph 5, Article 309 in relation to Article 310 of the Revised Penal Code and to suffer the straight penalty of six months imprisonment.

For your information and record.


ERNESTOE. TAÑADA



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

MAR 21 2023

MEMORANDUM

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

THRU : The OIC-PENR Officer
Mamburao, Occidental Mindoro

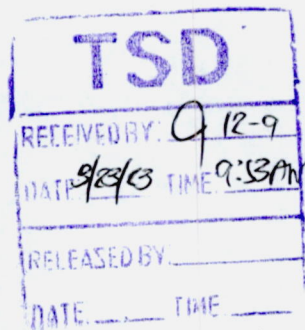
FROM : The CENR Officer

SUBJECT : DECISION OF THE REGIONAL TRIAL COURT,
RTC BRANCH 45 OF SAN JOSE, OCCIDENTAL MINDORO FOR
CRIMINAL CASE NO. R-11280 FOR VIOLATION OF SECTION
77, PD 705 AS AMENDED

Respectfully submitting is the Decision of Acting Presiding Judge Ruben E. Sevillano Jr. of RTC Branch 45 of San Jose, Occidental Mindoro against Jonathan U. Barber, who was found GUILTY beyond reasonable doubt and were penalized to six (6) months of imprisonment.

For information and record.

For the CENR Officer:



ENGR. NILO P. SALVADOR
DMO IV/ Deputy, CENRO
In-Charge, Office of the CENRO

Republic of the Philippines
Supreme Court of the Philippines
Fourth Judicial Region
REGIONAL TRIAL COURT
Branch 45
SAN JOSE, OCCIDENTAL MINDORO
E-mail address: rtc1sjm045judiciary.gov.ph
Landline: (043) 742-6509

RECEIVED
SAN JOSE, OCCIDENTAL MINDORO
JAN 03 2023
DATE: 03-03-2023

PEOPLE OF THE PHILIPPINES,

-versus-

Crim. Case No. R-11280
Vio of Sec. 77, PD 705

JONATHAN BARBER y ULAY,
Accused.

X-----X

JUDGMENT

On 06 December 2022, the accused, Jonathan U. Barber through his counsel, Atty. Antonino M. Fallarme III, PAO, San Jose, Occidental Mindoro, filed a "*Plea Bargaining Proposal with Motion to Allow Accused to Enter a Plea Bargaining Agreement*" where he prays that he be allowed to withdraw his former plea of Not Guilty and to enter into plea bargaining agreement with the prosecution by pleading guilty to a lesser offense under paragraph 5, Article 309 in relation to Article 310 of the Revised Penal Code, as amended, which imposes the penalty of arresto mayor to its full extent.

Accordingly, on December 06, 2022, Associate Provincial Prosecutor Warren Wesley M. Malalad orally manifested that the prosecution has no objection to the subject motion while the DENR-CENRO, San Jose, Occidental Mindoro representative who was present in court submitted the matter to the sound discretion of the public prosecutor.

Perusal of the record shows that the accused stands charged for Violation of Section 77, P.D. 705, on the strength of the complaint filed by Forester III Hector Aragonés and Forest Technician I Dominic L. Vidal of the DENR-CENRO, San Jose, Occidental Mindoro before the Office of the Provincial Prosecutor, San Jose, Occidental Mindoro.

As a rule, the consent of the prosecution in the plea bargaining is required. Thus, the plea-bargaining proceeding must be viewed as an opportunity given to the prosecution to challenge the proposed plea bargain if it would detract the court from its duty to administer justice in a manner consistent with the objective of the enactment of the penal law violated. As held by the Highest Court in *Crespo vs. Mogul, G.R. No. L-533373, June 30, 1987*, once a complaint or information is filed in court, any disposition of the case as to its dismissal or the conviction or acquittal of the accused lies in the sound discretion of the court. The power to exercise such



judicial discretion is exclusive and is not shared by the prosecutor or the arresting officer.

Acting on the accused' motion to withdraw his earlier plea of not guilty entered into the record of this case, in order for him to be re-arraigned pursuant to the plea bargaining, and finding the motion to be tenable, the same is hereby granted. The earlier plea of not guilty made by accused Jonathan Barber y Ulay, for the offense charged on October 10, 2022 is deemed withdrawn, upon which he may plead guilty to the lower offense as stated in the plea bargaining proposal.

Let the bonded accused be re-arraigned under the original Information qualified by lesser offense subject of the plea bargaining heretofore approved by the court.

Upon being re-arraigned today, January 30, 2023, by reading the original Information, qualified by the above lesser offense, to accused Jonathan Barber y Ulay in a dialect or language he understood, accused, who was duly assisted by his counsel, personally and voluntarily pleaded GUILTY to the lesser offense as stated in the plea bargaining proposal. Accused manifested that his plea of Guilty to the lesser offense is his own free and voluntary act.

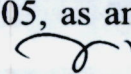
This court is thus convinced that the bonded accused fully comprehend the nature of the charge filed against him as well as the consequences of his Guilty plea. Let, therefore, a plea of GUILTY for the offense under paragraph 5, Article 309 in relation to Article 310 of the Revised Penal Code, as amended, be entered into the record of this case.

The prescribed penalty for the offense under paragraph 5, Article 309 in relation to Article 310 of the Revised penal Code as amended by RA 10951 is arresto mayor to its full extent if the value of the property stolen is over Five Hundred Pesos (P500.00) but does not exceed Five Thousand (P5,000.00) Pesos, as in this case.

WHEREFORE, in view of all the foregoing, JUDGMENT is hereby rendered finding the accused Jonathan Barber y Ulay **GUILTY** beyond reasonable doubt of the offense penalized under paragraph 5, Article 309 in relation to Article 310 of the Revised Penal Code and to suffer the straight penalty of **SIX MONTHS** imprisonment.

The period during which the accused was placed under preventive imprisonment shall be credited in his favor, if there is any.

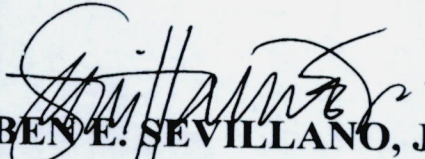
In accordance with law, the confiscated eleven (11) pieces 2x2x10 gmelina lumber and ten (10) pieces 2x3x12 gmelina lumber, with total volume of 96.99 board feet amounting to Four Thousand Eight Hundred Thirty Three Pesos (P4,833.00), which are now in the possession of the DENR-CENRO, San Jose, Occidental Mindoro, are hereby confiscated in favor of the government as prescribed under Sec. 68, par. 2 of PD 705, as amended by EO 277, which states



that, *"The court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found."*

SO ORDERED.

San Jose, Occidental Mindoro, January 30, 2023.


RUBEN E. SEVILLANO, JR.
Acting Presiding Judge

Copy furnished:

APP Warren Wesley M. Malalad/APP Roberto Evangelista
OPP, San Jose, Occidental Mindoro

Supreme Court of the Philippines, Manila

Atty. Antonino M. Fallarme III, PAO, San Jose, Occidental Mindoro

Hector Aragon Jr. and Dominic Vidall
DENR -CENRO, San Jose, Occidental Mindoro

PCMS Ronald Martinez
MPS, Calintaan, Occidental Mindoro

Ma. Leonarie Dela Serna Barber (bondswoman)
Sitio Tuburan, Iriron, Calintaan, Occidental Mindoro

The OIC, Office of the Clerk of Court
RTC, San Jose, Occidental Mindoro

Oiclr/JRESJR