



January 16, 2023

**MEMORANDUM**

**FOR** : The Regional Executive Director  
MIMAROPA Region

**FROM** : The OIC - PENRO  
Oriental Mindoro

**SUBJECT** : **REQUEST TO UTILIZED CONFISCATED FOREST PRODUCT  
FOR PENRO ORIENTAL MINDORO**

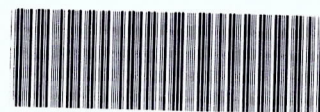
Relative to the above subject, please be informed that this Office is requesting to utilized the confiscated forest products particularly the confiscated eighty-one (81) pieces Mahogany lumbers apprehended in Brgy. Lumangbayan, Calapan City Oriental Mindoro with Confiscation Order dated October 21, 2022.

Please be informed that said confiscated forest products will be resized to be use as supporting lumbers for dividers as well as other fixtures to be constructed in DENR Office located at Brgy. San Vicente West, Calapan City Oriental Mindoro.

Report upon completion of said activity will follow.

For consideration.

  
ALAN E. VALLE



DENRPENR02301000028

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

CENRO Control No.:
E-FMS No.
MIMAROPA AAP CASE NO. 006

**NOTICE OF ISSUANCE OF A DECISION**

**IN THE MATTER OF THE ADMINISTRATIVE ADJUDICATION PROCEEDINGS OF EIGHTY-ONE (81) PIECES OF MAHOGANY LUMBER APPREHENDED AT BARANGAY LUMANGBAYAN, CALAPAN CITY, ORIENTAL MINDORO**

TO:

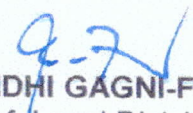
**THE CENRO  
Socorro**

Greetings!

Please be informed that a Decision dated October 21, 2022 was issued by this Office on the above-entitled subject, copy of which is enclosed. The original copy is on file in this Office.

Kindly inform this Office of the date of your receipt of this Order, for record purposes.

Date: NOV 11 2022

  
**Atty. GANDHI GAGNI-FLORES**  
Chief, Legal Division





21 OCT 2022

*Margie D. Ochola*  
**MARGIE D. OCHOLA**  
FORESTER/ENFORCEMENT DIVISION

**IN THE MATTER OF THE ADMINISTRATIVE  
ADJUDICATION PROCEEDINGS OF  
EIGHTY-ONE (81) PIECES OF MAHOGANY  
LUMBER APPREHENDED AT BARANGAY  
LUMANGBAYAN, CALAPAN CITY,  
ORIENTAL MINDORO**

**MIMAROPA AAP CASE NO. 006**

**DECISION**

For resolution is the Report<sup>1</sup> of CENR Officer Rodel M. Boyles of CENRO Socorro, Oriental Mindoro regarding the apprehension of eighty-one (81) pieces of Mahogany lumber by personnel of the National Bureau of Investigation (NBI) Calapan City, PENRO Oriental Mindoro, and CENRO Socorro at Brgy. Lumangbayan, Calapan City, Oriental Mindoro, on August 27, 2021.

In the Joint Affidavit dated September 20, 2021 of Investigation Agent III Edsan T. Valderrama and Intelligence Agent I Mervin M. Vicedo of the NBI MIMAROPA Regional Office, Calapan City, they stated, among others, that based on intelligence information, an alleged illegal activity of cutting, collecting, gathering, and transporting forest products without necessary permit was being committed by several malefactors starting in Sitio Colo-Colo, Brgy. Bulusan, Calapan City where their informant heard the sound of chain saws in the upland area near the latter's house. The informant informed them that the forest products will be delivered to an unknown recipient in Calapan City. They then positioned themselves strategically around the area to look out for vehicles that will transport the lumber, but there was none, hence, they went to Sitio Colo-Colo where they found out that only tree barks and sawdust were left, however, they noticed carabao footprints and sled marks (*Paragos*) going to a forested area in the direction of Brgy. Lumangbayan. After more than two (2) hours, they traced the carabao footprints and sled marks up to the back of Maring and Ifraim Wood Works, owned by Christian Orejudos Montero, where they saw the newly cut lumber. They then reported the incident to the PENRO Oriental Mindoro and coordinated with Brgy. Lumangbayan officials. The team then proceeded to the Maring and Ifraim Wood Works to conduct inspection and verification, and they found out that there were 81 pieces of newly cut Mahogany lumber without supporting documents or permit, which prompted them to confiscate the contraband and brought the same to the PENRO Oriental Mindoro.

In the *Pinagsamang Sinumpaang Salaysay* dated August 31, 2021 signed by the members of the apprehending team from CENRO Socorro, it was stated that they received a call from personnel of the NBI on August 27, 2021, at around 2:00 pm, stating that there were pieces of lumber stored behind a furniture shop in Brgy. Lumangbayan, Calapan City. They then coordinated with the NBI and proceeded to the furniture shop, which they identified as the *Maring and Efraim Wood Works*, situated along Roxas Drive, Brgy. Lumangbayan, Calapan City. They identified themselves as personnel from the NBI and the DENR and asked permission from the owner, Mr. Christian Montero, who allowed them to conduct an inspection. In the course thereof, they discovered freshly-cut lumber at the back of the furniture shop. When they asked Mr. Montero if he had documents to show that the pieces of lumber came from legitimate sources, he stated that there was none, and that he just bought them from a certain Ronald Cocoy, *a.k.a.* Unad, who then delivered the lumber. The team then checked and scaled the lumber, which consisted of

<sup>1</sup> Memorandum dated November 18, 2021 with the subject: *Submission of Result of the Administrative Proceedings of Eighty One (81) Pieces Mahogany Lumber Having Equivalent Volume of 535.96 Board Feet Apprehended at Brgy. Lumangbayan, Calapan City, Oriental Mindoro*



81 pieces of Mahogany lumber of different dimensions. Thereafter an apprehension receipt was issued and the items were brought to the PENRO Oriental Mindoro for safekeeping.

Pursuant to the provisions of **DENR Administrative Order No. 32, series of 1997** (DAO 97-32), or the *1997 Rules of Administrative Adjudication of Illegal Forest Products and the Machinery, Equipment, Tools and Conveyances Used in Connection Therewith*, a Seizure Order and Seizure Receipt<sup>2</sup>, both dated August 27, 2021, were issued seizing the apprehended items.

On October 4, 2021, notices of hearing were sent to Ronald Cocoy and Christian Montero.

During the October 22, 2021 administrative hearing, Mr. Cocoy stated that he had no knowledge regarding the seized items but admitted that he knows Mr. Montero and he delivers lumber to the latter if there is a permit, and that he only cuts trees if there is a permit. Mr. Montero, on the other hand, admitted that he owned the 81 pieces of Mahogany lumber that were found in his backyard and he bought them from Mr. Cocoy, but he did not know who did the cutting. He stated that he does not know if the pieces of lumber were covered by a permit and were just brought to the back of his shop using a carabao sled (*paragos*). He admitted that he knows that buying and stockpiling of lumber without the necessary permit is prohibited.

After a thorough evaluation of the attendant facts, documents, and testimonies of the parties, this Office finds that there is substantial evidence against Mr. Christian Montero and Mr. Ronald Cocoy for violation of Section 77 of P.D. 705, as amended. This Office concurs with the recommendation of the Hearing Officer for the confiscation of the apprehended forest products in favor of the government.

**Presidential Decree No. 705** (PD 705), otherwise known as the *Revised Forestry Code of the Philippines*, as amended, provides in **Section 77-A** for the administrative authority of the Department Head or his authorized representative to order confiscation, thus, pursuant to Sections 1 and 2 of DAO No. 97-32, the following items shall be confiscated:

Section 1. (e) **Forest Products** – Refer to timber including xxx **lumber** xxx

Section 2. Items Subject to Apprehension, Seizure, Confiscation and Forfeiture. –

a) **ILLEGAL FOREST PRODUCTS** – Any **forest product(s)** defined in Section 1 (e) above that are **removed, cut, collected**, processed and/or transported: (a) **without the requisite authorization or permit xxx** (*Emphasis ours.*)

Further, the *Rules of Procedure for Environmental Cases* (AM-09-6-8-SC) recognizes under *Rule 12 Section 1* thereof that the custody and disposition of seized items shall be in accordance with the applicable laws or rules promulgated by the concerned government agency, hence, this confiscation.

**WHEREFORE**, foregoing premises considered, a ruling is hereby rendered:

1. The seized eighty-one (81) pieces of Mahogany lumber are **CONFISCATED** in favor of the government to be disposed of in accordance with existing DENR laws, rules and regulations governing the matter; and,
2. The CENRO concerned is directed to **FURNISH** a copy of this Order to the Court where the criminal case is pending for their consideration, record, and reference, and submit updates to this Office for record and monitoring purposes.

**SO ORDERED.**

<sup>2</sup> Both Seizure Order and Seizure Receipt were unsigned by then PENRO Mary June F. Maypa  
ARD-MS/LD

CERTIFIED XEROX COPY  
DATE:

21 OCT 2022

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**MARGIE U. OCHOA**  
DIRECTOR/ENFORCEMENT DIVISION

City of Manila, Philippines. OCT 21 2022

  
**LORMELYN E. CLAUDIO, CESO IV**  
Regional Executive Director 

CERTIFIED XEROX COPY  
DATE:  
21 OCT 2022

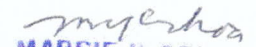
Copy furnished:

Mr. Ronal Cocoy  
Mr. Christian Montero  
Brgy. Lumangbayan, Calapan City  
Oriental Mindoro

National Bureau of Investigation  
MIMAROPA Regional Office  
Calapan City

PENRO Oriental Mindoro

CENRO Socorro, Oriental Mindoro

  
**MARGIE U. OCHOA**  
REGISTER/ENFORCEMENT DIVISION



Department of Environment  
and Natural Resources  
MIMAROPA Region



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