

Republic of the Philippines  
Department of Environment and Natural Resources  
**MIMAROPA REGION**  
**1515 L&S Bldg., Roxas Boulevard, Ermita, Manila**

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**      Cenro Case No. 2021-08

-versus-      for

**CELSO OFREDO GALANG**      **VIOLATION OF  
SEC. 77 OF P.D.  
705 AS AMENDED  
BY E.O. SERIES OF  
1987**

**MOTION FOR RECONSIDERATION FOR  
ORDER OF CONFISCATION OF CONVEYANCE**

Comes now **DARY O. GALANG**, the Movant, through the undersigned counsel, unto this Honorable Office, most respectfully moves for the reconsideration of the Order dated August 11, 2022 against **CELSO O. GALANG**, as follows:

1. That the movant is of legal age, single, Filipino, and a resident of 189 Rizal Street, Rosario, Cavite, who is the lawful owner of a certain vehicle, by virtue of a Deed of Sale, known as Doc. 134, Page No. 27, Book No. XXIII, Series of 2020, executed on August 20, 2020, before the Notary Public Atty. Agustin B. Cabredo, described below, as follows:

<b>Make</b>	:	Hyundai Starex
<b>Model</b>	:	1997
<b>Body Type</b>	:	P. Van
<b>Chasis No.</b>	:	KMJWWH7BPVU001793
<b>Engine No.</b>	:	D4BBV377569
<b>Plate</b>	:	RFT193
<b>File</b>	:	0386-00000150648
<b>Denomination</b>	:	Utility Vehicle

*(Copy of Certificate of Registration and Deed of Sale are attached hereto as Annex "A" and "B" and made an itegral part hereof. )*



2. The undersigned movant received a copy of the said Order on December 27, 2022. Hence the filing of this Motion for Reconsideration is well within the prescribed period allowed by the law.
3. That the appellant humbly aver that he exercised the diligence of a good father of the family as owner of the conveyance and has no knowledge of the alleged illegal activities engaged by **CELSO OFREDO GALANG**.
4. That the movant maintains, as stated in the latter's affidavit of undertaking, that he has no degree of participation in the said illegal activity committed by CELSO O. GALANG. That he is not any way connected in the alleged transportation of charcoals and is not among those charged in the above-entitled case.

*(Copy of the Undertaking is attached as Annex "C")*

5. That the recalling of the subject vehicle which is being used to earn a living, and never was intended for any illegal purpose, would directly deprive me of work-related and personal use.
6. That to reiterate, Section 77-A of the Presidential Decree 705, now Section 68-A as amended by Executive Order 277, provide, and it reads:

Sec. 68-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.

7. That, considering that the said presidential decree is silent as to the status of the confiscated vehicle when the same is owned by a third person who is not included in the offense charged, and the same being a special



law, the Revised Penal Code being general law is suppletory to the said decree;

8. That, the second paragraph of Article 45 of the Revised Penal Code, provides that:

Article 45. Confiscation and forfeiture of the proceeds or instruments of crime x x x

**Such proceeds and instruments or tools shall be confiscated and forfeited in favor of the government, unless they be the property of a third person not liable for the offense, x x x ; (Emphasis ours)**

9. That, applying in this case, the lawful owner of the subject vehicle that was used in the illegal activities is a third person who is not liable for the offense charged. Hence, the subject vehicle shall not be confiscated;
10. Finally, the confiscation of the subject vehicle is too harsh a penalty considering that the same is not illegal per se, and that it is the first time that the vehicle was apprehended for illegal use.

### **P R A Y E R**

**WHEREFORE**, premises considered and in the interest of justice, it is most respectfully prayed of this Honorable Office to set aside the Confiscation Order dated August 11, 2022.

Other relief just and equitable under the premises are likewise prayed for.

Mansalay, Oriental Mindoro.\_\_\_\_\_.

  
**DARY OFREDO GALANG**



**Copy furnished:**

**LORMELYN E. CLAUDIO, CESO IV**

Regional Executive Director  
DENR-MIMAROPA Region  
1515 L&S Bldg., Roxas Boulevard,  
Ermita Manila

Department of Environment and  
Natural Resources – Community  
Environment and Natural Resources  
Office (**DENR-CENRO**)  
Roxas, Oriental Mindoro

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GREETINGS!

Please submit the foregoing Motion for the Reconsideration and approval of this Honorable Office immediately upon receipt hereof without further arguments.



**DARY OFREDO GALANG**

**EXPLANATION**

The service of the foregoing Motion for Reconsideration was done through registered mail for lack of personnel to effect personal service.



**DARYL OFREDO GALANG**

**VERIFICATION**

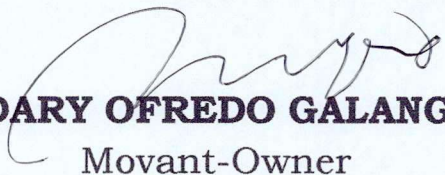
I, **DARYL OFREDO GALANG**, of legal age, Filipino and a resident of 189 Rizal Street, Rosario, Cavite after being sworn to in accordance with law do hereby depose and state THAT:

1. I am the Movant in the above-entitled case;



2. I have caused the preparation and filing of the foregoing Motion for Reconsideration through counsel;
3. I have read the contents thereof and that all allegations therein are true and correct based on our personal knowledge and on authentic documents;
4. The present Motion for Reconsideration is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
5. The factual allegations therein have evidentiary support or if specifically so identified, will likewise have evidentiary support after reasonable opportunity for discovery;

**IN WITNESS WHEREOF**, I have hereunto affixed my signature, this \_\_\_\_ day of JAN 10 2023 at TANZA CAVITE.

  
**DARY OFREDO GALANG**

Movant-Owner

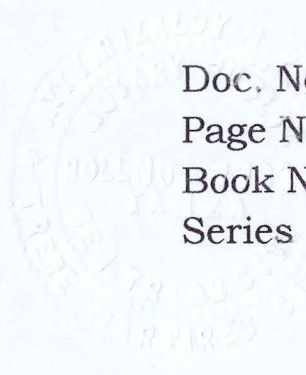
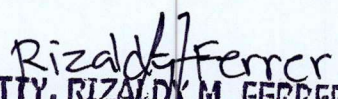
DL No. D06-94-139836

Valid until Decemeber 23, 2024

Issued by LTO, East Ave., Q.C.

SUBSCRIBED AND SWORN TO BEFORE ME , this \_\_\_\_ day of JAN 10 2023 at TANZA CAVITE.

Doc. No. 57;  
Page No. 13;  
Book No. III;  
Series of 2023.

  
  
**ATTY. RIZALDY M. FERRER**  
**NOTARY PUBLIC FOR TANZA, GEN. TRIAS, TRECE MARTIRES**  
**COMMISSION NO. TMNP-001-22, UNTIL 12/31/23**  
**ROLL NO. 77933, 05/11/22**  
**IBP NO. 255246, PASIG CITY, 12/29/22**  
**PTR NO. 5745699, CAVITE, 01/03/23**  
**ADMITTED TO THE BAR ON 05/11/22**  
**8010 DE ROMAN SUBD., DAANG AMAYA I, TANZA, CAVITE**

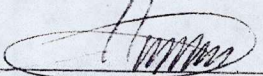


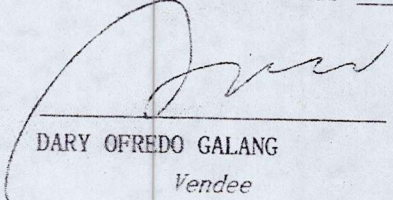
1. DENNIS DOMINGO, of legal age, Filipino citizen and with residence and postal address at M. Gregorio St. San Antonio, Cavite City, hereinafter called as the VENDOR. For and in consideration of the sum of ONE HUNDRED THIRTY THOUSAND PESOS (Php 130,000.00) Philippine Currency, to me in hand paid to my full satisfaction by DARY OFREDO GALANG, of legal age, Filipino citizen and with residence and postal address at 139 Rizal Street, Rosario, Cavite hereinafter called as the VENDEE and the VENDOR do hereby SELL, CEDE, TRANSFER and CONVEY unto said VENDEE, his heirs and assigns that motor vehicle and more particularly described as follows:

Make : Hyundai Starex	Engine No. : D4BBV377569
Model : 1997	Plate : RFT193
Body Type : P.VAN	File : 0386-00000150648
Chassis No. : KMJWWH7BPVU001793	Denomination: Utility Vehicle

That I hereby warrant unto said person ownership over the vehicle above-described free from all liens and encumbrances, in favor of any person or entity.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 20 day of AUG 20 2020 at Trece Martires City.

  
DENNIS DOMINGO  
Vendor

  
DARY OFREDO GALANG  
Vendee

SIGNED IN THE PRESENCE OF:

#### ACKNOWLEDGMENT

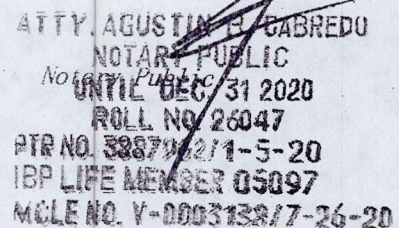
REPUBLIC OF THE PHILIPPINES)  
PROVINCE OF CAVITE ) S.S

AUG 20 2020

BEFORE ME, a Notary Public for Trece Martires City, this \_\_\_\_\_ day of \_\_\_\_\_, 2020 personally appeared the persons aforementioned above who have satisfactorily proven to me their identities through their ID's and executed the foregoing instrument and acknowledged the Deed of Sale of Motor Vehicle which they acknowledged to me as their free and voluntary act and deed consisting of one (1) page in which this Acknowledgment is written, duly signed by them and their instrumental witnesses

WITNESS MY HAND AND SEAL on the place and date first above written.

Doc. No. 134  
Page No. 27  
Book No. xxd11  
Series of 2020

  
ATTY. AGUSTIN B. GABREDO  
NOTARY PUBLIC  
UNTIL DEC 31 2020  
ROLL NO. 26047  
PTR NO. 388702/1-5-20  
IBP LIFE MEMBER 05097  
MCLE NO. V-0003132/7-26-20



REPUBLIC OF THE PHILIPPINES )  
PROVINCE OF TANZA, CAVITE ) S.S.  
MUNICIPALITY OF \_\_\_\_\_ )  
X-----X

### AFFIDAVIT OF UNDERTAKING

I, **DARY OFREDO GALANG**, of legal age, single, Filipino, and a resident of 189 Rizal Street, Rosario, Cavite, after having been duly sworn to in accordance with law, do hereby depose and state:

*That*, I am the lawful owner of a certain vehicle, more particularly described below as follows:

<b>Make</b>	:	Hyundai Starex
<b>Model</b>	:	1997
<b>Body Type</b>	:	P. Van
<b>Chassis No.</b>	:	KMJWWH7BPVU001793
<b>Engine No.</b>	:	D4BBV377569
<b>Plate</b>	:	RFT193
<b>File</b>	:	0386-00000150648
<b>Denomination</b>	:	Utility Vehicle

*That*, the said vehicle was unfortunately involved in a case for illegal transportation of charcoal and is now impounded at the DENR Field Office in San Mariano, Roxas, Oriental Mindoro;

*That*, I am not in any way connected in the alleged transporting of charcoals nor been charged as principal or accessory of the crime relative therewith;

*That*, I intend to retrieve the said vehicle to prevent its fast deterioration and put it again for family service;

*That*, in view of the above intention and circumstances, in the event that there is a need for the said vehicle be presented as evidence for the said incident, I undertake to produce the same at once for evidentiary purposes and to post a cash bond for the release of the same when so required;

*That*, I am executing this affidavit in good faith for the purpose of attesting to the truth and veracity of the foregoing facts and to request the Honorable Court sitting in Municipal Circuit Trial Court, Mansalay-Bulalacao, Mansalay, Oriental Mindoro, to release the same in my favor.

AFFIANT FURTHER SAYETH NAUGHT.

  
**DARY OFREDO GALANG**

*Affiant*

DL No. D06-94-139836

Valid until December 23, 2024

Issued by LTO, East Ave., Q.C.

SUBSCRIBED AND SWORN to before me this 17 day of MAY 2021 at TANZA, CAVITE, affiant personally appeared and had shown to me his government issued means of identification bearing his photo and signature.

Doc. No. 37  
Page No. 23  
Book No. 240  
Series of 2021.

**ATTY. DIOSDADO A. MACABUTAS**

Notary Public

Until Dec. 31, 2022

Roll No. 41429

MCLE Comp. No. VI-0011354 / 8-17-18

IBP No. 133139 / Nov. 23, 2020 / Cavite

PTR No. 4166275 / Jan. 4, 2021

Province of Cavite