



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

DENR MIMAROPA
RECORDS SECTION
RECEIVED
FEB 27 2023

☐ INCOMING ☐ OUTGOING
BY: _____ DATE NO. _____
TIME: _____

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. 2023-02

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 Barangay Naibuan, 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 13 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. 2023-002

Respectfully submitted is the Resolution No. 2023-002 as result of the administrative proceedings on the apprehended one (1) unit STIHL chainsaw with guidebar OREGON without Serial Number at Brgy. Naibuan, San Jose, Occidental Mindoro by CENRO San Jose personnel on December 22, 2022.

For your information and record.


EFREN L. DELOS REYES

RECORDS	
RECEIVED BY: 	
DATE: 2/14	TIME: 1:45
RELEASED BY: _____	
DATE: _____	TIME: _____



RE: APPREHENSION OF ONE (1) UNIT STIHL CHAINSAW WITHOUT SERIAL NUMBER COLOR WHITE AND ORANGE WITH OREGON GUIDE BAR AT BARANGAY NAIBUAN, SAN JOSE, OCCIDENTAL MINDORO ON DECEMBER 22, 2022 AT AROUND 10:15 IN THE MORNING

X-----X

RESOLUTION No. 2023-002

This pertains to the apprehension of One (1) unit STIHL Chainsaw without serial number color white and orange with an Oregon guide bar without serial number by the Personnel of San Jose Municipal Police Station together with the Armed Forces of the Philippines and Enforcement and Monitoring Section (EMS) of DENR-CENRO San Jose, Occidental Mindoro at Brgy. Naibuan, San Jose, Occidental Mindoro on December 22, 2022.

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

1. That, on December 22, 2022 around 9:30 in the morning the Enforcement and Monitoring Section (EMS) had received a call that the 68 IB, PA had apprehended two individuals that were in possession of One (1) unit of STIHL chainsaw without serial number colored white and orange with an Oregon guide bar and believed to be illegal;
2. That, on the same date the Enforcement and Monitoring Section had coordinated with San Jose Municipal Police Station and proceeded to Brgy. Naibuan, San Jose, Occidental Mindoro wherein was found out that one (1) unit of STIHL chainsaw colored white and orange with Oregon guide bar without serial number was assembled and was in possession of a certain Mr. Eliazar Macabunag Omambong and Mr. Randy Florentino Zerrudo Jr. both residents of Brgy. Naibuan, San Jose, Occidental Mindoro. The said chainsaw was brought to the CENRO San Jose at Brgy. Labangan, San Jose, Occidental Mindoro for safekeeping and proper documentation. *(Please see attached spot report)*
3. That, the corresponding Apprehension Receipt with CENRO Control No.2022-F470 was issued by the apprehending officer headed by PMSg Napoleon S. Dalalo (San Jose MPS) and Forest Technician I Dominic L. Vidal (DENR-CENRO San Jose EMS Staff) *(please see attached apprehension receipt)*;
4. That, the Seizure Order with CENRO Control Number 2022-F470 was issued by The Seizure Officer, LMO III Rhodora A. Garcia (*please see attached seizure order*);
5. That, a criminal case was filed against Mr. Eliazar Macabunag Omambong and Mr. Randy Florentino Zerrudo Jr. with NPS Docket No. IV-06-INQ-

221-00801 for violation of the paragraph 1 of section 7 of the Republic Act No. 9175 (Chainsaw Act) ;

6. That an invitation for an administrative adjudication dated December 22, 2022 was delivered to against Mr. Eliazar Macabunag Omambong and Mr. Randy Florentino Zerrudo Jr. (*please see attached Letter*);
7. That, during administrative adjudication last December 22, 2022, Mr. Eliazar Macabunag Omambong acknowledged that he is the owner of said chainsaw however, he did not present any legal documents issued by this Office;
8. That, Mr. Omambong admitted that he is aware of the facts that illegal use or possession of chainsaw without legal documents issued by the Department is a violation;
9. That, Mr. Randy Zerrudo, Jr. acknowledged that he is the helper of Mr. Omambong.

The issues to be resolved in this case are as follows:

1. Whether or not the One (1) unit of STIHL chainsaw colored white and orange without serial number with an Oregon guide bar **will be confiscated in favor of the government.**

The grounds for apprehension and seizure of the forest products is valid, as the Chainsaw was not supported with any legal documents issued by the office of the DENR-CENRO San Jose, Occidental Mindoro.

xxx

CHAINSAW ACT (RA 9175)

Republic Act No. 9175, **AN ACT REGULATING THE OWNERSHIP, POSSESSION, SALE, IMPORTATION, AND USE OF CHAINSAW, PENALIZING VIOLATIONS THEREOF AND FOR OTHER PURPOSES**, states that;

Section 7. Penal Provisions.

1. Selling, Purchasing, Re-selling, Transferring, Distributing, or Possessing a Chain Saw without a Proper Permit. - Any person who sells, purchases, transfers the ownership, distributes, or otherwise disposes or possesses a chain saw without first securing the necessary permit from the Department shall be punished with imprisonment of four (4) years, two (2) months, and one (1) day to six (6) years or a fine of not less than Fifteen thousand pesos (P15,000.00) but not more Thirty thousand pesos (30,000.00) or both at the discretion of the court, and the chain saw/s confiscated in favor of the government.

Xxx

Department Administrative Order No. 97-32

Sec. 2. Items subject to apprehension, seizure, confiscation, and forfeiture.

- a. MACHINERY, EQUIPMENT, TOOLS, and IMPLEMENTS - used in the possession, gathering, collecting, processing, and/or transporting of illegal forest products;***

xxx

DENR Administrative Order No. 2003-04 – Implementing Rules and Regulations of the Chainsaw Act of 2002 (RA NO. 9175) “An Act Regulating the Ownership, Possession, Sale, Importation and Use of Chainsaws, Penalizing Violations thereof and for other purposes.

Section 13. CONFISCATION OF CHAINSAWS-

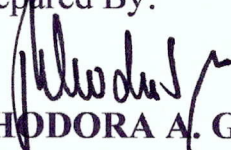
13.1 Chainsaws sold, purchased, resold, transferred, distributed, leased, rented, lent or possessed without proper permit or authority from the Department.

Wherefore, pursuant to the penal provision (Section 7) of Republic Act No. 9175, section 2 of DENR Administrative Order No. 97-32, series of 1997, section 13 of DENR Administrative Order No. 203-04 and based on DAO 2022- 10 (Manual of Authorities) the following is hereby recommended:

- 1. The One (1) unit of STIHL chainsaw colored white and orange without serial number with an Oregon guide bar shall be confiscated in favour of the government since the chainsaw is a product of illegal/ no legal documents issued by the Department.**

Issued this _____ day of FEB 07 2023, _____ at DENR-CENRO San Jose, Occidental Mindoro.

Prepared By:


RHODORA A. GARCIA
LMO III/Hearing Officer

Noted By:


EFREN L. DELOS REYES
CENR Officer

KATITIKAN NG ADMINISTRATIBONG PAGDINIG TUNGKOL SA PAGKAHULI NG ISANG (1) UNIT NG CHAINSAW NA MAY GUIDE BAR NA OREGON NA GINANAP SA DENR-CENRO SAN JOSE, OCCIDENTAL MINDORO NOONG IKA-22 NG DISYEMBRE, 2022, ALAS 11:00 NG UMAGA SA PAGLABAG SA RA 9175.

Mga Dumalo:

- | | | |
|-------------------------|---|------------------------|
| 1. Eleazar Omambong | - | Respondent |
| 2. Randy Zerrudo Jr. | - | Respondent |
| 3. Rhodora A. Garcia | - | Hearing Officer |
| 4. Augreth S. Saligumba | - | Forester I/ Chief, EMS |
| 5. Maryjean M. Barolo | - | Stenographer |

Hearing Officer: Itong administratibong pagdinig ay tungkol sa pagkahuli ng isang (1) unit ng chainsaw na may guidebar na OREGON sa Brgy. Naibuan, San Jose, Occidental Mindoro noong ika-22 ng Disyembre, 2022 ganap na 10:15 ng umaga ng mga tauhan ng DENR, PNP San Jose at Philippine Maritime.

Sa katugon, ipinapaalam po namin sa inyo na kayo po ay nasa ilalim ng administratibong pagdinig ayon sa DAO No. 97-32. Pumunta at humarap kayo sa pagdinig na ito na walang kasamang abogado o tagapagsalita para sa inyo. May karapatan kayo na kumuha ng abogado at meron kayong makukuhang abogado na nagbibigay ng libreng serbisyo. May karapatan din kayo na magsawalang kibo at ang bawat salita na inyong sasabihin ay pwedeng gagamitin laban sa inyo.

Hearing Officer: G. Eleazar Omambong, handa ka bang sumagot sa aking mga tanong o magbigay ng iyong malayang salaysay kahit wala kang kasamang abogado na magsasalita para sa iyo.

Mr. Omambong: Opo.

Hearing Officer: G. Eleazar Omambong, pwede po ba kayong tumayo?

Hearing Officer: G. Eleazar Omambong, ikaw ba ay magsasabi ng buong katotohanan at pawang katotohanan lamang sa pagsisiyasat na ito?

Mr. Omambong: Opo.

Hearing Officer: Pwede po ba ninyong sabihin ang iyong pangalan, edad, tirahan, trabaho at iba pang pagkakakilanlan?

Mr. Omambong: Ako po si Eleazar Omambong, may asawa, 47 taong gulang, nakatira sa Brgy. Naibuan, San Jose, Occidental Mindoro at isang chainsaw operator.

Hearing Officer: Noong ika-22 ng Disyembre, 2022 sa ganap na 10:15 ng umaga sa Brgy. Naibuan, San Jose, Occidental Mindoro maari mo bang isalaysay ang mga pangyayari kung paano kayo nahuli ng mga kawani ng DENR at mga kapulisan?

Mr. Omambong: May dala-dala po akong chainsaw, may kausap akong mangyan na may natumbang puno noong nakaraang bagyo, nakiusap po sya na putulin daw namin ang mga puno at gagawin nilang uling para may pambili ng pagkain. Nakahinto po ako dahil hinihintay ko ang aking kausap ng may dumating na pulis at kami ay dinala na sa barangay.

Hearing Officer: Sino po ang may-ari ng chainsaw?

Mr. Omambong: Ako po.

Hearing Officer: May permit po ba ang inyong chainsaw?

Mr. Omambong: Wala po.

Hearing Officer: Alam nyo po ba na bawal gumamit o magdala ng chainsaw na walang papel?
Mr. Omambong: Alam po.

Hearing Officer: G. Eleazar Omambong, meron ka pa bang gusto sasabihin o baguhin sa iyong salaysay?
Mr. Omambong: Wala na po.

Hearing Officer: Maraming salamat po Mr. Eleazar Omambong

Salaysay ni Randy Zerrudo Jr. (helper)

Hearing Officer: G. Randy Zerrudo Jr, handa ka bang sumagot sa aking mga tanong o magbigay ng iyong malayang salaysay kahit wala kang kasamang abogado na magsasalita para sa iyo.
Mr. Zerrudo : Opo.

Hearing Officer: G. Randy Zerrudo Jr, pwede po ba kayong tumayo?

Hearing Officer: G. Mr. Zerrudo, ikaw ba ay magsasabi ng buong katotohanan at pawang katotohanan lamang sa pagsisiyasat na ito?
Mr. Zerrudo : Opo.

Hearing Officer: Pwede po ba ninyong sabihin ang iyong pangalan, edad, tirahan, trabaho at iba pang pagkakakilanlan?
Mr. Zerrudo: Ako po si Randy Zerrudo Jr, may asawa, 29 taong gulang, nakatira sa Brgy. Naibuan, San Jose, Occidental Mindoro at isang magsasaka.

Hearing Officer: Ano naman po ang inyong partisipasyon sa pagsisiyasat na ito?
Mr. Zerrudo: Ako po ang helper ni G. Eleazar Omambong.

Hearing Officer: Pwede nyo po bang isalaysay ang mga pangyayari noong mga oras na iyon?
Mr. Zerrudo: Magkasama po kami noong oras na iyon ni Mr. Omambong at kasalukuyang nagpapahinga dahil hinihintay namin ang aming kausap para magpapatol ng tumbang puno nang may dumaang mga kapulisan.

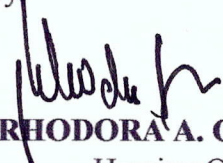
Hearing Officer: G. Randy Zerrudo Jr, meron ka pa bang gusto sasabihin o baguhin sa iyong salaysay?
Mr. Zerrudo: Wala na po.

Hearing Officer: Maraming salamat. Dahil wala na pong katanungan dito na po nagtatapos ang ating administratibong pagdinig sa ganap ng 11:20 ng umaga ng ika-27 ng Disyembre, 2022.

Prepared by:


MARYJEAN M. BAROLO
Stenographer

Noted by:


RHODORA A. GARCIA
Hearing Officer



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

ATTENDANCE
December 27, 2022

ADMINISTRATIVE HEARING FOR THE APPREHENSION OF ONE (1) UNIT CHAINSAW WITH OREGON GUIDE BAR APPREHENDED BY DENR-CENRO SAN JOSE PERSONNEL, PNP SAN JOSE AND PHILIPPINE ARMY AT BRGY. NAIBUAN, SAN JOSE, OCCIDENTAL MINDORO

NAME	ADDRESS	GEN DER	A G E	PARTICIPATION	SIGNATURE
Eliazar Amambay	BRGY. NAIBUAN	M	47	chainsaw owner	Eliazar
Randy F. Zerrudo	BRGY. NAIBUAN	M	29	helper	Randy
RHODORA A. GARCIA	DENR - CENRO	F	60	CUW III	Rhoda
AUGRETH S. SALIWUMBA	DENR - CENRO	F	29	chief, BMS	Augreth
MARYJEAN M. BARLOW	DENR - CENRO	F	44	STENOGRAPHER	Maryjean

Republic of the Philippines
Department of Justice
National Prosecution Service
Office of the Provincial Prosecutor
San Jose, Occidental Mindoro

INVESTIGATION DATA FORM

To be accomplished by the Office

DATA RECEIVED:

(Stamped and initialed)

Time received: _____

Receiving Staff: _____

NPS DOCKET NO.: 1106MO.221-00801

Assigned to: _____

Date Assigned: _____

3:12 PM

*To be accomplished by compliance/counsel/law enforcer
(Use back portion if space is not sufficient)*

COMPLAINANT/S: Name, Sex, Age & Address

JOMAR B. SERQUINA, male, 41 y/o,
Brgy. Bagong Sikat, San Jose, Occ. Mdo

RESPONDENT/S: Name, Sex, Age & Address

MR. ELIAZAR M. OMAMBONG, Male, 47y/o,
MR. RANDY F. ZERRUDO JR, Male, 29y/o,
Brgy. Naibuan, San Jose,
Occidental Mindoro

OFFENSE/S COMMITTED/LAW/S VIOLATED:
Section 7, par 1 of RA 9175

WITNESS: Name & Address
PMSG NAPOLEON S DALALO
MPS San Jose, Occidental Mindoro

DATE & TIME of COMMISSION:
December 22, 2022 (10:15 a.m.)

PLACE of COMMISSION:
Brgy. Naibuan, San Jose,
Occidental Mindoro

1. Has a similar complaint been filed before any other office? * YES ___ NO ___
2. Is this complaint in the nature of a counter-charge? * YES ___ NO ___
If yes, indicate details below
3. Is this complaint related to another case before this office? * YES ___ NO ___
If yes, indicate details below

I.S. No.: _____
Handling Prosecutor: _____

CERTIFICATION

I CERTIFY, under oath, that all the information on this sheet are true and correct to the best of my knowledge and belief, that I have not commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and that I should thereafter learn that a similar action has been filed and/or is pending, I shall report that fact to this Honorable Office within five (5) days from knowledge thereof.

JOMAR B. SERQUINA
(Signature over printed name)

PMSG NAPOLEON S DALALO
(Signature over printed name)

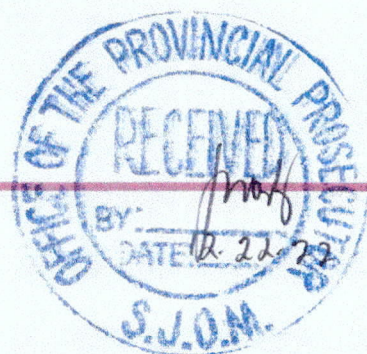
DEC 22 2022

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2022 in _____

ANTONIO RAMOS



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



1ST INDORSEMENT

December 22, 2022

Respectfully referred for inquest to the Honorable Prosecutor is herein case for the proper disposition.

Offense Committed : Section 7, par (1) of RA 9175

Respondent Address : **ELIAZAR M. OMAMBONG**

RANDY F. ZERRUDO JR.

Brgy. Naibuan, San Jose,
Occidental Mindoro

Date and Place : December 22, 2022

Brgy. Naibuan, San Jose,
Occidental Mindoro

Facts:

That on or about 10:15 in the morning of December 22, 2022 that a certain **ELIAZAR M. OMAMBONG** and **RANDY F. ZERRUDO JR.** is in possession of undocumented equipment within the jurisdiction of this Honorable Court the above named accused, did then and there, willfully, unlawfully and feloniously possessed one (1) unit assembled chainsaw with OREGON guidebar with an estimated value of Php 15,000.00, without legal documents as required by existing forestry laws, rules and regulation to the damage and prejudice of the government.

Please be informed also that the subject apprehended equipment was also subjected to the administrative proceeding of this Office pursuant to DENR Administrative Order No. 97-32.

Witnesses:

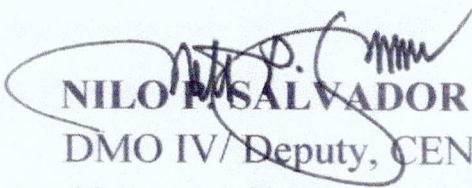
1. PMSg Napoleon S Dalalo
2. Dominic L. Vidal

Evidences:

1. Affidavit of complainant
2. Affidavit of Apprehending Officer
3. Apprehension receipt of apprehended item
4. Seizure receipt of Apprehended item
5. Recapitulation and assessed value
6. Email for transmission
7. Geotagged photos of apprehended chainsaw
8. Certification of no records
9. Notice of Administrative Hearing
10. PNP referral to the DENR
11. Turn-over of properties seized
13. Booking mugshot

Advice of the action taken will be appreciated.

Thank You.


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

Republika ng Pilipinas)
LALAWIGAN NG KANLURANG MINDORO)
BAYAN NG SAN JOSE) S.S.

X-----X

AFFIDAVIT OF COMPLAINANT

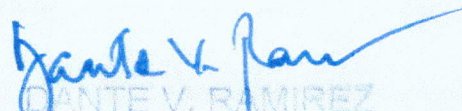
Ako **JOMAR B. SERQUINIA**, 41 taong gulang, may-asawa at kawani ng Kagawaran ng Kapaligiran at Likas Na Yaman bilang itinalagang Deputy, Chief ng Enforcement and Monitoring Section ng DENR- CENRO San Jose, Occidental Mindoro.

01. Na, noong ika- 22 ng Disyembre, 2022 ang oras ay humigit-kumulang sa ika-9:30 ng umaga, ako ay tinawagan ng aming kasamahan na may nahuling Dalawang tao ang intel ng 68 IB, PA na may dalang chainsaw. sa Brgy. Naibuan San Jose Occidental Mindoro na pinaniniwalaang walang kaukulang documento
02. Na, agad naming pinuntahan kasama ng aking kasamahan at kasama ang mga kawani ng MPS San Jose, Occidental Mindoro sa nasabing lugar at aking nakita ang chainsaw na kulay dilaw at puti na walang serial no. At may nakahiwalay na guide bar na may tatak na oregon Duracat.
03. Na, aking kinausap si Mr. Eliazar Macabunag Omambong kasama si Randy Florentino Zerrudo Jr . at aking sinabihan na bawal magdala, pag-iingat ng walang - kaukulang dokumento galing sa opisina ng DENR at sinabi ko sa kanila na maari silang kasuhan sa paglabag ng Seksyon 7. Par (1), ng RA 9175 (Chainsaw Act). Kung saan ay ipinagbabawal ang pagiingat, ng walang dokumento mula sa tanggapan ng kagawaran ng Kapaligiran at Likas Na Yaman.
04. Na, ginawa ko ang salaysay kong ito na walang tumakot, pumilit o nangakong kapalit bagkus ay sarili kong kaisipan at kapasyahan bilang patunay sa lahat ng ito ay ilagda ko sa ibaba ang aking buong pangalan ngayong ika-22 ng Disyembre 2022 dito sa San Jose, Occidental Mindoro.

JOMAR B. SERQUINIA
Nagsalaysay

OATH AND CERTIFICATION

SUBSCRIBED AND SWORN to before me this DEC 22 2022 day of December, 2022 at San Jose, Occidental Mindoro. I further certify that I have personally examined the affiant and I am fully satisfied that he voluntarily executed and understood his statement.


DANTE V. RAMIREZ
Provincial Prosecutor

Republika ng Pilipinas)
Lalawigan ng Kanlurang Mindoro) S.s
Bayan ng San Jose)

SINUMPAANG SALAYSAY

Ako si PMSg Napoleon Salgado Dalalo, 45 gulang, may asawa, PNP member ng San Jose Police Station at kasalukuyang naninirahan sa Brgy. San Roque, San Jose, Occ. Mindoro, matapos malaman ang aking mga karapatan at makapanumpa ng ayon sa batas ay nagsasaad ng mga sumusunod;

PANGUNANG SALITA

Ang nagtatanong sa akin sa Affidavit kong ito ay si PMSg Carlo Tadeo Dela Cruz na isang pulis na nakatalaga sa Investigation Section ng San Jose Municipal Police Station, San Jose, Occ. Mindoro. Ginanap ang pagtatanong niya sa akin sa Station ng gaya ng mga sumusunod.

Sinagot ko ang mga tanong sa akin sa ilalim ng aking sinumpaang na magsabi ng katotohanan lamang at batid ko na maaari akong managot kung sakaling ako ay magsinungaling.

(Ang nagsasalaysay ay pinahiwatigan o panaalalahanan ng lahat ng kanyang karapatan alinsunod sa itinatadhana ng ating Bagong Saligang Batas).

MGA TANONG AT SAGOT

01. T - **PMSg Napoleon S Dalalo** , Ikaw po ba ay handang magbigay ng iyong malaya at kusang loob na salaysay na pawang katotohanan lamang ang iyong mga sasabihin?

S - Oo.

02. T - Ano ang dahilan at ikaw ay naririto sa aming tanggapan at nagbibigay ng iyong malaya at kusang loob na salaysay?

S - Upang isalaysay ang ang aking ginampanan sa pagaresto kina Eliazar Macabuyag Omambong at Randy Florentino Zerrudo dahil sa paglabag nila sa Section 7 Para 4 of RA 9175 (Chainsaw Act of 2002)

03. T - Kailan at saan nangyari ang ginawa mong pagaresto mo kina kina Eliazar Macabuyag Omambong at Randy Florentino Zerrudo

PAHINA 2....Karugtong ng Salaysay ni PMSg Napoleon S Dalalo / Disyembre 22, 2022

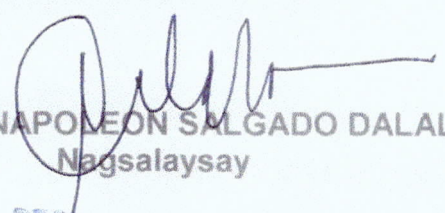
dahil sa paglabag nila sa Section 7 Para. 4 of RA 9175 (Chainsaw Act of 2002)

- S - Ngayong ika-22 ng Disyembre 2022 ang oras ay humigit kumulang alas 10:15 ng umaga sa Brgy. Naibuan, San Jose, Occidental Mindoro.
04. T - Maari mo bang isalaysay kung paano nilabag nina Eliazar Macabuyag Omambong at Randy Florentino Zerrudo ang Section 7 Para 4 of RA 9175 (Chainsaw Act of 2002) na naging dahilan kung bakit mo sila inaresto?
- S - Oo. Ngayong ika-22 ng Disyembre 2022 ang oras ay humigit kumulang 10:15 ng umaga sa Brgy. Naibuan, San Jose, Occidental Mindoro ay nagsagawa ng operasyon laban sa mga lumalabag sa environmental laws ang DENR San Jose sa pangunguna ni Forest Technician 1 Dominic Luis Vidal, intel operatives ng San Jose Municipal Police Station at intel operatives ng 68th IB PA, AFP. At pagdating namin doon sa Brgy. Naibuan, bayang ito ng San Jose, ay nakita namin ang dalawang lalaking magkasama at naglalakad na ang isa ay may bitbit na chainsaw. Nilapitan namin sila at kami ay magpakilala bilang mga kawani ng DENR at San Jose Municipal Station at 68th IB, Philippine Army. Agad namin silang pinatigil at hinanapan ng legal na dokumento o permit sa pagtataglay nila ng isang chainsaw na pamutol ng kahoy. Subalit wala silang anumang dokumento o papeles na maipakita kaya ipinaalam namin sa kanila na sila ay aming hinuhuli dahil sa paglabag sa Section 7 Para. 4 ng RA 9175 (Chainsaw Act of 2002). At habang sila ay aming inaaresto o hinuhuli ay ipinaalam ko sa kanila ang kanilang mga karapatan alinsunod sa Miranda Doctrine. Amin ring kinumpiska sa kanila ang isang chainsaw na walang serial nr.
05. T - Ano pa ang sumunod na nangyari?
- S - Sila ay aming dinala sa San Jose Police Station para sa pagsasampa ng kaukulang reklamo. Amin rin silang ipinasuring medikal sa Municipal Health Office. Ang chainsaw na walang serial nr at tinatayang nagkakahalaga nagkakahalaga ng 10,000 pesos ay aming ring dinala sa Police Station kung saan ito ay minarkahan ko ng **"NSD 122222"** upang gamiting ebidensiya laban sa aming mga inarestong tao.

PAHINA 3....Karugtong ng Salaysay ni PMSg Napoleon S Dalalo / Disyembre 22 , 2022

6. T - Sino o sinu-sino ang kasama mong nanghuli kina nina Eliazar Macabuyag Omambong at Randy Florentino Zerrudo
- S - Si Forest Technician 1 Dominic Luis Vidal ng DENR San Jose.
7. T - Wala na akong gusto pang itanong sa iyo may gusto ka pa bang idagdag o ibawasa sa salaysay mong ito?
- S - Wala na.
8. T - Handa mo bang lagdaan ang tatlong (3) pahinang salaysay mong ito bilang patunay na ginawa mo ito sa malaya at kusang loob mong kaisipan at kapasyahan walang pumilit o tumakot sa iyo?
- S - Oo.

Wakas ng Salaysay// Disyembre 22, 2022


PMSg NAPOLEON SALGADO DALALO
Nagsalaysay

OATH

DEC 22 2022

SUBSCRIBED AND SWORN TO before me this ____ of December 2022 at San Jose, Occidental Mindoro

DANTE V. RAMIREZ
Prov Prosecutor

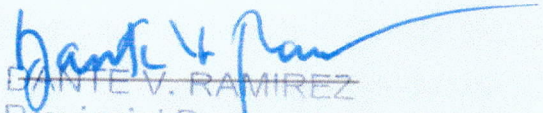
ATTESTATION

I attest to the fact that I personally supervised the taking of testimony of the Apprehending Officer, the result was reduced in the Judicial Affidavit. And, I further attest that the questions asked of the arresting officer and his answers to the same were faithfully recorded and that no one assisted or coached the arresting officer when he answered the question asked of him.

PMSg Carlo Tadeo Dela Cruz
Investigator

DEC 22 2022

SUBSCRIBED AND SWORN TO before me this ____ of December at San Jose, Occidental Mindoro and I hereby certify that I have personally examined the affiant under oath and that I am convinced and fully satisfied that he voluntarily executed and understood his statement.


DANTE V. RAMIREZ
Provincial Prosecutor

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

APPREHENSION RECEIPT

CENRO Control No.: 2022-F470
E-FMS No: 2022-175110-F470

This APPREHENSION RECEIPT is issued to –

Name	Address	Civil Status	Age	Participation	Status of the Person
Eliazar M. Omambong	Brgy. Naibuan, San Jose, Occ. Mindoro	married	47		
Randy F Zerrudo Jr.		single	29		

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
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 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.	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	OREGON Guidebar	MPS San Jose Station		Php 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		
Dec. 22, 2022 10:15 am	OCC. MINDORO	SAN JOSE	NAIBUAN	N/A	PNP SAN JOSE/ DENR PERSONNEL/ 68 th 2ID, PA,	Sec. 7, par. 1 of RA 9175

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

- _____
- _____

Done this 22nd day of December , year 2022 at San Jose, Occ. Mindoro.

1.  **NAPOLEON S DALALO**
Position: PMSg
Address: MPS San Jose

3. _____
Position: _____
Address: _____

3. _____
Position: _____
Address: _____

4. _____
Position: _____
Address: _____

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

SEIZURE ORDER

CENRO Control No.: 2022-F470
E-FMS No: 2022-175110-F470

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	Specie s Groupi ng	Species	Pieces	Volume/Unit of Measuremen t	Estimated Value	Impoundin g Area	Custodia n
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 Measureme nt	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
chainsaw	1	OREGON Guidebar	15,000.00	LMO III Rhodora A. Garcia

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
Eliazar M. Omambong	Brgy. Naibuan, San Jose, Occ. Mindoro	married	47		
Randy F Zerrudo Jr.		single	29		

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		
Dec. 22, 2022 12:00 am	OCC. MINDORO	SAN JOSE	LABANGAN	N/A	LMO III Rhodora A. Garcia	Section 7, par (1) of RA 9175

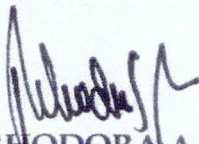
Examination Conducted by Seizure Officer:

Persons Examined	Date	Time	Place
Apprehending Officer			
Witnesses			

After thorough evaluation of the Apprehension Report dated December 22, 2022 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 22nd day of December, 2022 at Brgy. Labangan, San Jose, Occidental Mindoro.


RHODORA A. GARCIA
Hearing Officer/ Seizure Officer



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

RECAPITULATION AND ASSESSED VALUE

A. Equipment:

Type	Item	Value
Chainsaw with Guidebar OREGON	1	Php 15,000.00

TOTAL: **Php 15,000.00**

Prepared by:

JOMAR B. SERQUIÑA
Forester I



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

EMAIL FOR TRANSMISSION
DECEMBER 22, 2022

FOR: THE REGIONAL EXECUTIVE DIRECTOR
DENR-MIMAROPA REGION
ERMITA, MANILA

THRU: PENR OFFICER
MAMBURAO, OCCIDENTAL MINDORO

FROM: THE CENR OFFICER

PLEASE BE INFORMED THAT PERSONNEL FROM ENFORCEMENT AND MONITORING SECTION OF DENR-CENRO SAN JOSE CMA SAN JOSE MUNICIPAL POLICE AND 68th 2ID, PA, AFP HAD APPREHENDED ONE (1) UNIT UNDOCUMENTED ASSEMBLED CHAINSAW WITH OREGON GUIDE BAR WITHOUT SERIAL NUMBER AT BRGY. NAIBUAN CMA SAN JOSE CMA OCCIDENTAL MINDORO ON DECEMBER 22, 2022 AROUND 10:15 IN THE MORNING PD

BE FURTHER INFORMED THAT THE SAID UNDOCUMENTED CHAINSAW WERE IN POSSESSION OF A CERTAIN ELIAZAR M. OMAMBONG CMA RANDY F. ZERRUDO JR. BOTH RESIDENTS OF BRGY. NAIBUAN CMA SAN JOSE CMA OCCIDENTAL CMA MINDORO PD

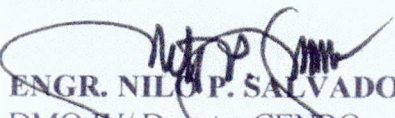
SAID UNDOCUMENTED EQUIPMENT WAS BROUGHT TO DENR-CENRO SAN JOSE OFFICE COMPOUND AT BRGY. LABANGAN CMA SAN JOSE OCCIDENTAL MINDORO FOR PROPER DOCUMENTATION AND TEMPORARY SAFEKEPPING PD

BE INFORMED FURTHER THAT CRIMINAL CHARGES IS BEING PREPARED TO BE FILED AT THE PROVINCIAL PROSECUTORS OFFICE SAN JOSE PD

FOR INFORMATION CMA RECORD AND FURTHER INSTRUCTION PD

ENGR. SALVADOR

SENDER:


ENGR. NILOF 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

December 22, 2022

NOTICE OF ADMINISTRATIVE HEARING

MR. RANDY F. ZERRUDO JR.

Brgy. Naibuan, San Jose,
Occidental Mindoro

Ginoong Zerrudo,

Isang maka-KALIKASANG pagbati!

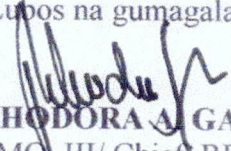
Ito po ay may kaugnayan sa pagkahuli ng isang (1) unit ng chainsaw (assembled) na may guidebar na OREGON na walang kaukulang dokumento na nahuli ng mga tauhan ng DENR-CENRO San Jose, PNP San Jose at 68th 2ID, PA, AFP, noong ika-22 ng **Disyembre**, 2022 humigit - kumulang alas 10:15 ng umaga sa Brgy. Naibuan, San Jose, Occidental Mindoro.

Ang nasabing chainsaw ay pansamantalang nasa pangangalaga ng DENR CENRO San Jose sa Brgy. Labangan, San Jose, Occ. Mindoro.

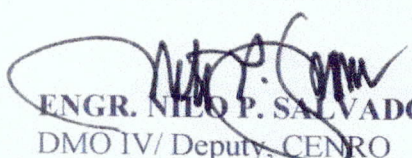
Dahil dito, kayo po ay aming inaanyayahan sa aming tanggapan sa **ika- 27 ng Disyembre , 2022, araw ng Martes sa ganap na ika 11:00 ng umaga** para sa administratibong pagdinig at maipaliwanag ang iyong panig.

Maraming salamat po at inaasahan namin ang iyong pagdalo.

Lupos na gumagalang,


RHODORA A. GARCIA
LMO III/ Chief, RPS
Hearing Officer/ Seizure 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

December 22, 2022

NOTICE OF ADMINISTRATIVE HEARING

MR. ELIAZAR M. OMAMBONG

Brgy. Naibuan, San Jose,
Occidental Mindoro

Ginoong Omambong,

Isang maka-KALIKASANG pagbati!

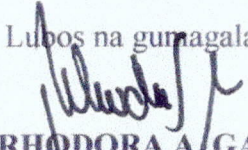
Ito po ay may kaugnayan sa pagkahuli ng isang (1) unit ng chainsaw (assembled) na may guidebar na OREGON na walang kaukulang dokumento na nahuli ng mga tauhan ng DENR-CENRO San Jose, PNP San Jose at 68th 2ID, PA, AFP, noong ika-22 ng Disyembre, 2022 humigit - kumulang alas 10:15 ng umaga sa Brgy. Naibuan, San Jose, Occidental Mindoro.

Ang nasabing chainsaw ay pansamantalang nasa pangangalaga ng DENR CENRO San Jose sa Brgy. Labangan, San Jose, Occ. Mindoro.

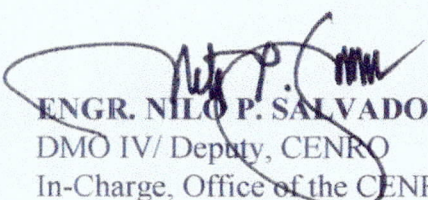
Dahil dito, kayo po ay aming inaanyayahan sa aming tanggapan sa **ika- 27 ng Disyembre , 2022, araw ng Martes sa ganap na ika 11:00 ng umaga** para sa administratibong pagdinig at maipaliwanag ang iyong panig.

Maraming salamat po at inaasahan namin ang iyong pagdalo.

Lubos na gumagalang,


RHODORA A. GARCIA
LMO III/ Chief, RPS
Hearing Officer/ Seizure 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

C E R T I F I C A T I O N

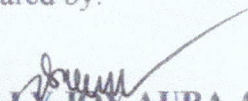
TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that based on our records file there is no document found at records regarding the chainsaw without serial number, in spite of diligent searched pertaining to the Issuance of Certificate of Chainsaw Registration issued to/or Mr. Eliazar Macabuyag Omambong, 47 years old, or Mr. Randy Florentino Zerrudo, Jr. 29 years old, both residents of Brgy. Naibuan, San Jose, Occidental Mindoro.

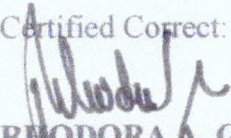
This Certification is issued upon request of Forester I Augreth S. Saligumba Chief, Enforcement and Monitoring Section, for attachment on the filing of Criminal Complaint at the Provincial Prosecutors Office purposes.

Done this 22nd day of December, 2022 at DENR-CENRO Labangan, San Jose, Occidental Mindoro.

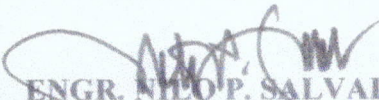
Prepared by:


DALLY JOY AURA A. ROCA
Admin. Aide VI/Records Staff

Certified Correct:


RHODORA A. GARCIA
LMO III/Chief, RPS

Attested by:


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



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE, POLICE REGIONAL OFFICE MIMAROPA
OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
SAN JOSE MUNICIPAL POLICE STATION
San Jose, Occidental Mindoro



MEMORANDUM

FOR : MR. EFREN LABAYOG DELOS REYES
CENRO
DENR-CENRO, San Jose, Occidental Mindoro

FROM : Acting Chief of Police

SUBJECT : Referral and Turn-over of Seized undocumented chainsaw

DATE : December 22, 2022

DENR - CENRO SAN JOSE
MIMAROPA REGION
RECEIVED BY: [Signature]
DATE: 12-22-2022

Respectfully referred turn-over to the office of the CENRO Officer, DENR-CENRO, San Jose, Occidental Mindoro the seized **Undocumented chainsaw w/o serial nr colored white-orange**. The arrested suspects were **Eliazar Macabuyag Omambong**, 47-year-old, male, married, farmer and resident of Brgy. Naibuan, San Jose, Occidental Mindoro and 2) **Randy Florentino Zerrudo Jr.**, 29-year-old, male, with live-in partner, farmer and also a resident of Brgy. Naibuan, San Jose, Occidental Mindoro in connection with **Violation of Section 7 Para 4 of RA 9175 (Chainsaw Act of 2002)** committed on December 22, 2022 at about 10:15 A.M. in Brgy. Naibuan, San Jose, Occidental Mindoro.

Anticipating consideration and appropriate action on this matter.

ANDRES C. TEJERERO
Police Lieutenant Colonel

EVIDENCES/ENCLOSURES

1. Spot Report re Violation of Section 7 Para 4 of RA 9175 dated Dec 22, 2022
2. Judicial Affidavit of PMSg Napoleon Dalalo
3. Mugshots of the suspects
4. Others allied documents to be submitted



Republic of the Philippines
National Police Commission
PHILIPPINE NATIONAL POLICE, OCCIDENTAL MINDORO POLICE PROVINCIAL OFFICE
SAN JOSE MUNICIPAL POLICE STATION
San Jose, Occidental Mindoro



MEMORANDUM

FOR : Provincial Director, Occidental Mindoro PPO
(Attn: OIC, PIDMU)

FROM : Acting Chief of Police

SUBJECT : **Spot Report on Violation of Sec. 7 Para. 1 of RA 9175**
(Chainsaw Act of 2002)

DATE : December 22, 2022

1. **What** : **Violation of Sec. 7 Para 1 of RA 9175 (Chainsaw Act of 2002)**

2. **Where** : Brgy. Naibuan, San Jose, Occ. Mindoro

3. **When** : December 22, 2022 about 10:15 A.M

4. **Who** : **Suspects-** 1) **Eliazar Macabuyag Omambong** , 47-year-old, male, married , farmer and resident of Brgy, Naibuan, San Jose, Occidental Mindoro and 2) **Randy Florentino Zerrudo Jr.** , 29-year-old, male, with live-in partner, farmer and also a resident of Brgy. Naibuan , San Jose, Occidental Mindoro

5. **How** : About 11:00 AM this date, Mr. Dominic Luis Vidal, 38-year-old, male, married, Forest Technician I of DENR San Jose and PMSg Napoleon Salgado Dalalo, PNP member of San Jose MPS brought to this station the arrested suspects. On the aforementioned DTPO, while the personnel from DENR, Intel Operatives of San Jose MPS and intel operatives of 68 IB, PA were conducting environmental laws enforcement operation in Brgy. Naibuan, San Jose, Occidental Mindoro, they saw the suspects in actual possession of one (1) unit of chainsaw without serial nr (assembled). They did not present any valid or legal documents to justify possession of such a machine thus they were arrested. After informing the suspects of their violations, they were apprised of their rights under Miranda Doctrine then taken to San Jose MPS for proper disposition by the apprehending officers.

6. Suspects are now under custody of this station for the filing of appropriate complaint while the chainsaw without serial number (assembled) worth 10,000 pesos is now under the custody of this station prior to transfer to DENR-San Jose. Investigator-On-Case is PMSg Carlo Tadeo Dela Cruz (09958316724).

7. For info and Progress Report to follow.

ANDRES C. TEJERERO
Police Lieutenant Colonel

BOOKING MUGSHOT

NAME OF SUSPECT : ZERRUDO RANDY Jr FLORENTINO
Family) (First) (Middle)
Blotter Entry Nr: 6614



BOOKING MUGSHOT

NAME OF SUSPECT : OMAMBONG ELIAZAR MACABUYAG
(Family) (First) (Middle)

Blotter Entry Nr: 6614

