



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

FEB 20 2023

MEMORANDUM

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

FROM : The OIC PENR Officer

SUBJECT : RESOLUTION NO. 2023-01

Respectfully forwarded is the memorandum from CENR Officer Efren L. delos Reyes dated February 10, 2023 pertaining to the result of administrative adjudication on the apprehended abandoned one (1) unit STIHL chainsaw without Serial Number at So. Kalinisan, Barangay Bayotbot, San Jose, Occidental Mindoro .

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

FEB 10 2023

MEMORANDUM

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

THRU : The OIC, PENR Officer
DENR-Mamburao, Occidental Mindoro

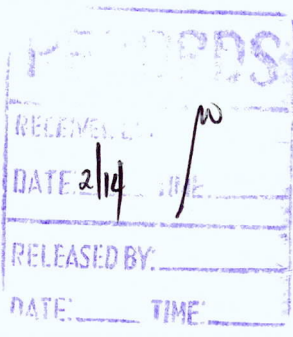
FROM : The CENR Officer

SUBJECT : RESOLUTION NO. 2023-001

Respectfully submitted is the Resolution No. 2023-001 as result of the administrative proceedings on the apprehended abandoned one (1) unit STIHL chainsaw without Serial Number and with guidebar OREGON at So. Kalinisan, Brgy. Bayotbot, San Jose, Occidental Mindoro by CENRO San Jose personnel on January 20, 2023.

For your information and record.


EFREN L. DELOS REYES





RE: APPREHENSION OF ABANDONED ONE (1) UNIT STIHL CHAINSAW WITHOUT SERIAL NUMBER AND WITH GUIDE BAR OREGON AT SO. KALINISAN, BRGY. BAYOTBOT, SAN JOSE, OCCIDENTAL MINDORO ON JANUARY 20, 2023 AT AROUND 11:05 IN THE MORNING.

X-----X

RESOLUTION No. 2023-001

This pertains to the apprehension of abandoned one (1) unit STIHL chainsaw without Serial Number and with guidebar OREGON at So. Kalinisan, Brgy. Bayotbot, San Jose, Occidental Mindoro by the Personnel of Enforcement and Monitoring Section (EMS) DENR-CENRO, San Jose, Occidental Mindoro.

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

1. That, on January 20, 2023 the staff/personnel of Enforcement and Monitoring Section (EMS) of this Office conducted a monitoring and surveillance accordingly in response to a report through a cellphone call from a confidential asset that there were on-going illegal cutting activities at the vicinity of So. Kalinisan, Brgy. Bayotbot, San Jose, Occidental Mindoro.
2. That, indeed the report was confirmed, the team apprehended the above-subject equipment and hauled to Brgy. Hall of Brgy. Bayotbot, San Jose, Occidental Mindoro for temporary safekeeping.
3. That, the corresponding Apprehension Receipt with CENRO Control No.2023-F471 was issued by the apprehending officer headed by Deputy Chief, EMS, Jomar B. Serquina
4. That, the Seizure Order with CENRO Control Number 2022- F471 was issued by the Seizure Officer, Land Management Officer III Rhodora A. Garcia
5. That, a PABATID SA PUBLIKO (Notice to the Public) was posted on January 23, January 30 and February 6, 2023 at the conspicuous places such as at Public Market of San Jose and at the Brgy. Hall of Barangay Bayotbot, San Jose, Occidental Mindoro.
6. That, no Administrative hearing was made because there were no claimant of the said abandoned equipment even though a Pabatid sa Publiko has been posted on three (3) separate dates and at the conspicuous places of the area of concern.

The issues to be resolved in this case are as follow;

1. Whether or not the abandoned one (1) unit STIHL chainsaw without Serial Number and with guidebar OREGON will be confiscated in favor of the government.

For the resolution of the above stated case, the provision of the Republic Act No. 9175, Presidential Decree No. 705, as amended by the Executive No. 277, Republic Act 7161 and

the Department Administrative Order (DAO) No. 97-32, the 1997 rules for the Administrative apprehension, seizure, confiscation and disposition of illegally possessed, cut, gathered, removed, or transported forest, the machinery, equipment, tools and implements used in the connection therewith, and of the conveyances used to move or otherwise transport the same, shall be observed.

The ground for apprehension and seizure of the machinery, equipment and tools used in connection therewith is valid, as to the possession of machinery, equipment and tools during the time of apprehension is not supported with valid and/or legal documents as authorized by the law.

Republic Act No. 9175, An act regulating the ownership, possession, sale, importation and used of chainsaws, penalizing violations thereof and for other purposes, states that;

SECTION 5. *Persons Authorized to Possess and Use a Chainsaw.* - *The Department is hereby authorized to issue permits to possess and/or use a chainsaw for the felling and/or cutting of trees, timber and other forest or agro-forest products to any applicant who:*

- a. Has a subsisting timber license agreement, production sharing agreement, or similar agreements, or a private land timber permit;*
- b. Is an orchard or root tree farmer;*
- c. Is an industrial tree farmer;*
- d. Is a licensed wood processor and the chainsaw shall be used for the cutting of timber that has been legally sold to said applicant; or*
- e. Shall use the chainsaw for a legal purpose.*

Agencies of the government that use chainsaws in some aspects of their functions must likewise secure the necessary permit from the Department before operating the same.

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 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

Sec. 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.

b. **MACHINERY, EQUIPMENT, TOOLS AND IMPLEMENTS** – used in the possession, gathering, collecting, processing and/or transporting of illegal forest products.

2. The enumerated statements of facts, pieces of evidence and circumstances surrounding the above stated case, shows that the apprehended abandoned one (1) unit STIHL chainsaw without Serial Number and with guidebar OREGON shall be confiscated in favour of the government since those lumbers are product of an illegal act.

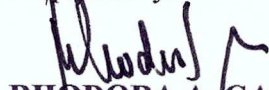
Based in the case at bar, the cutting of forest products without legal documents if proven is a violation of Section 77 of PD 705 as amended by Executive Order No. 277 and Republic Act 7161 thus subject to confiscation.

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) the following are hereby recommended:

1. The abandoned one (1) unit STIHL chainsaw without Serial Number and with guidebar OREGON shall be confiscated in favour of the government since those lumber are products of an illegal act.

Issued this _____ day of **FEB 07 2023**, _____ 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

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

EMAIL FOR TRANSMISSION
JANUARY 23, 2023

FOR: THE REGIONAL EXECUTIVE DIRECTOR
DENR-MIMAROPA REGION

THRU: PENR OFFICER
MAMBURAO, OCCIDENTAL MINDORO

FROM: THE CENR OFFICER

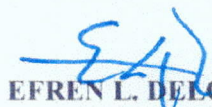
PLEASE BE INFORMED THAT PERSONNEL OF ENFORCEMENT AND MONITORING SECTION OF DENR-CENRO SAN JOSE HAD APPREHENDED ONE (1) UNIT OF STIHL CHAINSAW WITHOUT SERIAL NUMBER CMA WITH GUIDE BAR OREGON ON JANUARY 20, 2023 AT AROUND 11:05 IN THE MORNING AT SO. KALINISAN CMA BRGY. BAYOTBOT CMA SAN JOSE CMA OCCIDENTAL MINDORO PD

BE FURTHER INFORMED THAT THE SAID EQUIPMENT WAS FOUND ABANDONED AND NO CLAIMANT APPEARED DURING THE TIME OF APPREHENSION PD SAID UNDOCUMENTED EQUIPMENT WAS BROUGHT TO DENR-CENRO SAN JOSE OFFICE COMPOUND AT BRGY. LABANGAN CMA SAN JOSE CMA OCCIDENTAL MINDORO FOR SAFEKEEPING PURPOSES PD

FOR INFORMATION CMA RECORD AND FURTHER INSTRUCTION PD

CENRO DELOS REYES

SENDER:


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



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
CHAINSAW	1	STHIL w/o Serial Number Oregon Guide	DENR CENRO SAN JOSE	DENR CENRO SAN JOSE	₱15,000.00

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		
01/20/2023 11:05 AM	Occidental Mindoro	San Jose	Bay of bot	Kalimisan	DENR CENRO SAN JOSE personnel	No legal document

No serial No.

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

- ABANDONED

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 20 day of January, year 2021 at San Jose, Occ. Mindoro.

APPREHENDING OFFICER
(Signature over Printed Name)

1. Augustine Saligumba

Position: Forester I

Address: _____

2. Jomar B Serquina

Position: Forester I

Address: _____

3. Tristan V. Rendonio

Position: Forest Ranger

Address: _____

4. Sherry O. Savot

FPO

5. Ednor C. Gaspi Jr.

FPO

6. Elmer Salongsongan

FPO

WITNESSES:

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

1. _____

Position: _____

Address: _____

3. _____

Position: _____

Address: _____

2. _____

Position: _____

Address: _____

4. _____

Position: _____

Address: _____

Copy Received by:

Signature over Printed Name

Date/Time

Remarks:

- Item was found Abandoned.

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- F471
E-FMS No:	2023- 175110- F471



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
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Minor forest products				
Kind	Unit of Measure ment	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
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
N/A	N/A	N/A	N/A	N/A	N/A
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
CHAIN SAW	1	STHIL w/o Serial number w/ Oregon Guidebar	P15000	DENR CERRO SAN JOSE

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	Site		
01/20/2023 11:05 AM	Occidental Mindoro	San Jose	Bayat bal	Kalimi San	LMOR R40DORA A. GARCIA	No legal document

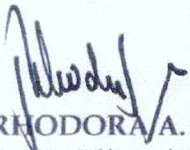
Examination Conducted by Seizure Officer:

Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			

After thorough evaluation of the Apprehension Report dated Jan. 20, 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 January 23, 2023 day at SAW JDSE, Occidental Mindoro.


RHODORA A. GARCIA
Seizure Officer/Hearing Officer



JAN 23 2023

UNANG PABATID SA PUBLIKO

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAKUMPISKANG ISANG (1) UNIT NG STIHL NA CHAINSAW, WALANG SERIAL NUMBER AT MAY GUIDE BAR NA OREGON NA INIWAN SA SO. KALINISAN, BRGY. BAYOTBOT, SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-20 NG ENERO, 2023 SA GANAP NA ALAS 11: 05 NG UMAGA.

ANG NASABING CHAINSAW AY DINALA SA OPISINA NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO PARA SA PANSAMANTALANG PANGANGALAGA.

KUNG SINUMAN ANG NAGMAMAY-ARING NASABING CHAINSAW AY MAARING MAGTUNGO SA AMING TANGGAPAN.

LUBOS NA GUMAGALANG,

RHODORA A. GARCIA

LMO III

Seizure Officer/ Hearing Officer

NOTED BY:

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



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

FEB 06 2023

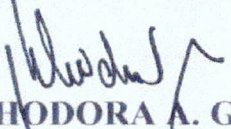
IKATLONG PABATID SA PUBLIKO

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAKUMPISKANG ISANG (1) UNIT NG STIHL NA CHAINSAW, WALANG SERIAL NUMBER AT MAY GUIDE BAR NA OREGON NA INIWAN SA SO. KALINISAN, BRGY. BAYOTBOT, SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-20 NG ENERO, 2023 SA GANAP NA ALAS 11: 05 NG UMAGA.

ANG NASABING CHAINSAW AY DINALA SA OPISINA NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO PARA SA PANSAMANTALANG PANGANGALAGA.

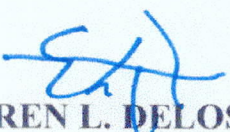
KUNG SINUMAN ANG NAGMAMAY-ARING NASABING CHAINSAW AY MAARING MAGTUNGO SA AMING TANGGAPAN.

LUBOS NA GUMAGALANG,


RHODORA A. GARCIA
LMO III

Seizure Officer/ Hearing Officer

NOTED BY:


EFREN L. DELOS REYES
CENR Officer



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

JAN 30 2023

IKALAWANG PABATID SA PUBLIKO

IPINABABATID SA PUBLIKO NA ANG MGA TAUHAN NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO AY MAY NAKUMPISKANG ISANG (1) UNIT NG STIHL NA CHAINSAW, WALANG SERIAL NUMBER AT MAY GUIDE BAR NA OREGON NA INIWAN SA SO. KALINISAN, BRGY. BAYOTBOT, SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-20 NG ENERO, 2023 SA GANAP NA ALAS 11: 05 NG UMAGA.

ANG NASABING CHAINSAW AY DINALA SA OPISINA NG DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO PARA SA PANSAMANTALANG PANGANGALAGA.

KUNG SINUMAN ANG NAGMAMAY-ARI NG NASABING CHAINSAW 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